Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 702 | Cape Town Kaapstad | 22 December 2023 | No. 49894

THE PRESIDENCY

No. 4226 22 December 2023

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

Act No. 17 of 2023: Taxation Laws Amendment Act, 2023

DIE PRESIDENSIE

No. 4226 22 Desember 2023

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

Wet No. 17 van 2023: Wysigingswet op Belastingwette, 2023

ISSN 1682-5845

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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 19 December 2023)

ACT

To amend the Income Tax Act, 1962, so as to amend certain definitions; to amend certain provisions; to make new provision; to amend certain Schedules; to amend the Customs and Excise Act, 1964, so as to make provision for continuations; to amend certain Schedules; to amend the Value-Added Tax Act, 1991, so as to amend certain provisions; to amend certain Schedules; and to make provision for continuations; to amend the Mineral and Petroleum Resources Royalty Act, 2008, so as to amend certain provisions; to amend the Taxation Laws Amendment Act, 2011, so as to amend certain effective dates; to amend the Taxation Laws Second Amendment Act, 2011, so as to amend certain effective dates; to amend the Taxation Laws Amendment Act, 2012, so as to amend certain effective dates; to amend the Taxation Laws Amendment Act, 2013, so as to amend certain effective dates; to amend the Taxation Laws Amendment Act, 2014, so as to amend certain effective dates; to amend the Taxation Laws Amendment Act, 2016, so as to amend certain effective dates; to amend the Carbon Tax Act, 2019, so as to amend certain provisions; and to amend a Schedule; to amend the Taxation Laws Amendment Act, 2022, so as to amend certain provisions; and to provide for matters connected therewith.

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

Amendment 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 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of 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, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988, section 1 of Act 99 of 1988, Government Notice R780 of 1989, section 2 of Act 70 of 1989, section 2 of Act 101 of 1990, section 2 of Act 129 of 1991, section 2 of Act 141 of 1992, section 2 of Act 113 of 1993, section 2 of Act 21 of 1994, section 2 of Act 21 of 1995, section 2 of Act 36 of 1996, section 2 of Act 28 of 1997, section 19 of Act 30 of 1998, Government Notice 1503 of 1998,

3

ALGEMENE VERDUIDELIKENDE NOTA:

[ ]	Woorde in vetdruk tussen vierkantige hakies dui skrappings uit bestaande verordenings aan.
______	Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 19 Desember 2023)

WET

Tot wysiging van die Inkomstebelastingwet, 1962, ten einde sekere woordomskrywings te wysig; sekere bepalings te wysig; 'n nuwe bepaling te verorden; sekere Bylaes te wysig; tot wysiging van die Doeane- en Aksynswet, 1964, om voorsiening te maak vir voortsettings; sekere Bylaes te wysig; tot wysiging van die Wet op Belasting op Toegevoegde Waarde, 1991, ten einde sekere bepalings te wysig; sekere Bylaes te wysig; en voorsiening vir voortsettings te maak; tot wysiging van die "Mineral and Petroleum Resources Royalty Act, 2008" ten einde sekere bepalings te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2011, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Tweede Wysigingswet op Belastingwette, 2011, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2012, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2013, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2014, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2016, ten einde sekere inwerkingtredingsdatums te wysig; tot wysiging van die Wet op Koolstofbelasting, 2019, ten einde sekere bepalings te wysig; en 'n Bylae te wysig; tot wysiging van die Wysigingswet op Belastingwette, 2022, ten einde sekere bepalings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

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 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,

section 10 of Act 53 of 1999, section 13 of Act 30 of 2000, section 2 of Act 59 of 2000, section 5 of Act 5 of 2001, section 3 of Act 19 of 2001, section 17 of Act 60 of 2001, section 9 of Act 30 of 2002, section 6 of Act 74 of 2002, section 33 of Act 12 of 2003, section 12 of Act 45 of 2003, section 3 of Act 16 of 2004, section 3 of Act 32 of 2004, section 3 of Act 32 of 2005, section 19 of Act 9 of 2006, section 3 of Act 20 of 2006, section 3 of Act 8 of 2007, section 5 of Act 35 of 2007, section 2 of Act 3 of 2008, section 4 of Act 60 of 2008, section 7 of Act 17 of 2009, section 6 of Act 7 of 2010, section 7 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 23 of Schedule 1 to that Act, section 2 of Act 22 of 2012, section 4 of Act 31 of 2013, section 1 of Act 43 of 2014, section 3 of Act 25 of 2015, section 5 of Act 15 of 2016, section 2 of Act 17 of 2017, section 1 of Act 23 of 2018, section 34 of Act 34 of 2019, section 2 of Act 23 of 2020, section 4 of Act 20 of 2021 and section 1 of Act 20 of 2022

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

(a) by the addition to paragraph *(a)*(i) of the definition of ''contributed tax capital'' of the following proviso:

'': Provided that the market value must be reduced by an amount equal to the difference between—

(aa) the market value of the shares held by that foreign company in; and

(bb) an amount equal to the percentage of shares held by that foreign company in a resident company, of the aggregate contributed tax capital in respect of each class of shares of,

each resident company in which that foreign company directly holds at least 50 per cent of the equity shares or voting rights immediately before the date on which that foreign company becomes a resident;'';

(b) by the substitution in paragraph (ii) of the proviso to the definition of ''pension fund'' for the words preceding the proviso to subparagraph *(dd)* of the following words:

''that not more than one-third of the total value of the retirement interest may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the total value does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension fund, pension preservation fund, provident fund, provident preservation fund or a retirement annuity fund:'';

(c) by the substitution in paragraph (A) of the proviso to subparagraph *(dd)* of paragraph (ii) of the proviso to the definition of ''pension fund'' for subparagraph (CC) of the following subparagraph:

''(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in **[item *(a)*]** subparagraph (AA) or amounts credited contemplated in **[subitem *(b)*]** subparagraph (BB); or'';

(d) by the substitution in paragraph (B) of the proviso to subparagraph *(dd)* of paragraph (ii) of the proviso to the definition of ''pension fund'' for subparagraph (CC) of the following subaragraph:

artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing R780 van 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, Goewermentskennisgewing 1503 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, artikel 6 van Wet 74 van 2002, artikel 33 van Wet 12 van 2003, artikel 12 van Wet 45 van 2003, artikel 3 van Wet 16 van 2004, artikel 3 van Wet 32 van 2004, artikel 3 van Wet 32 van 2005, artikel 19 van Wet 9 van 2006, artikel 3 van Wet 20 van 2006, artikel 3 van Wet 8 van 2007, artikel 5 van Wet 35 van 2007, artikel 2 van Wet 3 van 2008, artikel 4 van Wet 60 van 2008, artikel 7 van Wet 17 van 2009, artikel 6 van Wet 7 van 2010, artikel 7 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, gelees met item 23 van Bylae 1 by daardie Wet, artikel 2 van Wet 22 van 2012, artikel 4 van Wet 31 van 2013, artikel 1 van Wet 43 van 2014, artikel 3 van Wet 25 van 2015, artikel 5 van Wet 15 van 2016, artikel 2 van Wet 17 van 2017, artikel 1 van Wet 23 van 2018, artikel 34 van Wet 34 van 2019, artikel 2 van Wet 23 van 2020, artikel 4 van Wet 20 van 2021 en artikel 1 van Wet 20 van 2022

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

(a) deur by paragraaf *(a)*(i) van die omskrywing van ''toegevoegde belastingkapitaal'' die volgende voorbehoudsbepaling by te voeg:

'': Met dien verstande dat die markwaarde verminder word deur 'n bedrag gelyk aan die verskil tussen—

(a) die markwaarde van die aandele gehou deur daardie buitelandse maatskappy in; en

(b) 'n bedrag gelyk aan die persentasie van aandele gehou deur daardie buitelandse maatskappy in 'n inwoner maatskappy, van die gesamentlike toegevoegde belastingkapitaal ten opsigte van elke klas van aandele van,

elke inwoner maatskappy waarin daardie buitelandse maatskappy regstreeks minstens 50 persent van die ekwiteitsaandele of stemregte hou onmiddellik voor die datum waarop daardie buitelandse maatskappy 'n inwoner word'';

(b) deur die woorde wat in paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van ''pensioenfonds'' die voorbehoudsbepaling by subparagraaf *(dd)* voorafgaan deur die volgende woorde te vervang:

''dat hoogstens een-derde van die totale waarde van die uittreebelang deur 'n enkele betaling vervang kan word en dat die restant in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie, waar die werknemer oorlede is of waar die werknemer kies om die uittreebelang oor te dra na 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds:'';

(c) deur in paragraaf (A) van die voorbehoudsbepaling by subparagraaf *(dd)* van paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van ''pensioenfonds'' subparagraaf (CC) deur die volgende subparagraaf te vervang:

''(CC) enige fondsopbrengs, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in **[item *(a)*]** subparagraaf (AA) of bedrae gekrediteer beoog in **[subitem *(b)*]** subparagraaf (BB); of'';

(d) deur in paragraaf (B) van die voorbehoudsbepaling by subparagraaf *(dd)* van paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van ''pensioenfonds'' subparagraaf (CC) deur die volgende subparagraaf te vervang:

''(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in **[item]** subparagraph (AA) or amounts credited contemplated in **[subitem]** subparagraph (BB),'';

(e) by the substitution in paragraph (ii) of the proviso to the definition of ''pension fund'' for subparagraph *(ee)* of the following subparagraph:

''*(ee)* that a partner of a partnership is regarded as an employee of the partnership; **[and]**'';

(f) by the addition in paragraph (ii) of the proviso to the definition of ''pension fund'' after subparagraph *(ff)* of the following subparagraph:

''*(gg)* that an employee who has transferred a retirement interest in terms of paragraphs 2(1)*(c)* and 6A*(d)* of the Second Schedule to this fund shall not be entitled to payment of a withdrawal benefit as contemplated in paragraph 2(1)*(b)*(ii) of the Second Schedule in respect of that transferred amount; and'';

(g) by the substitution for paragraph *(d)* of the proviso to the definition of ''pension preservation fund'' of the following paragraph:

''*(d)* a member, other than a member contemplated in paragraph **[*(a)*(iii)]***(a)*(vi) of this proviso, will become entitled to a benefit on his or her retirement date; and'';

(h) by the substitution in paragraph (ii)*(dd)* of the proviso to the definition of ''provident fund'' for subparagraph (CC) of paragraph *(a)* of the proviso of the following subparagraph:

''(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in **[item]** subparagraph (AA) or amounts credited contemplated in **[subitem]** subparagraph (BB);'';

(i) by the substitution in paragraph (B) of the proviso to subparagraph *(dd)* of paragraph (ii) of the proviso to the definition of ''provident fund'' for subparagraph (CC) of the following subparagraph:

''(CC) any fund return, as defined in the Pension Funds Act, in relation to the contributions or transfers contemplated in **[item]** subparagraph (AA) or amounts credited contemplated in **[subitem]** subparagraph (BB),'';

(j) by the addition in paragraph (ii) of the proviso to the definition of ''provident fund'' after subparagraph *(ff)* of the following subparagraph:

''*(gg)* that an employee who has transferred a retirement interest in terms of paragraphs 2(1)*(c)* and 6A*(d)* of the Second Schedule to this fund shall not be entitled to payment of a withdrawal benefit as contemplated in paragraph 2(1)*(b)*(ii) of the Second Schedule in respect of that transferred amount; and'';

(k) by the substitution for paragraph *(d)* of the proviso to the definition of ''provident preservation fund'' of the following paragraph:

''*(d)* a member, other than a member contemplated in paragraph **[*(a)*(iii)]***(a)*(vi) of this proviso, will become entitled to a benefit on his or her retirement date:'';

(l) by the substitution for the further proviso in paragraph *(e)* of the proviso to the definition of ''provident preservation fund'' of the following further proviso:

''Provided further that in the case where the remaining balance is utilised to provide or purchase more than one annuity, the amount utilised to provide or purchase each annuity must exceed R165 000 **[;]**:'';

(m) by the substitution in paragraph *(b)*(xii) of the proviso to the definition of ''retirement annuity fund'' for item *(bb)* of the following item:

''*(bb)* for the transfer of any member's interest in any approved retirement annuity fund into another approved retirement annuity fund: Provided that the value of each individual contract being transferred must exceed R371 250: Provided further that—

"(CC) enige fondsopbrengs, soos omskryf in die Wet op Pensioenfondse, met betrekking tot die bydraes beoog in **[item]** subparagraaf (AA) of bedrae gekrediteer beoog in **[subitem]** subparagraaf (BB),";

(e) deur in paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van "pensioenfonds" subparagraaf *(ee)* deur die volgende subparagraaf te vervang:

"*(ee)* dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; **[en]**";

(f) deur in paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van "pensioenfonds" na subparagraaf *(ff)* die volgende subparagraaf by te voeg:

"*(gg)* dat 'n werknemer wat 'n uittreebelang ingevolge paragrawe 2(1)*(c)* en 6A*(d)* van die Tweede Bylae na hierdie fonds oorgedra het, nie ten opsigte van daardie bedrag wat oorgedra is op betaling van 'n onttrekkingsvoordeel soos beoog in paragraaf 2(1)*(b)*(ii) van die Tweede Bylae geregtig is nie; en";

(g) deur paragraaf *(d)* van die voorbehoudsbepaling by die omskrywing van "pensioenbewaringsfonds" deur die volgende paragraaf te vervang:

"*(d)* 'n lid, anders as 'n lid beoog in paragraaf **[*(a)*(iii)]** *(a)*(vi) van hierdie voorbehoudsbepaling, op sy of haar uittreedatum op 'n voordeel geregtig sal word; en";

(h) deur in paragraaf *(a)* van die voorbehoudsbepaling by subparagraaf *(dd)* in paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van "voorsorgfonds" subparagraaf (CC) deur die volgende subparagraaf te vervang**:**

"(CC) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in **[item]** subparagraaf (AA) of bedrae gekrediteer soos in **[subitem]** subparagraaf (BB) beoog; of";

(i) deur in paragraaf (B) van die voorbehoudsbepaling by subparagraaf *(dd)* van paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van "voorsorgsfonds" subparagraaf (CC) deur die volgende subparagraaf te vervang:

"(CC) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in **[item]** subparagraaf (AA) of bedrae gekrediteer soos in **[subitem]** subparagraaf (BB) beoog,";

(j) deur in paragraaf (ii) van die voorbehoudsbepaling by die omskrywing van "voorsorgfonds" na subparagraaf *(ff)* die volgende subparagraaf by te voeg:

"*(gg)* dat 'n werknemer wat 'n uittreebelang ingevolge paragrawe 2(1)*(c)* en 6A*(d)* van die Tweede Bylae na hierdie fonds oorgedra het nie ten opsigte van daardie bedrag wat oorgedra is op betaling van 'n onttrekkingsvoordeel soos beoog in paragraaf 2(1)*(b)*(ii) van die Tweede Bylae geregtig is nie; en";

(k) deur paragraaf *(d)* van die voorbehoudsbepaling by die omskrywing van "voorsorgbewaringsfonds" deur die volgende paragraaf te vervang:

"*(d)* 'n lid, anders as 'n lid beoog in paragraaf **[*(a)*(iii)]** *(a)*(vi) van hierdie voorbehoudsbepaling, op sy of haar uittreedatum op 'n voordeel geregtig sal word:";

(l) deur die verdere voorbehoudsbepaling in paragraaf *(e)* van die voorbehoudsbepaling by die omskrywing van "voorsorgbewaringsfonds" deur die volgende verdere voorbehoudsbepaling te vervang:

"Met dien verstande voorts dat in die geval waar die oorblywende saldo aangewend word om meer as een annuïteit te voorsien of te koop die bedrag aangewend om elke annuïteit te voorsien of te koop R165 000 moet oorskry **[;]**:";

(m) deur in paragraaf *(b)*(xii) van die voorbehoudsbepaling by die omskrywing van "uittredingannuïteitsfonds" item *(bb)* deur die volgende item te vervang:

"*(bb)* vir die oordrag van 'n lid se belang in 'n goedgekeurde uittredingsannuiteitsfonds na 'n ander goedgekeurde uittredingsannuïteitsfonds: Met dien verstande dat die waarde van elke individuele kontrak wat oorgeplaas word, meer moet wees as R371 250: Met dien verstande verder dat—

(a) in the case where the total member's interest in any approved retirement annuity fund is not transferred into another approved retirement annuity fund, the value of the member's remaining interest after the transfer must exceed R371 250; and

(b) the provisions of the first proviso and paragraph *(a)* of the further proviso shall not apply in the case where the member's total interest in any approved retirement annuity fund is transferred into another approved retirement annuity fund;''; and

(n) by the substitution for the definition of ''retirement interest'' of the following definition:

''**retirement interest**'' means a member's share of the value of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund as determined in terms of the rules of the fund on the date on which he or she elects to retire or transfer to a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund;''.

(2) Paragraph *(a)* of subsection (1) comes into operation on 1 January 2024 and applies in respect of any company that becomes a resident on or after that date.

(3) Paragraphs *(c)*, *(d)*, *(h)* and *(i)* of subsection (1) are deemed to have come into operation on 1 March 2022 and apply in respect of years of assessment commencing on or after that date.

(4) Paragraphs *(b)*, *(e), (f), (j)* and *(n)* of subsection (1) come into operation on 1 March 2024 and apply in respect of years of assessment commencing on or after that date.

(5) Paragraphs *(g)*, *(k)* and *(l)* of subsection (1) are deemed to have come into operation on 1 March 2021 and apply in respect of years of assessment commencing on or after that date.

(6) Paragraph *(m)* of subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of years of assessment commencing on or after that date.

Insertion of section 6C in Act 58 of 1962

2. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 6B:

''**Solar energy tax credit**

6C. (1) In determining the normal tax payable by any natural person, there must, subject to subsection 4, be deducted an amount to be known as the solar energy tax credit, equal to the amount of the rebate determined under subsection (2).

(2) *(a)* The solar energy tax credit applies in respect of the cost actually incurred by the natural person—

(i) for the acquisition of any new and unused solar photovoltaic panels, the generation capacity of each being not less than 275W; and

(ii) if the solar photovoltaic panels referred to in subparagraph (i) are brought into use for the first time, by that person on or after 1 March 2023 and before 1 March 2024.

(b) The amount of the solar energy tax credit allowed to the natural person referred to in paragraph *(a)* must—

(i) be 25 per cent of the actual cost of the solar photovoltaic panels described in paragraph *(a)*; and

(ii) in aggregate be limited to an amount not exceeding R15 000.

(3) A solar energy tax credit will be allowed under subsection (1) only if—

(a) the solar panels are installed and mounted on or affixed to a residence mainly used for domestic purposes by the natural person referred to in subsection (2)*(a)*;

(a) in die geval waar die lid se totale belang in enige goedgekeurde uittredingsannuïteitsfonds oorgeplaas word, die waarde van die lid se oorblywende belang meer as R371 250 moet wees; en

(b) die bepalings van die eerste voorbehoudsbepaling en paragraaf *(a)* van die verdere voorbehoudsbepaling**[, is]** nie van toepassing is nie in die geval waar die lid se totale belang in enige goedgekeurde uittredingsannuïteitsfonds na 'n ander goedgekeurde **[uittredingsfonds]** uittredings-annuïteitsfonds oorgeplaas word;''; en

(n) deur die omskrywing van ''uittreebelang'' deur die volgende omskrywing te vervang:

''**uittreebelang**'' 'n lid se aandeel van die waarde van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds soos bepaal ingevolge die reëls van die fonds op die datum waarop hy of sy kies om af te tree of om dit na 'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorg-bewaringsfonds of uittredingsannuïteitsfonds oor te dra;''.

(2) Paragraaf *(a)* van subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van enige maatskappy wat op of na daardie datum 'n inwoner word.

(3) Paragrawe *(c)*, *(d)*, *(h) en (i)* van subartikel (1) word geag op 1 Maart 2022 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(4) Paragrawe *(b)*, *(e), (f), (j)* en *(n)* van subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(5) Paragrawe *(g), (k)* en *(l)* van subartikel (1) word geag op 1 Maart 2021 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

(6) Paragraaf *(m)* van subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Invoeging van artikel 6C in Wet 58 van 1962

2. (1) Die volgende artikel word hierby na artikel 6B in die Inkomstebelastingwet, 1962, ingevoeg:

''**Son-energie belastingkrediet**

6C. (1) By die berekening van normale belasting betaalbaar deur 'n natuurlike persoon word daar, behoudens subartikel (4), afgetrek 'n bedrag, die son-energie belastingkrediet genoem, gelykstaande aan die bedrag van die korting kragtens subartikel (2) bepaal.

(2) *(a)* Die son-energie belastingkrediet is van toepassing ten opsigte van die koste werklik aangegaan deur die natuurlike persoon—

(i) vir die verkryging van enige nuwe en ongebruikte son-fotovoltaïese panele, waarvan die opwekkingsvermoë van elk nie minder as 275W is nie; en

(ii) indien die son-fotovoltaïese panele bedoel in subparagraaf (i) vir die eerste keer in gebruik geneem word, deur daardie persoon op of na 1 Maart 2023 en voor 1 Maart 2024.

(b) Die bedrag van die son-energie belastingkrediet toegelaat aan die natuurlike persoon in paragraaf *(a)* bedoel, moet—

(i) 25 persent van die werklike koste van die son-fotovoltaïese panele beskryf in paragraaf *(a)* wees; en

(ii) in totaal beperk word tot 'n bedrag wat nie R15 000 oorskry nie.

(3) 'n Son-energie belastingkrediet word slegs kragtens subartikel (1) toegelaat indien—

(a) die sonpanele geïnstalleer en gemonteer word op of vasgeheg word aan 'n woning hoofsaaklik gebruik vir huishoudelike doeleindes deur die natuurlike persoon in subartikel (2)*(a)* bedoel;

(b) the installation is connected to the distribution board of such residence; and

(c) an electrical certificate of compliance contemplated in the Electrical Installation Regulations, 2009, is issued in respect of the installation referred to in paragraph *(a)*.

(4) No deduction shall be allowed under this section on any asset in respect of which a deduction has been allowed to the taxpayer under section 12B or 12BA.''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 7C of Act 58 of 1962, as inserted by section 12 of Act 15 of 2016 and amended by section 5 of Act 17 of 2017, section 9 of Act 23 of 2018, section 4 of Act 34 of 2019, section 3 of Act 23 of 2020, section 5 of Act 20 of 2021 and section 3 of Act 20 of 2022

3. (1) Section 7C of the Income Tax Act, 1962, is hereby amended—

(a) by the insertion after subsection (3) of the following subsection:

''(3A) Where the amount to be treated as a donation in terms of subsection (3) is denominated in any currency other than that of the Republic, the person referred to in subsection (1), (1A) or (1B) must, for purposes of that subsection, translate that amount to the currency of the Republic by applying the average exchange rate for the year of assessment in respect of which that amount is treated as a donation.''; and

(b) by the substitution for paragraph *(d)* of subsection (5) of the following paragraph:

''*(d)* that trust or company used that loan, advance or credit wholly or partly for the purposes of funding the acquisition or improvement of an asset and—

(i) the natural person referred to in subsection (1)*(a)* or *(b)* or the spouse of that person used that asset as a primary residence as contemplated in paragraph *(b)* of the definition of 'primary residence' in paragraph 44 of the Eighth Schedule, where that primary residence and the land on which it is situated (including unconsolidated adjacent land) do not exceed two hectares are together used mainly for domestic or private purposes, throughout the period during that year of assessment during which that trust or company held that asset; and

(ii) the amount owed relates to the part of that loan, advance or credit that funded the acquisition or improvement of that asset;''.

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 8 of Act 58 of 1962, as amended by section 6 of Act 90 of 1962, section 6 of Act 90 of 1964, section 9 of Act 88 of 1965, section 10 of Act 55 of 1966, section 10 of Act 89 of 1969, section 6 of Act 90 of 1972, section 8 of Act 85 of 1974, section 7 of Act 69 of 1975, section 7 of Act 113 of 1977, section 8 of Act 94 of 1983, section 5 of Act 121 of 1984, section 4 of Act 96 of 1985, section 5 of Act 65 of 1986, section 6 of Act 85 of 1987, section 6 of Act 90 of 1988, section 5 of Act 101 of 1990, section 9 of Act 129 of 1991, section 6 of Act 141 of 1992, section 4 of Act 113 of 1993, section 6 of Act 21 of 1994, section 8 of Act 21 of 1995, section 6 of Act 36 of 1996, section 6 of Act 28 of 1997, section 24 of Act 30 of 1998, section 14 of Act 53 of 1999, section 17 of Act 30 of 2000, section 6 of Act 59 of 2000, section 7 of Act 19 of 2001, section 21 of Act 60 of 2001, section 12 of Act 30 of 2002, section 11 of Act 74 of 2002, section 18 of Act 45 of 2003, section 6 of Act 32 of 2004, section 4 of Act 9 of 2005, section 21 of Act 9 of 2006, section 5 of Act 20 of 2006, section 6 of Act 8 of 2007, section 9 of Act 35 of 2007, sections 1 and 5 of Act 3 of 2008, section 9 of Act 60 of 2008, section 11 of Act 17 of 2009, section 10 of Act 7 of 2010, section 16 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 30 of Schedule 1 to that Act, section 9 of Act 22 of 2012, section 9 of Act 31 of 2013, section 5 of Act 42 of 2014,

(b) die installasie aan die verdeelbord van sodanige woning gekoppel word; en

(c) 'n elektriese sertifikaat van voldoening uitgereik ingevolge die 'Electrical Installation Regulations, 2009,' uitgereik word ten opsigte van die installasie by die woning in paragraaf (a) bedoel.

(4) Geen aftrekking word kragtens hierdie artikel toegelaat op enige bate ten opsigte waarvan 'n aftrekking kragtens artikel 12B of 12BA aan die belastingpligtige toegelaat is nie.''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 7C van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 15 van 2016 en gewysig deur artikel 5 van Wet 17 van 2017, artikel 9 van Wet 23 van 2018, artikel 4 van Wet 34 van 2019, artikel 3 van Wet 23 van 2020, artikel 5 van Wet 20 van 2021 en artikel 3 van Wet 20 van 2022

3. Artikel 7C van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur na subartikel (3) die volgende subartikel in te voeg:

''(3A) Waar die bedrag wat ingevolge subartikel (3) as 'n skenking behandel staan te word gedenomineer word in enige geldeenheid behalwe die geldeenheid van die Republiek, moet die persoon in subartikel (1), (1A) of (1B) bedoel, by die toepassing van daardie subartikel, daardie bedrag na die geldeenheid van die Republiek omreken deur die gemiddelde wisselkoers vir die jaar van aanslag ten opsigte waarvan daardie bedrag as 'n skenking behandel word, toe te pas.''; en

(b) deur paragraaf (d) van subartikel (5) deur die volgende paragraaf te vervang:

''(d) daardie trust of maatskappy daardie lening, voorskot of krediet in die geheel of gedeeltelik gebruik het vir doeleindes van die befondsing van die verkryging of verbetering van 'n bate en—

(i) die natuurlike persoon in subartikel (1)(a) of (b) bedoel of die gade van daardie persoon daardie bate deurgaans tydens die periode gedurende daardie jaar van aanslag waartydens daardie trust of maatskappy daardie bate gehou het, gebruik het as 'n primêre woning soos beoog in paragraaf (b) van die omskrywing van 'primêre woning' in paragraaf 44 van die Agtste Bylae, waar daardie primêre woning en die grond waarop dit geleë is (insluitend ongekonsolideerde naburige grond) nie twee hektaar oorskry nie tesame hoofsaaklik vir huishoudelike of privaat doeleindes gebruik word; en

(ii) die bedrag verskuldig betrekking het op daardie deel van die lening, voorskot of krediet wat die verkryging of verbetering van daardie bate befonds het;''.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 8 van Wet 58 van 1962, soos gewysig deur artikel 6 van Wet 90 van 1962, artikel 6 van Wet 90 van 1964, artikel 9 van Wet 88 van 1965, artikel 10 van Wet 55 van 1966, artikel 10 van Wet 89 van 1969, artikel 6 van Wet 90 van 1972, artikel 8 van Wet 85 van 1974, artikel 7 van Wet 69 van 1975, artikel 7 van Wet 113 van 1977, artikel 8 van Wet 94 van 1983, artikel 5 van Wet 121 van 1984, artikel 4 van Wet 96 van 1985, artikel 5 van Wet 65 van 1986, artikel 6 van Wet 85 van 1987, artikel 6 van Wet 90 van 1988, artikel 5 van Wet 101 van 1990, artikel 9 van Wet 129 van 1991, artikel 6 van Wet 141 van 1992, artikel 4 van Wet 113 van 1993, artikel 6 van Wet 21 van 1994, artikel 8 van Wet 21 van 1995, artikel 6 van Wet 36 van 1996, artikel 6 van Wet 28 van 1997, artikel 24 van Wet 30 van 1998, artikel 14 van Wet 53 van 1999, artikel 17 van Wet 30 van 2000, artikel 6 van Wet 59 van 2000, artikel 7 van Wet 19 van 2001, artikel 21 van Wet 60 van 2001, artikel 12 van Wet 30 van 2002, artikel 11 van Wet 74 van 2002, artikel 18 van Wet 45 van 2003, artikel 6 van Wet 32 van 2004, artikel 4 van Wet 9 van 2005, artikel 21 van Wet 9 van 2006, artikel 5 van Wet 20 van 2006, artikel 6 van Wet 8 van 2007, artikel 9 van Wet 35 van 2007, artikels 1 en 5 van Wet 3 van 2008, artikel 9 van Wet 60 van 2008, artikel 11 van Wet 17 van 2009, artikel 10 van Wet 7 van 2010, artikel 16 van

section 5 of Act 43 of 2014, section 8 of Act 25 of 2015, section 8 of Act 17 of 2017, section 6 of Act 34 of 2019, section 4 of Act 23 of 2020 and section 6 of Act 20 of 2021

4. (1) Section 8 of the Income Tax Act, 1962, is hereby amended by the insertion after paragraph *(n)* of subsection (4) of the following paragraph:

"(*n*A*)* Where, before 1 March 2026, a taxpayer disposes of an asset contemplated in section 12BA, there shall be included in the taxpayer's income 25 per cent of the cost of that asset, which has been recouped during the current year of assessment, in addition to the inclusion of amounts in terms of paragraph *(a)*, but limited to the total amount allowed to be deducted in respect of that asset.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 8EA of Act 58 of 1962, as inserted by section 12 of Act 22 of 2012 and amended by section 11 of Act 31 of 2013, section 7 of Act 43 of 2014, section 15 of Act 15 of 2016, section 10 of Act 17 of 2017, section 13 of Act 23 of 2018 and section 9 of Act 24 of 2019

5. (1) Section 8EA of the Income Tax Act, 1962, is hereby amended by the addition to subsection (3) of the following proviso:

": Provided that where an equity share in an operating company is acquired by any person as contemplated in paragraph *(a)* or *(b)* of the definition of 'qualifying purpose' and the share so acquired is no longer held directly or indirectly by that person at the time of the receipt or accrual of that dividend or foreign dividend in respect of the preference share, this subsection must not apply, unless—

(a) that equity share in the operating company was disposed of and the funds derived from that disposal are used by the issuer of the preference share for the redemption of that preference share within 90 days of that disposal; or

(b) that equity share in the operating company was a listed share and substituted for a listed share in terms of an arrangement that is announced and released as a corporate action as contemplated in the JSE Limited Listings Requirements in the SENS (Stock Exchange News Service) as defined in the JSE Limited Listings Requirements or a corporate action as contemplated in the listings requirements of any other exchange, licensed under the Financial Markets Act, that are substantially the same as the requirements prescribed by the JSE Limited Listings Requirements, where that corporate action complies with the applicable requirements of that exchange.".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of any dividend or foreign dividend received or accrued during years of assessment commencing on or after the date.

Amendment of section 9 of Act 58 of 1962, as substituted by section 22 of Act 24 of 2011 and amended by section 16 of Act 31 of 2013, section 10 of Act 43 of 2014, section 11 of Act 25 of 2015, section 18 of Act 15 of 2016, section 16 of Act 23 of 2018 and section 5 of Act 23 of 2020

6. Section 9 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (2) for paragraph *(k)* of the following paragraph:

"*(k)* constitutes an amount received or accrued in respect of the disposal of an asset other than an asset contemplated in paragraph *(j)* if—

(i) that person is a resident and—

(aa) that asset is not effectively connected **[with]** to a permanent establishment of that person which is situated outside the Republic; and

Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 30 van Bylae 1 by daardie Wet, artikel 9 van Wet 22 van 2012, artikel 9 van Wet 31 van 2013, artikel 5 van Wet 42 van 2014, artikel 5 van Wet 43 van 2014, artikel 8 van Wet 25 van 2015, artikel 8 van Wet 17 van 2017, artikel 6 van Wet 34 van 2019, artikel 4 van Wet 23 van 2020 en artikel 6 van Wet 20 van 2021

4. (1) Artikel 8 van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) na paragraaf *(n)* die volgende paragraaf in te voeg:

"*(n*A*)* Waar 'n belastingpligtige voor 1 Maart 2026 beskik oor 'n bate in artikel 12BA beoog, word daar by die belastingpligtige se inkomste ingesluit 25 persent van die koste van daardie bate, wat gedurende die huidige jaar van aanslag vergoed is, bykomend tot die insluiting van bedrae ingevolge paragraaf *(a)*, maar beperk tot die totale bedrag toegelaat om ten opsigte van daardie bate afgetrek te word.".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik gestel.

Wysiging van artikel 8EA van Wet 58 van 1962, soos ingevoeg deur artikel 12 van Wet 22 van 2012 en gewysig deur artikel 11 van Wet 31 van 2013, artikel 7 van Wet 43 van 2014, artikel 15 van Wet 15 van 2016, artikel 10 van Wet 17 van 2017, artikel 13 van Wet 23 van 2018 en artikel 9 van Wet 34 van 2019

5. (1) Artikel 8EA van die Inkomstebelastingwet, 1962, word hierby gewysig deur by subartikel (3) die volgende voorbehoudsbepaling by te voeg:

": Met dien verstande dat waar 'n ekwiteitsaandeel in 'n bedryfsmaatskappy verkry word deur 'n persoon soos beoog in paragraaf *(a)* of *(b)* van die omskrywing van 'kwalifiserende doel' beoog en die aandeel aldus verkry nie langer regstreeks of onregstreeks deur daardie persoon gehou word nie ten tye van die ontvangs of toevalling van daardie dividend of buitelandse dividend ten opsigte van die voorkeuraandeel, hierdie subartikel nie van toepassing is nie, tensy—

(a) oor daardie ekwiteitsaandeel in die bedryfsmaatskappy beskik is en die fondse verkry van daardie beskikking binne 90 dae van daardie beskikking deur die uitreiker van die voorkeuraandeel vir die aflossing van daardie voorkeuraandeel gebruik word; of

(b) daardie ekwiteitsaandeel in die bedryfsmaatskappy 'n genoteerde aandeel was en 'n genoteerde aandeel vervang ingevolge 'n reëling wat aangekondig word en vrygestel word as 'n korporatiewe aksie soos beoog in die 'JSE Limited Listings Requirements' in die 'SENS (Stock Exchange News Service)' soos omskryf in die 'JSE Limited Listings Requirements' of 'n korporatiewe aksie soos beoog in die noteringsvereistes van enige ander beurs, gelisensieer kragtens die 'Financial Markets Act', welke vereistes wesenlik dieselfde is as die vereistes voorgeskryf deur die 'JSE Limited Listings Requirements', waar daardie korporatiewe aksie aan die toepaslike vereiste van daardie beurs voldoen.".

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van enige dividend of buitelandse dividend ontvang of toegeval gedurende jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 9 van Wet 58 van 1962, soos vervang deur artikel 22 van Wet 24 van 2011 en gewysig deur artikel 16 van Wet 31 van 2013, artikel 10 van Wet 43 van 2014, artikel 11 van Wet 25 van 2015, artikel 18 van Wet 15 van 2016, artikel 16 van Wet 23 van 2018 en artikel 5 van Wet 23 van 2020

6. Artikel 9 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in die Engelse teks in subartikel (2) paragraaf *(k)* deur die volgende paragraaf te vervang:

"*(k)* constitutes an amount received or accrued in respect of the disposal of an asset other than an asset contemplated in paragraph *(j)* if—

(i) that person is a resident and—

(aa) that asset is not effectively connected **[with]** to a permanent establishment of that person which is situated outside the Republic; and

(bb) the proceeds from the disposal of that asset are not subject to any taxes on income payable to any sphere of government of any country other than the Republic; or

(ii) that person is not a resident and that asset is effectively connected **[with]** to a permanent establishment of that person which is situated in the Republic; or''; and

(b) by the substitution in subsection (2) for paragraph *(l)* of the following paragraph:

''*(l)* is attributable to any exchange difference determined in terms of section 24I in respect of any exchange item as defined in that section to which that person is a party if—

(i) that person is a resident and—

(aa) that exchange item is not **[attributable]** effectively connected to a permanent establishment of that person which is situated outside the Republic; and

(bb) that amount is not subject to any taxes on income payable to any sphere of government of any country other than the Republic; or

(ii) that person is not a resident and that exchange item is **[attributable]** effectively connected to a permanent establishment of that person which is situated in the Republic.''.

Amendment of section 9D of Act 58 of 1962, as inserted by section 9 of Act 28 of 1997 and amended by section 28 of Act 30 of 1998, section 17 of Act 53 of 1999, section 19 of Act 30 of 2000, section 10 of Act 59 of 2000, section 9 of Act 5 of 2001, section 22 of Act 60 of 2001, section 14 of Act 74 of 2002, section 22 of Act 45 of 2003, section 13 of Act 32 of 2004, section 14 of Act 31 of 2005, section 9 of Act 20 of 2006, sections 9 and 96 of Act 8 of 2007, section 15 of Act 35 of 2007, section 8 of Act 3 of 2008, section 13 of Act 60 of 2008, section 12 of Act 17 of 2009, sections 16 and 146 of Act 7 of 2010, section 25 of Act 24 of 2011, sections 14 and 156 of Act 22 of 2012, section 19 of Act 31 of 2013, section 12 of Act 43 of 2014, section 13 of Act 25 of 2015, section 20 of Act 15 of 2016, section 15 of Act 17 of 2017, section 18 of Act 23 of 2018, section 10 of Act 34 of 2019, section 6 of Act 23 of 2020, section 10 of Act 20 of 2021 and section 4 of Act 20 of 2022

7. (1) Section 9D of the Income Tax Act, 1962, is hereby amended by the substitution in paragraph *(d)* of the proviso to subsection (2A) for subparagraph (ii) of the following subparagraph:

''(ii) 'B' represents the ratio of the number 20 to the number **[28]** 27;''.

(2) Subsection (1) is deemed to have come into operation on 31 March 2023 and applies in respect of years of assessment ending on or after that date.

Amendment of section 9H of Act 58 of 1962, as substituted by section 17 of Act 22 of 2012 and amended by section 21 of Act 31 of 2013, section 13 of Act 43 of 2014, section 21 of Act 15 of 2016, section 7 of Act 23 of 2020 and section 11 of Act 20 of 2021

8. Section 9H of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (4) for paragraph *(c)* for the following paragraph:

''*(c)* any asset which is, after the person ceases to be a resident or a controlled foreign company as contemplated in subsection (2) or (3), **[attributable]** effectively connected to a permanent establishment of that person in the Republic;''.

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

This gazette is also available free online at www.gpwonline.co.za

(bb) the proceeds from the disposal of that asset are not subject to any taxes on income payable to any sphere of government of any country other than the Republic; or

(ii) that person is not a resident and that asset is effectively connected **[with]** to a permanent establishment of that person which is situated in the Republic; or''; en

(b) deur in subartikel (2) paragraaf *(l)* deur die volgende paragraaf te vervang:

''*(l)* toeskryfbaar is aan enige valutaverskil bepaal ingevolge artikel 24I ten opsigte van enige valuta-item soos in daardie artikel omskryf waarby daardie persoon 'n party is indien—

(i) daardie persoon 'n inwoner is en—

(aa) daardie valuta-item nie **[toeskryfbaar]** effektief verbonde is nie aan 'n permanente saak van daardie persoon wat buite die Republiek geleë is; en

(bb) daardie bedrag nie onderhewig is nie aan belastings op inkomste betaalbaar aan enige regeringsfeer van enige land buiten die Republiek; of

(ii) daardie persoon nie 'n inwoner is nie en daardie valuta-item **[toeskryfbaar]** effektief verbonde is aan 'n permanente saak van daardie persoon wat in die Republiek geleë is.''.

Wysiging van artikel 9D van Wet 58 van 1962, soos ingevoeg deur artikel 9 van Wet 28 van 1997 en gewysig deur artikel 28 van Wet 30 van 1998, artikel 17 van Wet 53 van 1999, artikel 19 van Wet 30 van 2000, artikel 10 van Wet 59 van 2000, artikel 9 van Wet 5 van 2001, artikel 22 van Wet 60 van 2001, artikel 14 van Wet 74 van 2002, artikel 22 van Wet 45 van 2003, artikel 13 van Wet 32 van 2004, artikel 14 van Wet 31 van 2005, artikel 9 van Wet 20 van 2006, artikels 9 en 96 van Wet 8 van 2007, artikel 15 van Wet 35 van 2007, artikel 8 van Wet 3 van 2008, artikel 13 van Wet 60 van 2008, artikel 12 van Wet 17 van 2009, artikels 16 en 146 van Wet 7 van 2010, artikel 25 van Wet 24 van 2011, artikels 14 en 156 van Wet 22 van 2012, artikel 19 van Wet 31 van 2013, artikel 12 van Wet 43 van 2014, artikel 13 van Wet 25 van 2015, artikel 20 van Wet 15 van 2016, artikel 15 van Wet 17 van 2017, artikel 18 van Wet 23 van 2018, artikel 10 van Wet 34 van 2019, artikel 6 van Wet 23 van 2020, artikel 10 van Wet 20 van 2021 en artikel 4 van Wet 20 van 2022

7. (1) Artikel 9D van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2A) subparagraaf (ii) van paragraaf *(d)* van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:

''(ii) 'B' die verhouding van die getal 20 tot die getal **[28]** 27 voorstel;''.

(2) Subartikel (1) word geag op 31 Maart 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 9H van Wet 58 van 1962, soos vervang deur artikel 17 van Wet 22 van 2012 en gewysig deur artikel 21 van Wet 31 van 2013, artikel 13 van Wet 43 van 2014, artikel 21 van Wet 15 van 2016, artikel 7 van Wet 23 van 2020 en artikel 11 van Wet 20 van 2021

8. Artikel 9H van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (4) paragraaf *(c)* deur die volgende paragraaf te vervang:

''*(c)* 'n bate wat, nadat die persoon ophou om 'n inwoner of 'n beheerde buitelandse maatskappy te wees soos beoog in subartikel (2) of (3), effektief verbonde aan 'n permanente saak van daardie persoon in die Republiek **[toeskryfbaar sal wees]** is;''.

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

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 1 of Act 49 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, sections 9 and 78 of Act 19 of 2001, section 26 of Act 60 of 2001, section 13 of Act 30 of 2002, section 18 of Act 74 of 2002, section 36 of Act 12 of 2003, section 26 of Act 45 of 2003, sections 8 and 62 of Act 16 of 2004, section 14 of Act 32 of 2004, section 5 of Act 9 of 2005, section 16 of Act 31 of 2005, section 23 of Act 9 of 2006, sections 10 and 101 of Act 20 of 2006, sections 2, 10, 88 and 97 of Act 8 of 2007, section 2 of Act 9 of 2007, section 16 of Act 35 of 2007, sections 1 and 9 of Act 3 of 2008, section 2 of Act 4 of 2008, section 16 of Act 60 of 2008, sections 13 and 95 of Act 17 of 2009, section 18 of Act 7 of 2010, sections 28 and 160 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 31 of Schedule 1 to that Act, sections 19, 144, 157 and 166 of Act 22 of 2012, section 23 of Act 31 of 2013, section 14 of Act 43 of 2014, section 16 of Act 25 of 2015, section 23 of Act 15 of 2016, section 16 of Act 17 of 2017, section 22 of Act 23 of 2018, section 13 of Act 34 of 2019, section 10 of Act 23 of 2020 and section 5 of Act 20 of 2022

9. (1) Section 10(1) of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraph *(g*A*)* of the following subparagraph:

"*(g*A*)* any disability pension paid under section 2 of the **[Social Assistance Act, 1992 (Act No. 59 of 1992]** Social Assistance Act, 2004 (Act No. 13 of 2004);";

(b) by the substitution in paragraph *(t)* for subparagraph (xvii) of the following subparagraph:

"(xvii) of the National Housing Finance Corporation established in 1996 by the National Department of Human Settlements**[:]**;"; and

(c) by the insertion in paragraph *(t)* after subparagraph (xvii) of the following subparagraph:

"(xviii) of the Corporation for Deposit Insurance established in terms of section 166AE of the Financial Sector Regulation Act:".

(2) Paragraphs *(b)* and *(c)* of subsection (1) come into operation on 1 April 2024 and applies in respect of years of assessment ending on or after that date.

Amendment of section 10B of Act 58 of 1962, as inserted by section 29 of Act 24 of 2011 and amended by section 4 of Act 13 of 2012, section 20 of Act 22 of 2012, section 25 of Act 31 of 2013, section 15 of Act 43 of 2014, section 6 of Act 13 of 2015, section 25 of Act 15 of 2016, section 8 of Act 14 of 2017, section 23 of Act 23 of 2018, section 11 of Act 23 of 2020 and section 6 of Act 20 of 2022

10. (1) Section 10B of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3)*(b)*(ii)*(bb)* for the words following subitem (B) of the following words:

"the ratio of the number **[8]** 7 to the number **[28]** 27; or";

(b) by the substitution for subsection (4) of the following subsection:

"(4) Subsections (2)*(a)*, **[and]** (2)*(b)*, (2)*(d)* and (3) do not apply in respect of any foreign dividend received by or accrued to any person**[—**

[*(a)*] if—

[(i)] *(a)* **[*(aa)*]** (i) any amount of that foreign dividend is determined directly or indirectly with reference to; or

[*(bb)*] (ii) that foreign dividend arises directly or indirectly from,

any amount paid or payable by any person to any other person; and

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 1 van Wet 49 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, artikels 9 en 78 van Wet 19 van 2001, artikel 26 van Wet 60 van 2001, artikel 13 van Wet 30 van 2002, artikel 18 van Wet 74 van 2002, artikel 36 van Wet 12 van 2003, artikel 26 van Wet 45 van 2003, artikels 8 en 62 van Wet 16 van 2004, artikel 14 van Wet 32 van 2004, artikel 5 van Wet 9 van 2005, artikel 16 van Wet 31 van 2005, artikel 23 van Wet 9 van 2006, artikels 10 en 101 van Wet 20 van 2006, artikels 2, 10, 88 en 97 van Wet 8 van 2007, artikel 2 van Wet 9 van 2007, artikel 16 van Wet 35 van 2007, artikels 1 en 9 van Wet 3 van 2008, artikel 2 van Wet 4 van 2008, artikel 16 van Wet 60 van 2008, artikels 13 en 95 van Wet 17 van 2009, artikel 18 van Wet 7 van 2010, artikels 28 en 160 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, gelees met item 31 van Bylae 1 by daardie Wet, artikels 19, 144, 157 en 166 van Wet 22 van 2012, artikel 23 van Wet 31 van 2013, artikel 14 van Wet 43 van 2014, artikel 16 van Wet 25 van 2015, artikel 23 van Wet 15 van 2016, artikel 16 van Wet 17 van 2017, artikel 22 van Wet 23 van 2018, artikel 13 van Wet 34 van 2019, artikel 10 van Wet 23 van 2020 en artikel 5 van Wet 20 van 2022

9. (1) Artikel 10(1) van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subparagraaf *(g*A*)* deur die volgende subparagraaf te vervang:

"*(g*A*)* 'n ongeskiktheidspensioen kragtens artikel 2 van die Wet op Maatskaplike Bystand, **[1992 (Wet No. 59 van 1992)]** 2004 (Wet No. 13 van 2004), betaal;";

(b) deur in paragraaf *(t)* subparagraaf (xvii) deur die volgende subparagraaf te vervang:

"(xvii) van die "National Housing Finance Corporation" in 1996 deur die Nasionale Departement van Menslike Nedersettings gestig **[:]**;"; en

(c) deur in paragraaf *(t)* na subparagraaf (xvii) die volgende subparagraaf in te voeg:

"(xviii) van die 'Corporation for Deposit Insurance' ingevolge artikel 166AE van die 'Financial Sector Regulation Act' gestig:".

(2) Paragrawe *(b)* en *(c)* van subartikel (1) tree op 1 April 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

Wysiging van artikel 10B van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 24 van 2011 en gewysig deur artikel 4 van Wet 13 van 2012, artikel 20 van Wet 22 van 2012, artikel 25 van Wet 31 van 2013, artikel 15 van Wet 43 van 2014, artikel 6 van Wet 13 van 2015, artikel 25 van Wet 15 van 2016, artikel 8 van Wet 14 van 2017, artikel 23 van Wet 23 van 2018, artikel 11 van Wet 23 van 2020 en artikel 6 van Wet 20 van 2022

10. (1) Artikel 10B van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3)*(b)*(ii)*(bb)* die woorde wat op subitem (B) volg deur die volgende woorde te vervang:

"die verhouding van die getal **[8]** 7 tot die getal **[28]** 27 voorstel; of";

(b) deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Subartikels (2)*(a)*, **[en]** (2)*(b)*, (2)*(d)* en (3) is nie van toepassing nie ten opsigte van 'n buitelandse dividend ontvang deur of toegeval aan 'n persoon **[—**

[*(a)*] indien—

[(i)] *(a)* **[*(aa)*]** (i) enige bedrag van daardie buitelandse dividend bepaal word direk of indirek met verwysing na; of

[*(bb)*] (ii) daardie buitelandse dividend direk of indirek voortspruit uit,

'n bedrag betaal of betaalbaar deur 'n persoon aan enige ander persoon; en

[(ii)] *(b)* the amount so paid or payable is deductible from the income of the person by whom it is paid or payable and—

[*(aa)*] (i) is not subject to normal tax in the hands of the other person contemplated in **[subparagraph (i)]** paragraph *(a)*; and

[*(bb)*] (ii) where that other person contemplated in **[subparagraph (i)]** paragraph *(a)* is a controlled foreign company, is not taken into account in determining the net income, contemplated in section 9D(2A), of that controlled foreign company,

unless the amount so paid or payable is paid or payable as consideration for the purchase of trading stock by the person by whom the amount is paid or payable or the foreign dividend is declared from profits where less than 20 per cent of the profits were generated from transactions with persons that deducted the amount so paid or payable from income**[; or**

(b) **from any portfolio contemplated in paragraph *(e)*(ii) of the definition of 'company' in section 1]**.''; and

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

''(4A) Subsection (2)*(a)* and *(b)* do not apply in respect of any foreign dividend received by or accrued to any person from any portfolio contemplated in paragraph *(e)*(ii) of the definition of 'company' in section 1.''.

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 31 March 2023 and applies in respect of years of assessment ending on or after that date.

(3) Paragraphs *(b)* and *(c)* of subsection (1) come into operation on 1 January 2024 and apply in respect of dividends or foreign dividends received or accrued on or after that date.

Amendment of section 11 of Act 58 of 1962, as amended by section 9 of Act 90 of 1962, section 8 of Act 72 of 1963, section 9 of Act 90 of 1964, section 11 of Act 88 of 1965, section 12 of Act 55 of 1966, section 11 of Act 95 of 1967, section 9 of Act 76 of 1968, section 14 of Act 89 of 1969, section 10 of Act 52 of 1970, section 10 of Act 88 of 1971, section 8 of Act 90 of 1972, section 9 of Act 65 of 1973, section 12 of Act 85 of 1974, section 9 of Act 69 of 1975, section 9 of Act 113 of 1977, section 5 of Act 101 of 1978, section 8 of Act 104 of 1979, section 8 of Act 104 of 1980, section 9 of Act 96 of 1981, section 7 of Act 91 of 1982, section 10 of Act 94 of 1983, section 11 of Act 121 of 1984, section 46 of Act 97 of 1986, section 10 of Act 85 of 1987, section 8 of Act 90 of 1988, section 8 of Act 70 of 1989, section 11 of Act 101 of 1990, section 13 of Act 129 of 1991, section 11 of Act 141 of 1992, section 9 of Act 113 of 1993, section 5 of Act 140 of 1993, section 10 of Act 21 of 1994, section 12 of Act 21 of 1995, section 9 of Act 36 of 1996, section 12 of Act 28 of 1997, section 30 of Act 30 of 1998, section 20 of Act 53 of 1999, section 22 of Act 30 of 2000, section 15 of Act 59 of 2000, section 10 of Act 19 of 2001, section 27 of Act 60 of 2001, section 14 of Act 30 of 2002, section 19 of Act 74 of 2002, section 27 of Act 45 of 2003, section 9 of Act 16 of 2004, section 16 of Act 32 of 2004, section 6 of Act 9 of 2005, section 18 of Act 31 of 2005, section 11 of Act 20 of 2006, section 11 of Act 8 of 2007, section 17 of Act 35 of 2007, sections 1 and 10 of Act 3 of 2008, section 18 of Act 60 of 2008, section 14 of Act 17 of 2009, section 19 of Act 7 of 2010, sections 30 and 161 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 33 of Schedule 1 to that Act, section 22 of Act 22 of 2012, section 27 of Act 31 of 2013, section 17 of Act 43 of 2014, section 18 of Act 25 of 2015, section 26 of Act 15 of 2016, section 19 of Act 17 of 2017, section 25 of Act 23 of 2018, section 15 of Act 34 of 2019, section 13 of Act 23 of 2020 and section 8 of Act 20 of 2022

11. (1) Section 11 of the Income Tax Act, 1962, is hereby amended—

[(ii)] (b) die bedrag aldus betaal of betaalbaar aftrekbaar is van die inkomste van die persoon deur wie dit betaal of betaalbaar is en—

[(aa)] (i) nie aan normale belasting in die hande van die ander persoon beoog in **[subparagraaf (i)]** paragraaf *(a)* onderhewig is nie; en

[(bb)] (ii) waar daardie ander persoon beoog in **[subparagraaf (i)]** paragraaf *(a)* 'n beheerde buitelandse maatskappy is, nie in berekening gebring word by die bepaling van die netto inkomste, beoog in artikel 9D(2A), van daardie beheerde buitelandse maatskappy nie,

tensy die bedrag aldus betaal of betaalbaar betaal word of betaalbaar is as vergoeding vir die aankoop van handelsvoorraad deur die persoon waardeur die bedrag betaal of betaalbaar is of die buitelandse dividend verklaar word van winste waar minder as 20 persent van die winste voortspruit uit transaksies met persone wat die bedrag aldus betaal of betaalbaar van inkomste afgetrek het **[; of**

***(b)* van 'n portefeulje beoog in paragraaf *(e)*(ii) van die omskrywing van 'maatskappy' in artikel 1]**.''; en

(c) deur na subartikel (4) die volgende subartikel by te voeg:

''(4A) Subartikel (2)*(a)* en *(b)* is nie van toepassing nie ten opsigte van enige buitelandse dividend ontvang deur of toegeval aan enige persoon van enige portefeulje in paragraaf *(e)*(ii) van die omskrywing van 'maatskappy' in artikel 1 beoog.''.

(2) Paragraaf *(a)* van subartikel (1) word geag op 31 Maart 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum eindig.

(3) Paragrawe *(b)* en *(c)* van subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van dividende of buitelandse dividende op of na daardie datum ontvang of toegeval.

Wysiging van artikel 11 van Wet 58 van 1962, soos gewysig deur artikel 9 van Wet 90 van 1962, artikel 8 van Wet 72 van 1963, artikel 9 van Wet 90 van 1964, artikel 11 van Wet 88 van 1965, artikel 12 van Wet 55 van 1966, artikel 11 van Wet 95 van 1967, artikel 9 van Wet 76 van 1968, artikel 14 van Wet 89 van 1969, artikel 10 van Wet 52 van 1970, artikel 10 van Wet 88 van 1971, artikel 8 van Wet 90 van 1972, artikel 9 van Wet 65 van 1973, artikel 12 van Wet 85 van 1974, artikel 9 van Wet 69 van 1975, artikel 9 van Wet 113 van 1977, artikel 5 van Wet 101 van 1978, artikel 8 van Wet 104 van 1979, artikel 8 van Wet 104 van 1980, artikel 9 van Wet 96 van 1981, artikel 7 van Wet 91 van 1982, artikel 10 van Wet 94 van 1983, artikel 11 van Wet 121 van 1984, artikel 46 van Wet 97 van 1986, artikel 10 van Wet 85 van 1987, artikel 8 van Wet 90 van 1988, artikel 8 van Wet 70 van 1989, artikel 11 van Wet 101 van 1990, artikel 13 van Wet 129 van 1991, artikel 11 van Wet 141 van 1992, artikel 9 van Wet 113 van 1993, artikel 5 van Wet 140 van 1993, artikel 10 van Wet 21 van 1994, artikel 12 van Wet 21 van 1995, artikel 9 van Wet 36 van 1996, artikel 12 van Wet 28 van 1997, artikel 30 van Wet 30 van 1998, artikel 20 van Wet 53 van 1999, artikel 22 van Wet 30 van 2000, artikel 15 van Wet 59 van 2000, artikel 10 van Wet 19 van 2001, artikel 27 van Wet 60 van 2001, artikel 14 van Wet 30 van 2002, artikel 19 van Wet 74 van 2002, artikel 27 van Wet 45 van 2003, artikel 9 van Wet 16 van 2004, artikel 16 van Wet 32 van 2004, artikel 6 van Wet 9 van 2005, artikel 18 van Wet 31 van 2005, artikel 11 van Wet 20 van 2006, artikel 11 van Wet 8 van 2007, artikel 17 van Wet 35 van 2007, artikels 1 en 10 van Wet 3 van 2008, artikel 18 van Wet 60 van 2008, artikel 14 van Wet 17 van 2009, artikel 19 van Wet 7 van 2010, artikels 30 en 161 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, gelees met item 33 van Bylae 1 by daardie Wet, artikel 22 van Wet 22 van 2012, artikel 27 van Wet 31 van 2013, artikel 17 van Wet 43 van 2014, artikel 18 van Wet 25 van 2015, artikel 26 van Wet 15 van 2016, artikel 19 van Wet 17 van 2017, artikel 25 van Wet 23 van 2018, artikel 15 van Wet 34 van 2019, artikel 13 van Wet 23 van 2020 en artikel 8 van Wet 20 van 2022

11. (1) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) by the substitution in paragraph *(e)* for the words preceding the proviso of the following words:

"save as provided in paragraph 12(2) of the First Schedule, such sum as the Commissioner may think just and reasonable as representing the amount by which the value of any machinery, plant, implements, utensils and articles (other than machinery, plant, implements, utensils and articles in respect of which a deduction may be granted under section 12B, 12BA, 12C, 12DA, 12E(1), 12U or 37B) owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value-Added Tax Act and used by the taxpayer for the purpose of his or her trade has been diminished by reason of wear and tear or depreciation during the year of assessment:"; and

(b) by the substitution in paragraph *(o)* for subparagraph (i) of the following subparagraph:

"(i) which qualified for an allowance or deduction in terms of section 11*(e)*, 11D, 12B, 12BA, 12C, 12DA, 12E or 37B(2)*(a)*; and".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after 1 March 2023.

Amendment of section 11D of Act 58 of 1962, as inserted by section 13 of Act 20 of 2006 and amended by sections 13 and 99 of Act 8 of 2007, section 3 of Act 9 of 2007, section 19 of Act 35 of 2007, section 11 of Act 3 of 2008, section 19 of Act 60 of 2008, section 16 of Act 17 of 2009, section 20 of Act 7 of 2010, section 32 of Act 24 of 2011, section 1 of Act 25 of 2011, section 271 of Act 28 of 2011, read with item 34 of Schedule 1 to that Act, sections 5 and 35 of Act 21 of 2012, section 68 of Act 22 of 2012, section 29 of Act 31 of 2013, section 18 of Act 43 of 2014 and section 27 of Act 15 of 2016

12. (1) Section 11D of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"For the purposes of this section '**scientific or technological research and development**' means systematic investigative or systematic experimental activities **[of which the result is uncertain]** aimed at resolving scientific or technological uncertainty and the resolution of which is not readily deducible by a person skilled in the relevant scientific or technological field for the purpose of—";

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

"*(a)* discovering **[non-obvious]** new scientific or technological knowledge;";

(c) by the substitution in subsection (1) for paragraph *(b)* of the of the following paragraph:

"*(b)* creating or developing new or significantly improved products, processes or services**[—**

(i) an invention as defined in section 2 of the Patents Act;

(ii) a functional design—

***(aa)* as defined in section 1 of the Designs Act, capable of qualifying for registration under section 14 of that Act; and**

***(bb)* that is innovative in respect of the functional characteristics or intended uses of that functional design;**

(iii) a computer program as defined in section 1 of the Copyright Act which is of an innovative nature; or

(iv) knowledge essential to the use of such invention, functional design or computer program other than creating or developing operating manuals or instruction manuals or documents of a similar nature intended to be utilised in respect of that invention, functional design or computer

(a) deur in paragraaf *(e)* die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

"behoudens die bepalings van paragraaf 12(2) van die Eerste Bylae, so 'n bedrag as wat volgens die Kommissaris se oordeel billikerwys en redelikerwys die bedrag voorstel waarmee die waarde van masjinerie, installasie, gereedskap, werktuie en artikels (behalwe masjinerie, installasie, gereedskap, werktuie en artikels ten opsigte waarvan 'n aftrekking ingevolge artikel 12B, 12BA, 12C, 12DA, 12E(1), 12U of 37B toegestaan mag word) waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge 'n ooreenkoms in paragraaf *(a)* van die omskrywing van 'paaiement-kredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde bedoel en wat deur die belastingpligtige vir die doeleindes van sy of haar bedryf gebruik, verminder is ten gevolge van slytasie of waardevermindering gedurende die jaar van aanslag:"; en

(b) deur in paragraaf *(o)* subparagraaf (i) deur die volgende subparagraaf te vervang:

"(i) wat vir 'n vermindering of aftrekking ingevolge artikel 11*(e)*, 11B, 11D, 12B, 12BA, 12C, 12DA, 12E of 37B(2)*(a)* kwalifiseer; en".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na 1 Maart 2023 in gebruik gestel.

Wysiging van artikel 11D van Wet 58 van 1962, soos ingevoeg deur artikel 13 van Wet 20 van 2006 en gewysig deur artikels 13 en 99 van Wet 8 van 2007, artikel 3 van Wet 9 van 2007, artikel 19 van Wet 35 van 2007, artikel 11 van Wet 3 van 2008, artikel 19 van Wet 60 van 2008, artikel 16 van Wet 17 van 2009, artikel 20 van Wet 7 van 2010, artikel 32 van Wet 24 van 2011, artikel 1 van Wet 25 van 2011, artikel 271 van Wet 28 van 2011, gelees met item 34 van Bylae 1 by daardie Wet, artikels 5 en 35 van Wet 21 van 2012, artikel 68 van Wet 22 van 2012, artikel 29 van Wet 31 van 2013, artikel 18 van Wet 43 van 2014 en artikel 27 van Wet 15 van 2016

12. (1) Artikel 11D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"By die toepassing van hierdie artikel beteken **'wetenskaplike of tegnologiese navorsing en ontwikkeling'** sistematies ondersoekende of sistematies eksperimentele bedrywighede **[waarvan die uitkoms onseker is]** gerig op die oplossing van wetenskaplike of tegnologiese onsekerheid en die oplossing daarvan is nie geredelik afleibaar deur 'n persoon vaardig in die toepaslike wetenskaplike of tegnologiese veld nie met as oogmerk—";

(b) deur in subartikel (1) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* om nuwe **[nie-voor-die-hand-liggende]** wetenskaplike of tegniese kennis te ontdek;";

(c) deur in subartikel (1) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* die skepping of ontwikkeling van nuwe of beduidend verbeterde produkte, prosesse of dienste **[—**

(i) 'n uitvinding soos omskryf in artikel 2 van die Wet op Patente;

(ii) 'n funksionele model—

***(aa)* soos omskryf in artikel 1 van die Wet op Modelle geskik om te kwalifiseer vir registrasie ingevolge artikel 14 van daardie Wet; en**

***(bb)* wat innoverend is ten opsigte van die funksionele eienskappe of beoogde gebruike van daardie funksionele model;**

(iii) 'n rekenaarprogram soos omskryf in artikel 1 van die Wet op Outeursreg, wat van 'n innoverende aard is; of

(iv) kennis wat noodsaaklik is vir die gebruik van so 'n uitvinding, funksionele model of rekenaarprogram, andersins as die skepping of ontwikkeling van gebruikshandleidings of instruksiehandleidings of dokumente van 'n soortgelyke aard bedoel om na afloop van die navorsing en ontwikkeling ten

program subsequent to the research and development being implemented; or];'';

(d) by the deletion in subsection (1) of paragraph *(c)*;

(e) by the substitution in subsection (1) for paragraph *(d)* for the following paragraph:

''*(d)* creating or developing a multisource pharmaceutical product, as defined in the World Health Organisation Technical Report Series, No 937, 2006 Annex 7 Multisource (generic) pharmaceutical products: guidelines on registration requirements to establish interchangeability issued by the World Health Organisation, conforming to **[such]** Regulation 344 of 23 April 2015 and any requirements as must be prescribed by regulations made by the Minister after consultation with the Minister **[for]** of Higher Education, Science and **[Technology]** Innovation; or'';

(f) by the substitution in subsection (1) for paragraph *(e)* of the following paragraph:

''*(e)* conducting a clinical trial as defined in Appendix F of the Guidelines for good practice in the conduct of clinical trials with human participants in South Africa issued by the Department of Health (2006), conforming to **[such]** Regulation 346 of 23 April 2015 and any requirements as must be prescribed by regulations made by the Minister after consultation with the Minister **[for]** of Higher Education, Science and **[Technology]** Innovation;'';

(g) by the substitution in subsection (1) in the proviso to the definition of ''scientific or technological research and development'' for the words preceding paragraph *(a)* of the following words:

''Provided that for the purposes of this definition, 'scientific or technological research and development' does not include activities for the purpose of— '';

(h) by the deletion of paragraph *(b)* of the proviso in subsection (1) to the definition of ''scientific or technological research and development'';

(i) by the substitution in subsection (2)*(a)* for the words preceding subparagraph (i) of the following words:

''For the purposes of determining the taxable income of a taxpayer that is a company in respect of any year of assessment there shall be allowed as a deduction from the income of that taxpayer an amount equal to 150 per cent of so much of any expenditure actually incurred by that taxpayer directly and solely in respect of the carrying on of scientific or technological research and development in the Republic if—'';

(j) by the substitution in subsection (2)*(a)* for subparagraph (iii) of the following subparagraph:

''(iii) that scientific or technological research and development is approved in terms of subsection (9); and'';

(k) by the substitution in subsection (2)*(a)* for subparagraph (iv) of the following subparagraph:

''(iv) that expenditure is incurred within six months prior to or on or after the date of receipt of the application by the Department of Science and **[Technology]** Innovation for approval of that scientific or technological research and development in terms of subsection (9).'';

(l) by the substitution in subsection (2)*(b)* for subparagraph (i) of the following subparagraph:

''(i) immovable property, machinery, plant, implements, utensils or articles excluding any prototype or pilot plant created solely for the purpose of the process of scientific or technological research and development and that prototype or pilot plant is not intended to be utilised or is not utilised for production purposes after that scientific or technological research and development is completed;'';

This gazette is also available free online at **www.gpwonline.co.za**

opsigte van daardie uitvinding, funksionele model of rekenaarprogram gebruik te word; of];'';

(d) deur in subartikel (1) paragraaf *(c)* te skrap;

(e) deur in subartikel (1) paragraaf *(d)* deur die volgende paragraaf te vervang:

''*(d)* skepping of ontwikkeling van 'n 'multisource pharmaceutical product', soos omskryf in die 'World Health Organisation Technical Report Series, No. 937, 2006 Annex 7 Multisource *(generic)* pharmaceutical products: guidelines on registration requirements to establish interchangeability' uitgereik deur die Wêreldgesondheidsorganisasie, wat voldoen aan Regulasie 344 van 23 April 2015 en enige vereistes **[soos]** wat voorgeskryf moet word by regulasies deur die Minister gemaak na oorlegpleging met die Minister **[vir]** van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering; of'';

(f) deur in subartikel (1) paragraaf *(e)* deur die volgende paragraaf te vervang:

''*(e)* uitvoering van 'n 'clinical trial' soos omskryf in 'Appendix F of the Guidelines for good practice in the conduct of clinical trials with human participants in South Africa issued by the Department of Health (2006)', wat voldoen aan Regulasie 346 van 23 April 2015 en enige vereistes **[soos]** wat voorgeskryf moet word by regulasies deur die Minister gemaak na oorlegpleging met die Minister **[vir]** van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering;'';

(g) deur in subartikel (1) in die voorbehoudsbepaling by die omskrywing van ''wetenskaplike of tegnologiese navorsing en ontwikkeling'' die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''Met dien verstande dat by die toepassing van hierdie omskrywing, 'wetenskaplike of tegnologiese navorsing en ontwikkeling' nie insluit nie bedrywighede met die doel op— '';

(h) deur in subartikel (1) paragraaf *(b)* van die voorbehoudsbepaling by die omskrywing van ''wetenskaplike of tegnologiese navorsing en ontwikkeling'' te skrap;

(i) deur in subartikel (2)*(a)* die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

''By die bepaling van die belasbare inkomste van 'n belastingpligtige wat 'n maatskappy is ten opsigte van 'n jaar van aanslag word daar toegelaat as 'n aftrekking van die inkomste van daardie belastingpligtige 'n bedrag gelyk aan 150 persent van soveel van enige uitgawes werklik aangegaan deur daardie belastingpligtige direk en uitsluitlik ten opsigte van wetenskaplike of tegnologiese navorsing en ontwikkeling in die Republiek beoefen indien—'';

(j) deur in subartikel (2)*(a)* subparagraaf (iii) deur die volgende subparagraaf te vervang:

''(iii) daardie wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9) goedgekeur word; en'';

(k) deur in subartikel (2)*(a)* subparagraaf (iv) deur die volgende subparagraaf te vervang:

''(iv) daardie uitgawes aangegaan word binne ses maande voor of op of na die datum van ontvangs van die aansoek deur die Departement van Wetenskap en **[Tegnologie]** Innovering vir goedkeuring van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9).'';

(l) deur in subartikel (2)*(b)* subparagraaf (i) deur die volgende subparagraaf te vervang:

''(i) onroerende eiendom, masjinerie, installasie, gereedskap, werktuie of artikels behalwe enige prototipe of proefinstallasie geskep slegs met die oog op die proses van wetenskaplike of tegnologiese navorsing en ontwikkeling en daardie prototipe of proefinstallasie is nie bedoel om gebruik te word of word nie gebruik vir produksiedoeleindes na afloop van die wetenskaplike of tegnologiese navorsing en ontwikkeling nie;'';

(m) by the substitution in subsection (4) for the words preceding paragraph *(a)* of the following words:

"Where any amount of expenditure is incurred by a taxpayer to fund expenditure of another person carrying on scientific or technological research and development on behalf of that taxpayer, the taxpayer may deduct an amount contemplated in subsection (2)—";

(n) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

"*(a)* if that scientific or technological research and development is approved by the Minister of Higher Education, Science and **[Technology]** Innovation in terms of subsection (9);";

(o) by the substitution in subsection (4) for paragraph *(b)* of the following paragraph:

"*(b)* if that expenditure is incurred in respect of scientific or technological research and development carried on by that taxpayer;";

(p) by the substitution in subsection (4) for paragraph *(c)* of the following paragraph:

"*(c)* to the extent that the other person carrying on the scientific or technological research and development is—

(i) *(aa)* an institution, board or body that is exempt from normal tax under section 10(1)*(c*A*)*; or

(bb) the Council for Scientific and Industrial Research; or

(ii) a company forming part of the same group of companies, as defined in section 41, if the company that carries on the scientific or technological research and development does not claim a deduction under subsection (2); and";

(q) by the substitution in subsection (4) for paragraph *(d)* of the following paragraph:

"*(d)* if that expenditure is incurred within six months prior to or on or after the date of receipt of the application by the Department of Science and **[Technology]** Innovation for approval of that scientific or technological research and development in terms of subsection (9).";

(r) by the substitution for subsection (5) of the following subsection:

"(5) Where a company funds expenditure incurred by another company contemplated in subsection (4)*(c)(*ii), any deduction under that subsection by the company that funds the expenditure must be limited to an amount of 150 per cent of the actual expenditure incurred directly and solely in respect of that scientific or technological research and development carried on by the other company that is being funded.";

(s) by the substitution for subsection (6) of the following subsection:

"(6) For the purposes of subsections (2) and (4)—

(a) a person carries on scientific or technological research and development if that person may determine or alter the methodology of the research;

(b) notwithstanding paragraph *(a)*, certain categories of scientific or technological research and development designated by the Minister in Regulation 343 of 23 April 2015 or by notice in the *Gazette* are deemed to constitute the carrying on of scientific or technological research and development.";

(t) by the substitution for subsection (7) of the following subsection:

"(7) Where any amount is received by or accrues to a taxpayer from—

(a) a department of the Government of the Republic in the national, provincial or local sphere;

(b) a public entity that is listed in Schedule 2 or 3 to the Public Finance Management Act; or

(c) a municipal entity as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000),

to fund expenditure in respect of any scientific or technological research and development, an amount equal to the amount that is funded must not

(m) deur in subartikel (4) die woorde wat subparagraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"Waar 'n bedrag van uitgawes deur 'n belastingpligtige aangegaan word om uitgawes van 'n ander persoon wat wetenskaplike of tegnologiese navorsing en ontwikkeling ten behoewe van daardie belastingpligtige beoefen, te befonds, kan die belastingpligtige 'n bedrag beoog in subartikel (2) aftrek—";

(n) deur in subartikel (4) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* indien daardie wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9) deur die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering goedgekeur word;";

(o) deur in subartikel (4) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* indien daardie uitgawes aangegaan word ten opsigte van wetenskaplike of tegnologiese navorsing en ontwikkeling deur daardie belastingpligtige beoefen;";

(p) deur in subartikel (4) paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* namate die ander persoon wat die wetenskaplike of tegnologiese navorsing en ontwikkeling beoefen—

(i) *(aa)* 'n instelling, raad of liggaam is wat ingevolge artikel 10(1)*(c*A*)* van normale belasting vrygestel is; of

(bb) die Wetenskaplike- en Nywerheidnavorsingsraad is; of

(ii) 'n maatskappy is wat deel uitmaak van dieselfde groep van maatskappye, soos omskryf in artikel 41, indien die maatskappy wat die wetenskaplike of tegnologiese navorsing en ontwikkeling beoefen nie 'n aftrekking ingevolge subartikel (2) eis nie; en";

(q) deur in subartikel (4) paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(d)* indien daardie uitgawes aangegaan word binne ses maande voor of op of na die datum van ontvangs deur die Departement van Wetenskap en **[Tegnologie]** Innovering van die aansoek om goedkeuring van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9).";

(r) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Waar 'n maatskappy uitgawes aangegaan deur 'n ander maatskappy befonds soos in subartikel (4)*(c)*(ii) beoog, word enige aftrekking ingevolge daardie subartikel deur die maatskappy wat die uitgawes befonds beperk tot 'n bedrag van 150 persent van die werklike uitgawes aangegaan direk en uitsluitlik ten opsigte van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling beoefen deur die ander maatskappy wat befonds word.";

(s) deur subartikel (6) deur die volgende subartikel te vervang:

"(6) By die toepassing van subartikels (2) en (4)—

(a) beoefen 'n persoon wetenskaplike of tegnologiese navorsing en ontwikkeling indien daardie persoon die metodologie van die navorsing kan bepaal of verander;

(b) ondanks paragraaf *(a)*, word sekere kategorieë van wetenskaplike of tegnologiese navorsing en ontwikkeling aangewys deur die Minister in Regulasie 343 van 23 April 2015 of by kennisgewing in die *Staatskoerant* geag die beoefening van wetenskaplike of tegnologiese navorsing en ontwikkeling uit te maak.";

(t) deur subartikel (7) deur die volgende subartikel te vervang:

"(7) Waar 'n bedrag ontvang word deur of toeval aan 'n belastingpligtige van—

(a) 'n departement van die Regering van die Republiek in die nasionale, provinsiale of plaaslike sfeer;

(b) 'n openbare entiteit gelys in Bylae 2 of 3 by die Wet op Openbare Finansiële Bestuur; of

(c) 'n munisipale entiteit soos omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000),

om uitgawes ten opsigte van enige wetenskaplike of tegnologiese navorsing en ontwikkeling te befonds, word 'n bedrag gelyk aan die

This gazette is also available free online at www.gpwonline.co.za

be taken into account for purposes of the deduction under subsection (2) or (4).'';

(u) by the substitution for subsection (9) of the following subsection:

''(9) The Minister of Higher Education, Science and **[Technology]** Innovation or a person appointed by the Minister of Higher Education, Science and **[Technology]** Innovation must approve any scientific or technological research and development being carried on or funded for the purposes of subsections (2) and (4) having regard to—

(a) whether the taxpayer has proved to the committee that the scientific or technological research and development in respect of which the approval is sought complies with the criteria contemplated in the definition of 'scientific or technological research and development' in subsection (1); **[and]**

(c) such other criteria as the Minister of Finance in consultation with the Minister of Higher Education, Science and **[Technology]** Innovation may prescribe by regulation; and

(d) the application for approval of the project being submitted by the taxpayer and received by the Minister of Higher Education, Science and Innovation in such form and containing such information as the Minister of Higher Education, Science and Innovation may prescribe.'';

(v) by the substitution for subsection (10) of the following subsection:

''(10) If scientific or technological research and development is approved under subsection (9) and —

(a) any material fact changes which would have had the effect that approval under subsection (9) would not have been granted had that fact been known to the Minister of Higher Education, Science and **[Technology]** Innovation at the time of granting approval;

(b) the taxpayer carrying on that scientific or technological research and development fails to submit a report to the committee as required by subsection (13); or

(c) the taxpayer carrying on that scientific or technological research and development is guilty of fraud, or misrepresentation or non-disclosure of material facts which would have had the effect that approval under subsection (9) would not have been granted,

the Minister of Higher Education, Science and **[Technology]** Innovation may, after taking into account the recommendations of the committee, withdraw the approval granted in respect of that scientific or technological research and development with effect from a date specified by that Minister.'';

(w) by the substitution for subsection (11) of the following subsection:

''(11) *(a)* A committee must be appointed for the purposes of approving scientific or technological research and development under subsection (9) consisting of—

(i) three persons employed by the Department of Science and **[Technology]** Innovation appointed by the Minister of Higher Education, Science and **[Technology]** Innovation;

(ii) one person employed by the National Treasury, appointed by the Minister of Finance; and

(iii) three persons from the South African Revenue Service, appointed by the Minister of Finance.

(b) The Minister of Higher Education, Science and **[Technology]** Innovation or the Minister of Finance may appoint alternative persons to the committee if a person appointed in terms of paragraph *(a)* is not available to perform any function as a member of the committee.

(c) If any person is appointed as an alternative in terms of paragraph **[*(a)*]** *(b)*, that person may perform the function of any other person from the Department of Science and **[Technology]** Innovation, or the South African Revenue Service in respect of which institution that person is appointed as alternative.'';

bedrag wat befonds word nie vir die doeleindes van die aftrekking ingevolge subartikel (2) of (4) in berekening gebring nie.'';

(u) deur subartikel (9) deur die volgende subartikel te vervang:

''(9) Die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering of 'n persoon deur die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering aangestel, moet by die toepassing van subartikels (2) en (4) enige wetenskaplike of tegnologiese navorsing en ontwikkeling goedkeur wat beoefen word of befonds word met inagneming van—

(a) of die belastingpligtige aan die komitee bewys het dat die wetenskaplike of tegnologiese navorsing en ontwikkeling ten opsigte waarvan goedkeuring versoek word, voldoen aan die maatstawwe beoog in die omskrywing van 'wetenskaplike of tegnologiese navorsing en ontwikkeling' in subartikel (1); **[en]**

(c) die ander maatstawwe wat die Minister van Finansies in oorleg met die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering by regulasie voorskryf; en

(d) die aansoek vir goedkeuring van die projek wat deur die belastingpligtige ingedien word en deur die Minister van Hoër Onderwys, Wetenskap en Innovering ontvang word in die vorm en wat die inligting bevat wat die Minister van Hoër Onderwys, Wetenskap en Innovering mag voorskryf.'';

(v) deur subartikel (10) deur die volgende subartikel te vervang:

''(10) Indien wetenskaplike of tegnologiese navorsing en ontwikkeling kragtens subartikel (9) goedgekeur word en—

(a) enige wesenlike feit verander, wat ten gevolge sou gehad het dat goedkeuring ingevolge subartikel (9) nie verleen sou word nie indien daardie feit aan die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering bekend was ten tye van die verlening van goedkeuring;

(b) die belastingpligtige wat daardie wetenskaplike of tegnologiese navorsing en ontwikkeling beoefen, versuim om 'n verslag aan die komitee voor te lê soos deur subartikel (13) vereis; of

(c) die belastingpligtige wat daardie wetenskaplike of tegnologiese navorsing en ontwikkeling onderneem skuldig is aan bedrog, of wanvoorstelling of weglating van wesenlike feite wat tot gevolg sou gehad het dat goedkeuring kragtens subartikel (9) nie verleen sou gewees het nie,

kan die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering, na inagneming van die aanbevelings van die komitee, die goedkeuring verleen ten opsigte van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling intrek met ingang van 'n datum deur daardie Minister vermeld.'';

(w) deur subartikel (11) deur die volgende subartikel te vervang:

''(11) *(a)* 'n Komitee moet aangestel word met die doel om wetenskaplike of tegnologiese navorsing en ontwikkeling kragtens subartikel (9) goed te keur, en bestaan uit—

(i) drie persone in diens van die Departement van Wetenskap en **[Tegnologie]** Innovering, aangestel deur die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering;

(ii) een persoon in diens van die Nasionale Tesourie, aangestel deur die Minister van Finansies; en

(iii) drie persone in diens van die Suid-Afrikaanse Inkomstediens, aangestel deur die Minister van Finansies.

(b) Die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering of die Minister van Finansies kan alternatiewe persone op die komitee aanstel indien 'n persoon ingevolge paragraaf *(a)* aangestel nie beskikbaar is om enige funksie as lid van die komitee uit te voer nie.

(c) Indien enige persoon aangestel is as 'n alternatief ingevolge paragraaf **[*(a)*]** *(b)*, mag daardie persoon die funksie verrig van enige ander persoon van die Departement van Wetenskap en **[Tegnologie]** Innovering, of die Suid-Afrikaanse Inkomstediens ten opsigte van welke inrigting daardie persoon as alternatief aangestel is.'';

(x) by the substitution for subsection (12) of the following subsection:

"(12) *(a)* The committee appointed in terms of subsection (11) must perform its function impartially and without fear, favour or prejudice.

(b) The committee may—

(i) appoint its own chairperson and determine the procedures for its meetings;

(ii) evaluate any application and make recommendations to the Minister of Higher Education, Science and **[Technology]** Innovation for purposes of the approval of scientific or technological research and development approved under subsection (9);

(iii) investigate or cause to be investigated scientific or technological research and development approved under subsection (9);

(iv) monitor all scientific or technological research and development approved under subsection (9)—

(aa) to determine whether the objectives of this section are being achieved; and

(bb) to advise the Minister of Finance and Minister of Higher Education, Science and **[Technology]** Innovation on any future proposed amendment or adjustment of this section;

(v) for a specific purpose and on the conditions and for the period as it may determine, obtain the assistance of any person to advise the committee relating to any function assigned to that committee in terms of this section; and

(vi) require any taxpayer applying for approval of scientific or technological research and development in terms of subsection (9), to furnish any information or documents necessary for the Minister of Higher Education, Science and **[Technology]** Innovation and the committee to perform their functions in terms of this section.";

(y) by the substitution for subsection (13) of the following subsection:

"(13) A taxpayer carrying on scientific or technological research and development approved under subsection (9) must report to the committee annually with respect to—

(a) the progress of that scientific or technological research and development; and

(b) the extent to which that scientific or technological research and development requires specialised skills,

within 12 months after the close of each year of assessment, starting with the year following the year in which approval is granted under subsection (9) in the form and in the manner that the Minister of Higher Education, Science and **[Technology]** Innovation may prescribe.";

(z) by the substitution for subsection (14) of the following subsection:

"(14) Notwithstanding Chapter 6 of the Tax Administration Act, the Commissioner may disclose to the Minister of Higher Education, Science and **[Technology]** Innovation information in relation to scientific or technological research and development—

(a) as may be required by that Minister for the purposes of submitting a report to Parliament in terms of subsection (17); **[and]**

(b) if that information is material in respect of the granting of approval under subsection (9) or a withdrawal of that approval in terms of subsection (10) **[.]**; and

(c) as may be required to fulfil the duties as contemplated in subsection (12)(iv).";

*(z*A*)* by the substitution for subsection (16) of the following subsection:

"(16) The Minister of Higher Education, Science and **[Technology]** Innovation or the person appointed by the Minister of Higher Education, Science and **[Technology]** Innovation contemplated in subsection (9) must—

(x) deur subartikel (12) deur die volgende subartikel te vervang:

“(12) *(a)* Die komitee ingevolge subartikel (11) aangestel moet sy funksies onpartydig en sonder vrees, begunstiging of vooroordeel uitvoer.

(b) Die komitee kan—

(i) sy eie voorsitter aanstel en die prosedures vir sy vergaderings bepaal;

(ii) enige aansoek evalueer en aanbevelings doen aan die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering met die doel om wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9) goed te keur;

(iii) wetenskaplike of tegnologiese navorsing en ontwikkeling kragtens subartikel (9) goedgekeur, ondersoek of laat ondersoek;

(iv) alle wetenskaplike of tegnologiese navorsing en ontwikkeling kragtens subartikel (9) goedgekeur, monitor—

(aa) ten einde te bepaal of die oogmerke van hierdie artikel bereik word; en

(bb) ten einde die Minister van Finansies en die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering te adviseer oor enige toekomstige voorgestelde wysiging of aanpassing van hierdie artikel;

(v) vir ’n bepaalde doel en op die voorwaardes en vir die tydperk wat die komitee bepaal, die bystand verkry van enige persoon om die komitee te adviseer met betrekking tot enige funksie aan die komitee ingevolge hierdie artikel opgedra; en

(vi) van enige belastingpligtige wat aansoek doen om goedkeuring van wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9), vereis om enige inligting of dokumente te verskaf wat nodig is vir die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering en die komitee ten einde hul funksies ingevolge hierdie artikel uit te voer.”;

(y) deur subartikel (13) deur die volgende subartikel te vervang:

“(13) ’n Belastingpligtige wat wetenskaplike of tegnologiese navorsing en ontwikkeling beoefen wat ingevolge subartikel (9) goedgekeur is, moet jaarliks aan die komitee verslag doen aangaande—

(a) die vordering van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling; en

(b) die mate waartoe die beoefening van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling gespesialiseerde vaardighede vereis,

binne 12 maande na die einde van elke jaar van aanslag, beginnende by die jaar wat volg op die jaar waarin goedkeuring kragtens subartikel (9) verleen word in die vorm en op die wyse deur die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering voorgeskryf.”;

(z) deur subartikel (14) deur die volgende subartikel te vervang:

“(14) Ondanks Hoofstuk 6 van die Wet op Belastingadministrasie, kan die Kommissaris aan die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering inligting in verband met wetenskaplike of tegnologiese navorsing en ontwikkeling openbaar—

(a) soos vereis mag word deur daardie Minister ten einde ’n verslag ingevolge subartikel (17) aan die Parlement voor te lê; **[en]**

(b) indien daardie inligting tersaaklik is ten opsigte van die verlening van goedkeuring kragtens subartikel (9) of ’n intrekking van daardie goedkeuring ingevolge subartikel (10); en

(c) soos vereis word om die pligte te vervul soos in subartikel (12)(iv) beoog.”;

*(z*A) deur subartikel (16) deur die volgende subartikel te vervang:

“(16) Die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering of die persoon aangestel deur die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering beoog in subartikel (9) moet—

This gazette is also available free online at **www.gpwonline.co.za**

(a) provide written reasons for any decision to grant or deny any application for approval of any scientific or technological research and development under subsection (9), or for any withdrawal of approval contemplated in subsection (10);

(b) inform the Commissioner of the approval of any scientific or technological research and development under subsection (9), setting out such particulars as are required by the Commissioner to determine the amount of the deduction in terms of subsection (2) or (4); and

(c) inform the Commissioner of any withdrawal of approval in terms of subsection (10) and of the date on which that withdrawal takes effect.'';

*(z*B*)* by the substitution for subsection (17) of the following subsection:

''(17) The Minister of Higher Education, Science and **[Technology]** Innovation must annually submit a report to Parliament advising Parliament of the direct benefits of the scientific or technological research and development in terms of economic growth, employment and other broader government objectives and the aggregate expenditure in respect of such activities without disclosing the identity of any person.'';

*(z*C*)* by the substitution for subsection (18) of the following subsection:

''(18) Every employee of the Department of Science and **[Technology]** Innovation, every member of the committee appointed in terms of subsection (11) and any person whose assistance has been obtained by that committee—

(a) must preserve and aid in preserving secrecy with regard to all matters that may come to their knowledge in the performance of their functions in terms of this section; and

(b) may not communicate any such matter to any person whatsoever other than to the taxpayer concerned or its legal representative, nor allow any such person to have access to any records in the possession or custody of the Department of Science and **[Technology]** Innovation or committee except in terms of the law or an order of court.'';

*(z*D*)* by the substitution for subsection (19) of the following subsection:

''(19) The Commissioner may, notwithstanding the provisions of sections 99 and 100 of the Tax Administration Act, raise an additional assessment for any year of assessment with respect to a deduction in respect of scientific or technological research and development which has been allowed, where approval has been withdrawn in terms of subsection (10).'';

*(z*E*)* by the substitution for subsection (20) of the following subsection:

''(20) *(a)* A taxpayer may, notwithstanding Chapter 8 of the Tax Administration Act, apply to the Commissioner to allow all deductions provided for under this section in respect of scientific or technological research and development if—

(i) expenditure in respect of that scientific or technological research and development was incurred within six months prior to or on or after the date of receipt of an application by the Department of Science and **[Technology]** Innovation for the approval of that scientific or technological research and development;

(ii) that application was not allowable in respect of a year of assessment solely by reason of the absence of approval of that scientific or technological research and development under subsection (9); and

(iii) that scientific or technological research and development is approved in terms of subsection (9) after that year of assessment.

(b) The Commissioner may, notwithstanding the provisions of sections 99 and 100 of the Tax Administration Act, make a reduced assessment for a year of assessment where expenditure incurred during

(a) skriftelike redes verskaf vir enige besluit om enige aansoek om goedkeuring van enige wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9) goed te keur of af te wys, of vir enige intrekking van goedkeuring in subartikel (10) beoog;

(b) die Kommissaris van die goedkeuring van enige wetenskaplike of tegnologiese navorsing en ontwikkeling kragtens subartikel (9) inlig, met uiteensetting van die besonderhede wat deur die Kommissaris vereis word ten einde die bedrag van die aftrekking te bepaal wat ingevolge subartikel (2) of (4) toelaatbaar is; en

(c) die Kommissaris inlig oor enige intrekking van goedkeuring ingevolge subartikel (10) en van die datum waarop daardie intrekking van krag word.'';

*(z*B*)* deur subartikel (17) deur die volgende subartikel te vervang:

''(17) Die Minister van Hoër Onderwys, Wetenskap en **[Tegnologie]** Innovering moet jaarliks aan die Parlement 'n verslag voorlê wat die Parlement in kennis stel van die direkte voordele van die wetenskaplike of tegnologiese navorsing en ontwikkeling wat betref ekonomiese groei, indiensneming en ander breër regeringsdoelwitte en die totale uitgawes ten opsigte van sodanige bedrywighede sonder om die identiteit van enige persoon te openbaar.'';

*(z*C*)* deur subartikel (18) deur die volgende subartikel te vervang:

''(18) Elke werknemer van die Departement van Wetenskap en **[Tegnologie]** Innovering, elke lid van die komitee ingevolge subartikel (11) aangestel en enige persoon wie se bystand deur daardie komitee verkry is—

(a) moet geheimhouding bewaar en help bewaar met betrekking tot alle aangeleenthede wat tot hul kennis mag kom in die verrigting van hul funksies ingevolge hierdie artikel; en

(b) mag nie enige sodanige aangeleentheid aan enige persoon hoegenaamd bekend maak nie behalwe aan die betrokke belastingpligtige of aan daardie belastingpligtige se regsverteenwoordiger, of enige sodanige persoon toelaat om toegang te hê tot enige rekords in die besit of bewaring van die Departement van Wetenskap en **[Tegnologie]** Innovering of komitee nie, behalwe ingevolge die reg of 'n hofbevel.'';

*(z*D*)* deur subartikel (19) deur die volgende subartikel te vervang:

''(19) Die Kommissaris kan, ongeag die bepalings van artikels 99 en 100 van die Wet op Belastingadministrasie, 'n addisionele aanslag vir enige jaar van aanslag uitreik, met betrekking tot 'n aftrekking ten opsigte van wetenskaplike of tegnologiese navorsing en ontwikkeling wat toegelaat is, waar goedkeuring ingevolge subartikel (10) ingetrek is.'';

*(z*E*)* deur subartikel (20) deur die volgende subartikel te vervang:

''(20) *(a)* 'n Belastingbetaler kan, ondanks Hoofstuk 8 van die Wet op Belastingadministrasie, by die Kommissaris aansoek doen om al die aftrekkings toe te laat kragtens hierdie artikel voorsien ten opsigte van wetenskaplike of tegnologiese navorsing en ontwikkeling indien—

(i) uitgawes ten opsigte van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling aangegaan is binne 6 maande voor of op of na die datum van ontvangs van 'n aansoek deur die Departement van Wetenskap en **[Tegnologie]** Innovering vir die goedkeuring van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling;

(ii) daardie uitgawes nie toelaatbaar was nie ten opsigte van 'n jaar van aanslag alleenlik uit hoofde van die gebrek aan goedkeuring van daardie wetenskaplike of tegnologiese navorsing en ontwikkeling ingevolge subartikel (9); en

(iii) daardie wetenskaplike of tegnologiese navorsing en ontwikkeling na daardie jaar van aanslag ingevolge subartikel (9) goedgekeur word.

(b) Die Kommissaris kan, ondanks die bepalings van artikels 99 en 100 van die Wet op Belastingadministrasie, 'n verminderde aanslag maak vir 'n jaar van aanslag waar uitgawes aangegaan tydens daardie

that year in respect of scientific or technological research and development would have been allowable as a deduction in terms of this section had the approval in terms of subsection (9) been granted during that year of assessment.''; and

*(z*F*)* by the addition after subsection (20) of the following subsections:

''(21) Any person who contravenes the provisions of subsection (18) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

(22) No deduction shall be allowed under this section in respect of applications received after 31 December 2033.''.

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of applications received and expenditure incurred on or after that date.

Amendment of section 11F of Act 58 of 1962, as inserted by section 21 of Act 17 of 2017 and amended by section 26 of Act 23 of 2018

13. (1) Section 11F of the Income Tax Act, 1962, is hereby amended—

(a) by the addition to subsection (2)*(a)* of the following proviso:

'': Provided that where any person's year of assessment is less than a period of 12 months, the aggregate of amounts that shall be allowed as deductions under this paragraph for years of assessment during the period of 12 months commencing on 1 March and ending at the end of February of the immediately following calendar year, must not exceed R350 000;''; and

(b) by the substitution in subsection (4) for paragraph *(b)* of the following paragraph:

''*(b)* to the extent that the amount has been included in the income of that person, to have been contributed by that person.''.

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of years of assessment commencing on or after that date.

Insertion of section 11G in Act 58 of 1962

14. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 11F:

''**Deduction of expenses incurred in production of interest**

11G. (1) For purposes of this section 'interest' means interest as defined in section 24J.

(2) For purposes of determining the taxable income derived by any person, there shall be allowed as a deduction from the income of that person, interest incurred by that person to the extent that the interest—

(a) is incurred in the production of interest that is included in the income of that person; and

(b) is not incurred in carrying on a trade.

(3) The amount allowed to be deducted under this section shall not exceed the amount of interest income referred to in subsection (2)*(a),* that is received by or accrued to the person, during the year of assessment.''.

(2) Subsection (1) comes into operation on 1 January 2025 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 12B of Act 58 of 1962, as inserted by section 11 of Act 90 of 1988 and amended by section 13 of Act 101 of 1990, section 10 of Act 113 of 1993, section 6 of Act 140 of 1993, section 13 of Act 28 of 1997, section 17 of Act 59 of 2000, section 11 of Act 16 of 2004, section 7 of Act 9 of 2005, section 19 of Act 31 of 2005, section 21 of Act 35 of 2007, section 18 of Act 17 of 2009, section 23 of Act 22 of 2012, section 31 of Act 31 of 2013, section 19 of Act 25 of 2015, section 28 of Act 15 of 2016, section 22 of Act 17 of 2017 and section 16 of Act 34 of 2019

15. (1) Section 12B of the Income Tax Act, 1962, is hereby amended—

jaar ten opsigte van wetenskaplike of tegnologiese navorsing en ontwikkeling toelaatbaar sou wees as 'n aftrekking ingevolge hierdie artikel indien die goedkeuring ingevolge subartikel (9) tydens daardie jaar van aanslag toegestaan sou wees.''; en

(zF) deur na subartikel (20) die volgende subartikels by te voeg:

''(21) Enige persoon wat die bepalings van subartikel (18) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(22) Geen aftrekking word kragtens hierdie artikel toegelaat ten opsigte van aansoeke na 31 Desember 2033 ontvang nie.''.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van aansoeke ontvang en uitgawes aangegaan op of na daardie datum.

Wysiging van artikel 11F van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 17 van 2017 en gewysig deur artikel 26 van Wet 23 van 2018

13. (1) Artikel 11F van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur by subartikel (2)*(a)* die volgende voorbehoudsbepaling by te voeg:

'': Met dien verstande dat waar enige persoon se jaar van aanslag minder is as 'n tydperk van 12 maande, die gesamentlike bedrae wat kragtens hierdie paragraaf as aftrekkings toegelaat word vir jare van aanslag gedurende die tydperk van 12 maande wat op 1 Maart begin en aan die einde van Februarie van die onmiddellik daaropvolgende kalenderjaar eindig, nie R350 000 oorskry nie;''; en

(b) deur in subartikel (4) paragraaf *(b)* deur die volgende paragraaf te vervang:

''*(b)* namate die bedrag by die inkomste van daardie persoon ingesluit is, deur daardie persoon bygedra te wees.''.

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Invoeging van artikel 11G in Wet 58 van 1962

14. (1) Die volgende artikel word hierby in die Inkomstebelastingwet, 1962, na artikel 11F ingevoeg:

''**Aftrekking van uitgawes aangegaan in voortbrenging van rente**

11G. (1) By die toepassing van hierdie artikel beteken 'rente' rente soos in artikel 24J omskryf.

(2) By die bepaling van die belasbare inkomste verkry deur enige persoon, word as 'n aftrekking van die inkomste van daardie persoon toegelaat rente deur daardie persoon aangegaan namate die rente—

(a) aangegaan word in die voortbrenging van rente wat by die inkomste van daardie persoon ingesluit word; en

(b) nie in die beoefening van 'n bedryf aangegaan word nie.

(3) Die bedrag wat toegelaat word om kragtens hierdie artikel afgetrek te word, oorskry nie die bedrag van inkomste aan rente bedoel in subartikel (2)*(a)*, wat ontvang word of toeval aan die persoon gedurende die jaar van aanslag nie.''.

(2) Subartikel (1) tree op 1 Januarie 2025 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 12B van Wet 58 van 1962, soos ingevoeg deur artikel 11 van Wet 90 van 1988 en gewysig deur artikel 13 van Wet 101 van 1990, artikel 10 van Wet 113 van 1993, artikel 6 van Wet 140 van 1993, artikel 13 van Wet 28 van 1997, artikel 17 van Wet 59 van 2000, artikel 11 van Wet 16 van 2004, artikel 7 van Wet 9 van 2005, artikel 19 van Wet 31 van 2005, artikel 21 van Wet 35 van 2007, artikel 18 van Wet 17 van 2009, artikel 23 van Wet 22 van 2012, artikel 31 van Wet 31 van 2013, artikel 19 van Wet 25 van 2015, artikel 28 van Wet 15 van 2016, artikel 22 van Wet 17 van 2017 en artikel 16 van Wet 34 van 2019

15. (1) Artikel 12B van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) by the substitution in subsection (4) for paragraphs *(f)* and *(g)* of the following paragraphs:

"*(f)* any asset in respect of which an allowance has been granted to the taxpayer under section 12E; **[or]**

(g) any asset the ownership of which is retained by the taxpayer as a seller in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value-Added Tax Act**[.]**; or"; and

(b) by the addition in subsection (4) after paragraph *(g)* of the following paragraph:

"*(h)* any asset in respect of which a deduction has been allowed to the taxpayer under section 6C or 12BA.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023.

Insertion of section 12BA in Act 58 of 1962

16. (1) The following section is hereby inserted in the Income Tax Act, 1962, after section 12B:

"**Enhanced deduction in respect of certain machinery, plant, implements, utensils and articles used in production of renewable energy**

12BA. (1) In respect of any new and unused machinery, plant, implement, utensil, or article owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value-Added Tax Act and which was or is brought into use for the first time by that taxpayer for the purpose of that taxpayer's trade on or after 1 March 2023 and before 1 March 2025, to be used by that taxpayer or the lessee of that taxpayer, in the generation of electricity in the Republic from—

(a) wind power;
(b) photovoltaic solar energy;
(c) concentrated solar energy;
(d) hydropower; or
(e) biomass comprising organic wastes, landfill gas or plant material,

a deduction calculated in terms of subsection (2) shall be allowed in respect of the year of assessment during which the abovementioned assets are brought into use: Provided that where any machinery, plant, implement, utensil or article for which a deduction is allowed under this subsection is mounted on or affixed to any concrete or other foundation or supporting structure and—

(i) the foundation or supporting structure is designed for such machinery, plant, implement, utensil or article and constructed in such manner that it is or should be regarded as being integrated with the machinery, plant, implement, utensil or article; and

(ii) the useful life of the foundation or supporting structure is or will be limited to the useful life of the machinery, plant, implement, utensil or article mounted thereon or affixed thereto,

the foundation or supporting structure shall be deemed to be part of the machinery, plant, implement, utensil or article mounted thereon or affixed thereto.

(2) The deduction contemplated in subsection (1) is equal to an amount of 125 per cent of the cost incurred by the taxpayer for the acquisition of the asset.

This gazette is also available free online at **www.gpwonline.co.za**

(a) deur in subartikel (4) paragrawe *(f)* en *(g)* deur die volgende paragrawe te vervang:

"*(f)* enige bate ten opsigte waarvan 'n vermindering aan die belastingpligtige ingevolge artikel 12E toegestaan is; **[of]**

(g) enige bate waarvan die eienaarskap deur die belastingpligte behou word as verkoper ingevolge 'n ooreenkoms beoog in paragraaf *(a)* van die omskrywing van 'paaiementkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde **[.]**; of"; en

(b) deur in subartikel (4) na paragraaf *(g)* die volgende paragraaf by te voeg:

"*(h)* enige bate ten opsigte waarvan 'n aftrekking aan die belastingpligtige ingevolge artikel 6C of 12BA toegestaan is.".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het.

Invoeging van artikel 12BA in Wet 58 van 1962

16.(1) Die volgende artikel word hierby in die Inkomstebelastingwet, 1962, na artikel 12B ingevoeg:

"**Uitgebreide aftrekking ten opsigte van sekere masjinerie, installasie, gereedskap, werktuie en artikels gebruik vir vervaardiging van hernubare energie**

12BA. (1) Ten opsigte van enige nuwe en ongebruikte masjinerie, installasie, gereedskap, werktuig of artikel waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge 'n ooreenkoms beoog in paragraaf *(a)* van die omskrywing van 'paaiementkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde en wat op of na 1 Maart 2023 en voor 1 Maart 2025 vir die eerste maal deur daardie belastingpligtige in gebruik geneem is of word vir doeleindes van daardie belastingpligtige se bedryf, wat deur daardie belastingpligtige of die huurder van daardie belastingpligtige gebruik staan te word vir die vervaardiging van elektrisiteit in die Republiek uit—

(a) windkrag;

(b) fotovoltaïese sonenergie;

(c) gekonsentreerde sonenergie;

(d) waterkrag; of

(e) biomassa bestaande uit organiese afval, grondvulgas of plantmateriaal,

word 'n aftrekking bereken ingevolge subartikel (2) toegestaan ten opsigte van die jaar van aanslag waarin die bogenoemde bates aldus in gebruik geneem word: Met dien verstande dat waar enige masjinerie, installasie, gereedskap, werktuig of artikel waarvoor 'n aftrekking kragtens hierdie subartikel toegelaat word, gemonteer is op of vasgeheg is aan enige beton- of ander fondament of ondersteunende struktuur en—

(i) die fondament of ondersteunende struktuur ontwerp is vir sodanige masjinerie, installasie, gereedskap, werktuig of artikel en opgerig is op sodanige wyse dat dit met die masjinerie, installasie, gereedskap, werktuig of artikel geïntegreer is of beskou moet word as sodanig geïntegreer te wees; en

(ii) die bruikbare lewe van die fondament of ondersteunende struktuur beperk is of sal wees tot die bruikbare lewe van die masjinerie, installasie, gereedskap, werktuig of artikel daarop gemonteer of daaraan vasgeheg,

word die fondament of ondersteunende struktuur geag 'n deel van die masjinerie, installasie, gereedskap, werktuig of artikel daarop gemonteer of daaraan vasgeheg te wees.

(2) Die aftrekking beoog in subartikel (1) is gelykstaande aan 'n bedrag van 125 persent van die koste deur die belastingpligtige vir die verkryging van die bate aangegaan.

(3) For the purposes of this section, the cost to a taxpayer of any asset acquired by that taxpayer shall be deemed to be the lesser of the actual cost to the taxpayer or the cost which a person would, if that person had acquired the asset under a cash transaction concluded at arm's length on the date which the transaction for the acquisition of the asset was in fact concluded, have incurred in respect of the direct cost of acquisition of the asset, including the direct cost of the installation or erection thereof.

(4) No deduction shall be allowed under this section in respect of—

(a) any asset the ownership of which is retained by the taxpayer as a seller in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value-Added Tax Act; or

(b) any asset brought into use after 28 February 2025.''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

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, section 21 of Act 74 of 2002, section 37 of Act 12 of 2003, section 31 of Act 45 of 2003, section 9 of Act 9 of 2005, section 21 of Act 31 of 2005, section 24 of Act 9 of 2006, section 14 of Act 20 of 2006, section 15 of Act 8 of 2007, section 25 of Act 35 of 2007, section 13 of Act 3 of 2008, section 23 of Act 60 of 2008, section 21 of Act 17 of 2009, section 23 of Act 7 of 2010, section 34 of Act 24 of 2011, section 25 of Act 22 of 2012, section 7 of Act 23 of 2013, section 35 of Act 31 of 2013, section 20 of Act 43 of 2014, section 21 of Act 25 of 2015, section 29 of Act 15 of 2016 and section 26 of Act 17 of 2017

17. (1) Section 12E of the Income Tax Act, 1962, is hereby amended by the insertion after subsection (3A) of the following subsection:

''(3B) No deduction shall be allowed under this section in respect of any asset in respect of which an allowance has been granted to the taxpayer under section 12BA.''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 12N of Act 58 of 1962, as inserted by section 29 of Act 7 of 2010 and amended by section 31 of Act 31 of 2013, section 24 of Act 43 of 2014 and section 30 of Act 23 of 2018

18. (1) Section 12N of the Income Tax Act, 1962, is hereby amended in subsection (1) by the substitution for the words following paragraph *(e)* of the following words:

''the taxpayer must for purposes of any deduction contemplated in section 11D, 12B, 12BA, 12C, 12D, 12F, 12I, 12S, 13, 13*ter*, 13*quat*, 13*quin*, 13*sex*, or 36, and for the purposes of the Eighth Schedule, be deemed to be the owner of the improvement so completed.''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 12P of Act 58 of 1962, as inserted by section 33 of Act 22 of 2012 and amended by section 26 of Act 25 of 2015 and section 33 of Act 15 of 2016

19. (1) Section 12P of the Income Tax Act, 1962, is hereby amended by the addition of the following proviso to subsection (4):

'': Provided that where a person referred to in this subsection qualifies for a deduction under section 12BA in respect of an allowance asset, the aggregate amount of the deductions or allowances allowable to that person in respect of that

(3) By die toepassing van hierdie artikel word die koste vir 'n belastingpligtige van 'n bate deur daardie belastingpligtige verkry, geag te wees die minste van die werklike koste vir die belastingpligtige of die koste wat 'n persoon, indien daardie persoon die bate verkry het ingevolge 'n kontanttransaksie waarin die uiterste voorwaardes beding is, aangegaan op die datum waarop die transaksie vir die verkryging van die bate inderdaad aangegaan is, sou aangegaan het ten opsigte van die regstreekse koste van die verkryging van die bate, met inbegrip van die regstreekse koste van die installering of oprigting daarvan.

(4) Geen aftrekking word ingevolge hierdie artikel toegestaan nie ten opsigte van—

(a) enige bate waarvan die eienaarskap deur die belastingpligtige as verkoper behou word ingevolge 'n ooreenkoms beoog in paragraaf *(a)* van die omskrywing van 'paaiementkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde; of

(b) enige bate na 28 Februarie 2025 in gebruik geneem.''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

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, artikel 21 van Wet 74 van 2002, artikel 37 van Wet 12 van 2003, artikel 31 van Wet 45 van 2003, artikel 9 van Wet 9 van 2005, artikel 21 van Wet 31 van 2005, artikel 24 van Wet 9 van 2006, artikel 14 van Wet 20 van 2006, artikel 15 van Wet 8 van 2007, artikel 25 van Wet 35 van 2007, artikel 13 van Wet 3 van 2008, artikel 23 van Wet 60 van 2008, artikel 21 van Wet 17 van 2009, artikel 23 van Wet 7 van 2010, artikel 34 van Wet 24 van 2011, artikel 25 van Wet 22 van 2012, artikel 7 van Wet 23 van 2013, artikel 35 van Wet 31 van 2013, artikel 20 van Wet 43 van 2014, artikel 21 van Wet 25 van 2015, artikel 29 van Wet 15 van 2016 en artikel 26 van Wet 17 van 2017

17. (1) Artikel 12E van die Inkomstebelastingwet, 1962, word hierby gewysig deur na subartikel (3A) die volgende subartikel in te voeg:

''(3B) Geen aftrekking word ingevolge hierdie artikel toegelaat ten opsigte van enige bate ten opsigte waarvan 'n toelating ingevolge artikel 12BA aan die belastingpligtige toegestaan is nie.''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

Wysiging van artikel 12N van Wet 58 van 1962, soos ingevoeg deur artikel 29 van Wet 7 van 2010 en gewysig deur artikel 31 van Wet 31 van 2013, artikel 24 van Wet 43 van 2014 en artikel 30 van Wet 23 van 2018

18. (1) Artikel 12N van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf *(e)* volg deur die volgende woorde te vervang:

''moet die belastingpligtige, by die toepassing van enige aftrekking beoog in artikel 11D, 12B, 12BA, 12C, 12D, 12F, 12I, 12S, 13, 13*ter*, 13*quat*, 13*quin*, 13*sex* of 36, en by die toepassing van die Agtste Bylae, geag word die eienaar van die verbetering aldus voltooi te wees.''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

Wysiging van artikel 12P van Wet 58 van 1962, soos ingevoeg deur artikel 33 van Wet 22 van 2012 en gewysig deur artikel 26 van Wet 25 van 2015 en artikel 33 van Wet 15 van 2016

19. (1) Artikel 12P van die Inkomstebelastingwet, 1962, word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (4) te voeg:

'': Met dien verstande dat waar 'n persoon bedoel in hierdie subartikel vir 'n aftrekking kragtens artikel 12BA ten opsigte van 'n afskryfbare bate kwalifiseer, die totale bedrag van die aftrekkings of toelaes toelaatbaar aan daardie persoon ten opsigte van daardie afskryfbare bate nie 'n bedrag gelykstaande aan 125 persent

allowance asset may not exceed an amount equal to 125 per cent of the aggregate amount otherwise determined in terms of this subsection.''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 12T of Act 58 of 1962, as inserted by section 28 of Act 43 of 2014 and amended by section 29 of Act 25 of 2015 and section 7 of Act 22 of 2020

20. (1) Section 12T of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (4) for paragraph *(a)* of the following paragraph:

''*(a)* limited to an amount of R36 000 in aggregate **[during]** for any year or years of assessment during the period of 12 months commencing in March and ending at the end of February of the immediately following calendar year;''; and

(b) by the substitution for paragraph *(a)* of subsection (7) of the following paragraph:

''*(a)* If during any year or years of assessment contemplated in subsection (4)*(a)* any person contributes in excess of the amount of R36 000 in respect of tax free investments, an amount equal to 40 per cent of that excess is deemed to be an amount of normal tax payable by the person contemplated in subsection (1)*(b)* in respect of that year of assessment or the last year of assessment when there is more than one year of assessment during the period of 12 months.''.

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 13*quat* of Act 58 of 1962, as inserted by section 33 of Act 45 of 2003 and amended by section 12 of Act 16 of 2004, section 19 of Act 32 of 2004, section 23 of Act 31 of 2005, section 16 of Act 8 of 2007, section 5 of Act 4 of 2008, section 29 of Act 60 of 2008, sections 29 and 106 of Act 17 of 2009, section 33 of Act 7 of 2010, section 41 of Act 24 of 2011, section 34 of Act 22 of 2012, section 48 of Act 31 of 2013, section 32 of Act 25 of 2015, section 38 of Act 15 of 2016, section 34 of Act 23 of 2018, section 20 of Act 23 of 2020 and section 16 of Act 20 of 2021

21. (1) Section 13*quat* of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (5) for paragraph *(c)* of the following paragraph:

''*(c)* which is brought into use by the taxpayer after 31 March **[2023]** 2025.''.

(2) Subsection (1) is deemed to have come into operation on 1 April 2021 and applies in respect of any building, part thereof or improvement that is brought into use on or after that date.

Amendment of section 15 of Act 58 of 1962, as amended by section 20 of Act 55 of 1966, section 18 of Act 129 of 1991, section 16 of Act 141 of 1992, section 24 of Act 31 of 2005, section 15 of Act 20 of 2006, section 29 of Act 35 of 2007 and section 33 of Act 25 of 2015

22. (1) Section 15 of the Income Tax Act, 1962, is hereby amended by the substitution for paragraph *(a)* of the following paragraph:

''*(a)* an amount to be ascertained under the provisions of section 36, in lieu of the allowances in sections 11 *(e)*, *(f)*, *(g*A*)*, *(g*C*)*, *(o)*, 12B, 12BA, 12D, 12DA, 12F and 13*quin*;''.

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

This gazette is also available free online at **www.gpwonline.co.za**

van die totale bedrag andersins ingevolge hierdie subartikel bepaal, mag oorskry nie.''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

Wysiging van artikel 12T van Wet 58 van 1962, soos ingevoeg deur artikel 28 van Wet 43 van 2014 en gewysig deur artikel 29 van Wet 25 van 2015 en artikel 7 van Wet 22 van 2020

20. (1) Artikel 12T van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (4) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* beperk tot 'n bedrag van R36 000 in totaal **[gedurende]** vir enige jaar of jare van aanslag gedurende die tydperk van 12 maande wat in Maart begin en aan die einde van Februarie van die onmiddellik daaropvolgende kalenderjaar eindig;''; en

(b) deur in subartikel (7) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* Indien gedurende enige jaar of jare van aanslag beoog in subartikel (4)*(a)* enige persoon meer bydra as die bedrag van R36 000 ten opsigte van belastingvrye beleggings, moet 'n bedrag gelykstaande aan 40 persent van daardie bedrag meer bygedra geag word om 'n bedrag van normale belasting betaalbaar te wees deur die persoon beoog in subartikel (1)*(b)* ten opsigte van daardie jaar van aanslag of die laaste jaar van aanslag wanneer daar meer as een jaar van aanslag gedurende die tydperk van 12 maande is.''

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 13*quat* van Wet 58 van 1962, soos ingevoeg deur artikel 33 van Wet 45 van 2003 en gewysig deur artikel 12 van Wet 16 van 2004, artikel 19 van Wet 32 van 2004, artikel 23 van Wet 31 van 2005, artikel 16 van Wet 8 van 2007, artikel 5 van Wet 4 van 2008, artikel 29 van Wet 60 van 2008, artikels 29 en 106 van Wet 17 van 2009, artikel 33 van Wet 7 van 2010, artikel 41 van Wet 24 van 2011, artikel 34 van Wet 22 van 2012, artikel 48 van Wet 31 van 2013, artikel 32 van Wet 25 van 2015, artikel 38 van Wet 15 van 2016, artikel 34 van Wet 23 van 2018, artikel 20 van Wet 23 van 2020 en artikel 16 van Wet 20 van 2021

21. (1) Artikel 13*quat* van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (5) paragraaf *(c)* deur die volgende paragraaf te vervang:

''*(c)* wat na 31 Maart **[2023]** 2025 deur die belastingpligtige in gebruik geneem word.''.

(2) Subartikel (1) word geag op 1 April 2021 in werking te getree het en is van toepassing ten opsigte van enige gebou, gedeelte daarvan of verbetering daartoe wat op of na daardie datum in gebruik geneem is.

Wysiging van artikel 15 van Wet 58 van 1962, soos gewysig deur artikel 20 van Wet 55 van 1966, artikel 18 van Wet 129 van 1991, artikel 16 van Wet 141 van 1992, artikel 24 van Wet 31 van 2005, artikel 15 van Wet 20 van 2006, artikel 29 van Wet 35 van 2007 en artikel 33 van Wet 25 van 2015

22. (1) Artikel 15 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* 'n bedrag vasgestel te word ingevolge die bepalings van artikel 36, in plaas van die verminderings in artikels 11 *(e)*, *(f)*, *(g*A*)*, *(g*C*)*, *(o)*, 12B, 12BA, 12D, 12DA, 12F en 13*quin*;''.

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

This gazette is also available free online at **www.gpwonline.co.za**

Amendment of section 19 of Act 58 of 1962, as inserted by section 36 of Act 22 of 2012, amended by section 53 of Act 31 of 2013, section 35 of Act 25 of 2015, substituted by section 32 of Act 17 of 2017 and amended by section 36 of Act 23 of 2018, section 17 of Act 20 of 2021 and section 10 of Act 20 of 2022

23. (1) Section 19 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (8) for paragraph *(aa)* of the proviso to paragraph *(d)* of the following paragraph:

"*(aa)* incurred, directly or indirectly by that company to fund expenditure incurred in respect of any asset that **[was subsequently]** is disposed of by that company, before or after that debt benefit arises, by way of an asset-for-share, intra-group or amalgamation transaction or a liquidation distribution in respect of which the provisions of section 42, 44, 45 or 47, as the case may be, applied; or"; and

(b) by the addition to subsection (8)*(d)* of the following further proviso:

": Provided further that where a debt benefit arises prior to the disposal of the asset, that debt benefit must be treated as a debt benefit that arose immediately before that disposal;".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 23A of Act 58 of 1962, as inserted by section 21 of Act 121 of 1984 and amended by section 13 of Act 96 of 1985, section 15 of Act 65 of 1986, section 12 of Act 70 of 1989, section 22 of Act 101 of 1990, section 24 of Act 129 of 1991, section 34 of Act 30 of 1998, section 32 of Act 60 of 2001, section 33 of Act 35 of 2007, section 17 of Act 3 of 2008, section 35 of Act 17 of 2009 and section 25 of Act 23 of 2020

24. (1) Section 23A of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) of the definition of "affected asset" for the following definition:

"'**affected asset**' means any machinery, plant, implement, utensil, article, aircraft or ship which has been let and in respect of which the lessor is or was entitled to an allowance under section 11*(e)*, 12B, 12BA, 12C, 12DA or 37B(2)*(a)*, whether in the current or a previous year of assessment, but excluding any such asset let by the lessor under an operating lease or any such asset which was during the year of assessment mainly used by **[him]** the taxpayer in the course of any trade carried on by **[him]** the taxpayer, other than the letting of any such asset;";

(b) by the substitution in subsection (1) of the definition of "rental income" for the following definition:

"'**rental income**' means income derived by way of rent from the letting of any affected asset in respect of which an allowance has been granted to the lessor under section 11*(e)*, 12B, 12BA, 12C, 12DA or 37B(2)*(a)*, whether in the current or any previous year of assessment, and includes any amount—

(a) which is included in the income of that person in terms of section 8(4) in respect of an amount deducted in any year of assessment in respect of any affected asset; and

(b) derived from the disposal of any affected asset.";

(c) by the substitution for subsection (2) of the following subsection:

"(2) Notwithstanding the provisions of sections 11*(e)* and *(o)*, 12B, 12BA, 12C, 12DA, and 37B(2)*(a)* the sum of the deduction which may be allowed to any taxpayer in any year of assessment under those provisions in respect of any affected assets let by **[him]** the taxpayer shall not exceed the taxable income (as determined before making the said deductions) derived by **[him]** the taxpayer during such year from rental income."; and

Wysiging van artikel 19 van Wet 58 van 1962, soos ingevoeg deur artikel 36 van Wet 22 van 2012 en gewysig deur artikel 53 van Wet 31 van 2013, artikel 35 van Wet 25 van 2015, vervang deur artikel 32 van Wet 17 van 2017 en gewysig deur artikel 36 van Wet 23 van 2018, artikel 17 van Wet 20 van 2021 en artikel 10 van Wet 20 van 2022

23. (1) Artikel 19 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (8) paragraaf *(aa)* van die voorbehoudsbepaling by paragraaf *(d)* deur die volgende paragraaf te vervang:

"*(aa)* aangegaan, direk of indirek deur daardie maatskappy om uitgawes te befonds **[aangegaan]** ten opsigte van enige bate **[wat later]** waaroor, voor of nadat daardie skuldvoordeel ontstaan, deur daardie maatskappye **[oor]** beskik **[is]** word deur middel van 'n bate-vir-aandeel, intra-groep of amalgamasietransaksie of 'n likwidasiedistribusie ten opsigte waarvan die bepalings van artikel 42, 44, 45 of 47, na gelang van die geval, van toepassing is; of"; en

(b) deur by subartikel (8)*(d)* die volgende verdere voorbehoudsbepaling te voeg:

": Met dien verstande voorts dat waar 'n skuldvoordeel voor die beskikking oor die bate ontstaan, daardie skuldvoordeel behandel word soos 'n skuldvoordeel wat onmiddellik voor daardie beskikking ontstaan het;".

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 23A van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 121 van 1984 en gewysig deur artikel 13 van Wet 96 van 1985, artikel 15 van Wet 65 van 1986, artikel 12 van Wet 70 van 1989, artikel 22 van Wet 101 van 1990, artikel 24 van Wet 129 van 1991, artikel 34 van Wet 30 van 1998, artikel 32 van Wet 60 van 2001, artikel 33 van Wet 35 van 2007, artikel 17 van Wet 3 van 2008, artikel 35 van Wet 17 van 2009 en artikel 25 van Wet 23 van 2020

24. (1) Artikel 23A van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) die omskrywing van "geaffekteerde bate" deur die volgende omskrywing te vervang:

"**'geaffekteerde bate'** enige masjinerie, installasie, gereedskap, werktuig, artikel, vliegtuig of skip wat verhuur is en ten opsigte waarvan die verhuurder hetsy in die lopende of 'n vorige jaar van aanslag op 'n vermindering ingevolge artikel11*(e)*, 12B, 12BA, 12C, 12DA of 37B(2)*(a)* geregtig is of was, maar uitgesonderd so 'n bate wat deur die verhuurder verhuur is kragtens 'n bedryfshuur of enige bedoelde bate wat gedurende die jaar van aanslag hoofsaaklik deur **[hom]** die belastingpligtige gebruik is in die loop van enige bedryf deur **[hom]** die belastingpligtige beoefen, behalwe die verhuring van enige bedoelde bate;";

(b) deur in subartikel (1) die omskrywing van "huurinkomste" deur die volgende omskrywing te vervang:

"**'huurinkomste'** inkomste verkry by wyse van huurgeld uit die verhuring van enige geaffekteerde bate ten opsigte waarvan 'n vermindering ingevolge artikel 11*(e)*, 12B, 12BA, 12C, 12DA of 37B(2)*(a)* aan die verhuurder toegestaan is, hetsy in die lopende of 'n vorige jaar van aanslag, en ook enige bedrag—

(a) wat ingevolge artikel 8(4) by die inkomste van daardie persoon ingesluit is ten opsigte van 'n bedrag afgetrek in enige jaar van aanslag ten opsigte van enige geaffekteerde bate; en

(b) uit die beskikking oor enige geaffekteerde bate verkry.";

(c) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Ondanks die bepalings van artikels 11*(e)* en *(o)*, 12B, 12BA,12C, 12DA en 37B(2)*(a)* is die som van die aftrekkings wat ingevolge daardie bepalings aan die belastingpligtige in 'n jaar van aanslag ten opsigte van enige geaffekteerde bates deur die belastingpligtige verhuur toegestaan kan word, nie meer nie as die belasbare inkomste (soos vasgestel voordat die genoemde aftrekkings gedoen is) wat deur **[hom]** die belastingpligtige vanuit huurinkomste gedurende bedoelde jaar verkry is."; en

(d) by the substitution for subsection (3) of the following subsection:

"(3) For the purposes of subsection (2), where the taxpayer is entitled to any deduction which relates to rental income and other income derived by **[him]** the taxpayer, an appropriate portion of such deduction shall be taken into account in the determination of the taxable income derived by **[him]** the taxpayer from rental income.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 23G of Act 58 of 1962, as inserted by section 16 of Act 28 of 1997 and amended by section 30 of Act 31 of 2005, section 35 of Act 35 of 2007 and section 40 of Act 23 of 2018

25. (1) Section 23G of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for paragraph *(b)* of the following paragraph:

"*(b)* such lessor shall, notwithstanding the provisions of this Act, not be entitled to any deduction in terms of section 11*(e)*, *(f)*, *(g*A*)* or *(g*C*)* or sections 12B, 12BA, 12C, 12DA, 13 or 13*quin* in respect of an asset which is the subject matter of such sale and leaseback arrangement.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Amendment of section 23M of Act 58 of 1962, as inserted by section 16 of Act 31 of 2013 and amended by section 37 of Act 43 of 2014, section 41 of Act 15 of 2016, section 39 of Act 17 of 2017, section 41 of Act 23 of 2018, section 28 of Act 34 of 2019, section 19 of Act 20 of 2021 and section 12 of Act 20 of 2022

26. (1) Section 23M of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in the definition of "adjusted taxable income" for the words preceding paragraph *(a)* of the following words:

"'**adjusted taxable income**' means taxable income calculated before applying this section and before setting off any balance of assessed loss that has been carried forward from the preceding year of assessment—";

(b) by the deletion in subsection (1) in the definition of "adjusted taxable income" of paragraph *(b)*(iii);

(c) by the addition in subsection (1) to the definition of "adjusted taxable income" of the following proviso:

": Provided that the result of the calculation may not be less than zero;";

(d) by the substitution in subsection (1) for the definition of "controlling relationship" of the following definition:

"'**controlling relationship**' means a relationship where**[—**

***(a)*]** a person, whether alone or together with any one or more persons that are connected persons in relation to that person**[; or**

(b) **persons that are connected persons in relation to that person,]** directly or indirectly hold at least 50 per cent of the equity shares or can exercise at least 50 per cent of the voting rights or participation rights, in a company;";

(e) by the addition in subsection (1) after the definition of "controlling relationship" of the following definition:

"'**creditor**' means a person to whom a 'debtor' owes a 'debt';";

(f) by the substitution for the definition of "lending institution" in subsection (1) of the following definition:

"'**lending institution**' means—

(a) a bank; or

(b) a foreign bank that is comparable to a bank,

contemplated in the Banks Act;";

(d) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) By die toepassing van subartikel (2), waar die belastingpligtige op 'n aftrekking geregtig is wat betrekking het op huurinkomste en ander inkomste wat deur **[hom]** die belastingpligtige verkry is, moet die toepaslike gedeelte van bedoelde aftrekking by die vasstelling van **[sy]** die belastingpligtige se belasbare inkomste verkry vanuit huurinkomste in berekening gebring word.".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

Wysiging van artikel 23G van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 28 van 1997 en gewysig deur artikel 30 van Wet 31 van 2005, artikel 35 van Wet 35 van 2007 en artikel 40 van Wet 23 van 2018

25. (1) Artikel 23G van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* is bedoelde verhuurder, ondanks die bepalings van hierdie Wet, nie op enige aftrekking ingevolge artikel 11*(e)*, *(f)*, *(g*A*)* of *(g*C*)* of artikels 12B, 12BA, 12C, 12DA, 13 **[van]** of 13*quin* geregtig nie ten opsigte van 'n bate wat die onderwerp van bedoelde verkoop en terughuur reëling uitmaak.".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

Wysiging van artikel 23M van Wet 58 van 1962, soos ingevoeg deur artikel 16 van Wet 31 van 2013 en gewysig deur artikel 37 van Wet 43 van 2014, artikel 41 van Wet 15 van 2016, artikel 39 van Wet 17 van 2017, artikel 41 van Wet 23 van 2018, artikel 28 van Wet 34 van 2019, artikel 19 van Wet 20 van 2021 en artikel 12 van Wet 20 van 2022

26. (1) Artikel 23M van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

"**'aangepaste belasbare inkomste'** belasbare inkomste bereken voor toepassing van hierdie artikel en voordat enige saldo van 'n vasgestelde verlies wat van die vorige jaar van aanslag oorgebring is, verreken word—";

(b) deur in subartikel (1) in die omskrywing van "aangepaste belasbare inkomste" paragraaf *(b)*(iii) te skrap;

(c) deur in subartikel (1) by die omskrywing van "aangepaste belasbare inkomste" die volgende voorbehoudsbepaling by te voeg:

": Met dien verstande dat die uitslag van die berekening nie minder as nul is nie;";

(d) deur in subartikel (1) die omskrywing van "beherende verhouding" deur die volgende omskrywing te vervang:

"**'beherende verhouding'** 'n verhouding waar**[—**

***(a)*]** 'n persoon, hetsy alleen of tesame met een of meer ander persone wat verbonde persone met betrekking tot daardie persoon is**[; of**

***(b)* persone wat verbonde persone met betrekking tot daardie persoon is,]** direk of indirek ten minste 50 persent van die ekwiteitsaandele in 'n maatskappy hou of ten minste 50 persent van die stemregte of deelnemende regte in 'n maatskappy kan uitoefen;";

(e) deur in subartikel (1) voor die omskrywing van "leninginstansie" die volgende omskrywing in te voeg:

"**'krediteur'** 'n persoon aan wie 'n 'skuldenaar' 'n 'skuld' verskuldig is;";

(f) deur in subartikel (1) die omskrywing van "leninginstansie" deur die volgende omskrywing te vervang:

"**'leninginstansie'**—

(a) 'n bank; of

(b) 'n buitelandse bank wat vergelykbaar is met 'n bank,

in die Bankwet beoog;";

(g) by the substitution in subsection (2) for subparagraph *(aa)* of paragraph (i) of the following subparagraph:

"*(aa)* subject to tax in the hands of the person, creditor or other creditor referred to in paragraphs *(a)*, *(b)*, *(c)* **[and]** or *(d)*, to which the interest or related interest accrues; or";

(h) by the substitution in subsection (2) for the proviso of the following proviso:

": Provided that where any amount of interest incurred or related interest is not included in the income of the person referred to in paragraph (i)*(aa)*, and withholding tax on interest was or will be levied on that amount of interest, on payment thereof, under the provisions of Part IVB of this Chapter, the amount of interest to be regarded as not subject to tax as contemplated in paragraph (i)*(aa)* will be determined in accordance with the formula:

$$A = B \times \frac{(C-D)}{C}$$

in which formula—

(i) 'A' represents the amount to be determined;

(ii) 'B' represents the aggregate of any amount of interest incurred or paid in respect to which the provisions of Part IVB of this Chapter are or will be applicable;

(iii) 'C' represents the number 15; and

(iv) 'D' represents the rate at which withholding tax on interest has been or will be levied on such amount of interest under the provisions of Part IVB of this Chapter, multiplied by the number 100."; and

(i) by the substitution for subsection (7) of the following subsection:

"(7) For purposes of this section any exchange difference—

(a) deducted from the income of a person as contemplated in section 24I(3) or (10A) is deemed to have been incurred by the person; or

(b) included in the income of a person as contemplated in section 24I(3) or (10A) is deemed to have accrued to that person.".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 24I of Act 58 of 1962, as inserted by section 21 of Act 113 of 1993 and amended by section 11 of Act 140 of 1993, section 18 of Act 21 of 1994, section 13 of Act 36 of 1996, section 18 of Act 28 of 1997, section 35 of Act 30 of 1998, section 26 of Act 53 of 1999, section 31 of Act 59 of 2000, section 36 of Act 60 of 2001, section 27 of Act 74 of 2002, section 42 of Act 45 of 2003, section 23 of Act 32 of 2004, section 33 of Act 31 of 2005, section 26 of Act 9 of 2006, section 19 of Act 20 of 2006, section 23 of Act 8 of 2007, section 40 of Act 35 of 2007, section 20 of Act 3 of 2008, section 38 of Act 17 of 2009, section 47 of Act 7 of 2010, section 52 of Act 24 of 2011, section 53 of Act 22 of 2012, section 68 of Act 31 of 2013, section 40 of Act 43 of 2014, section 44 of Act 25 of 2015, section 44 of Act 15 of 2016, section 42 of Act 17 of 2017, section 43 of Act 23 of 2018 and section 30 of Act 34 of 2019

27. Section 24I of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (2) for the proviso of the following proviso:

": Provided that this section does not apply in respect of any exchange item of a person who is not a resident (other than a controlled foreign company), unless that exchange item is **[attributable]** effectively connected to a permanent establishment of that person in the Republic.".

(g) deur in subartikel (2) subparagraaf *(aa)* van paragraaf (i) deur die volgende subparagraaf:

“*(aa)* aan belasting onderhewig is nie in die hande van die persoon, krediteur of ander krediteur bedoel in paragrawe *(a)*, *(b)*, *(c)* **[en]** of *(d)*, waaraan die rente of verwante rente toeval; of”;

(h) deur in subartikel (2) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

“: Met dien verstande dat waar enige bedrag van rente aangegaan of verwante rente nie by die inkomste van die persoon bedoel in **[subparagraaf]** paragraaf (i)*(aa)* ingesluit word nie, en terughoudingsbelasting op rente op daardie bedrag aan rente, by betaling daarvan, kragtens die bepalings van Deel IVB van hierdie Hoofstuk gehef is of sal word, die bedrag van rente wat as nie onderhewig aan belasting beskou moet word soos beoog in **[subparagraaf]** paragraaf (i)*(aa)* bepaal moet word ooreenkomstig die formule:

$$A = B \times \frac{(C-D)}{C}$$

in welke formule—

(i) ‘A’ die bedrag wat bepaal moet word, voorstel;

(ii) ‘B’ die totaal van enige bedrag van rente aangegaan of toegeval ten opsigte waarvan die bepalings van Deel IVB van hierdie Hoofstuk van toepassing is of sal wees, voorstel;

(iii) ‘C’ die getal 15 voorstel; en

(iv) ‘D’ die koers voorstel waarteen terughoudingsbelasting op rente gehef is of sal word op sodanige bedrag van rente kragtens die bepalings van Deel IVB van hierdie Hoofstuk, vermenigvuldig deur die getal 100.”; en

(i) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) By die toepassing van hierdie artikel word enige wisselkoersverskil—

(a) wat van die inkomste van ’n persoon afgetrek word soos in artikel 24I(3) of (10A) beoog, geag deur die persoon aangegaan te gewees het; of

(b) wat by die inkomste van ’n persoon ingesluit word soos in artikel 24I(3) of (10A) beoog, geag aan daardie persoon toe te geval het.”.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 24I van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 113 van 1993 en gewysig deur artikel 11 van Wet 140 van 1993, artikel 18 van Wet 21 van 1994, artikel 13 van Wet 36 van 1996, artikel 18 van Wet 28 van 1997, artikel 35 van Wet 30 van 1998, artikel 26 van Wet 53 van 1999, artikel 31 van Wet 59 van 2000, artikel 36 van Wet 60 van 2001, artikel 27 van Wet 74 van 2002, artikel 42 van Wet 45 van 2003, artikel 23 van Wet 32 van 2004, artikel 33 van Wet 31 van 2005, artikel 26 van Wet 9 van 2006, artikel 19 van Wet 20 van 2006, artikel 23 van Wet 8 van 2007, artikel 40 van Wet 35 van 2007, artikel 20 van Wet 3 van 2008, artikel 38 van Wet 17 van 2009, artikel 47 van Wet 7 van 2010, artikel 52 van Wet 24 van 2011, artikel 53 van Wet 22 van 2012, artikel 68 van Wet 31 van 2013, artikel 40 van Wet 43 van 2014, artikel 44 van Wet 25 van 2015, artikel 44 van Wet 15 van 2016, artikel 42 van Wet 17 van 2017, artikel 43 van Wet 23 van 2018 en artikel 30 van Wet 34 van 2019

27. Artikel 24I van die Inkomstebelastingwet, 1962, word hierby gewysig deur in subartikel (2) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

“: Met dien verstande dat hierdie artikel nie van toepassing is nie ten opsigte van enige valuta-item van ’n persoon wat nie ’n inwoner is nie (behalwe ’n beheerde buitelandse maatskappy), tensy daardie valuta-item effektief aan ’n permanente saak van daardie persoon in die Republiek **[toeskryfbaar]** verbonde is.”.

Amendment of section 25 of Act 58 of 1962, as substituted by section 48 of Act 25 of 2015 and amended by section 47 of Act 15 of 2016, section 47 of Act 23 of 2018 and section 20 of Act 20 of 2021

28. (1) Section 25 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (5) for paragraph *(a)* of the following paragraph:

"*(a)* other than for the purposes of section 6, section 6A **[and]**, section 6B and section 6C, be treated as if that estate were a natural person; and"; and

(b) by the substitution in subsection (5) for paragraph *(b)* of the following paragraph:

"*(b)* if the deceased person **[was a resident]** at the time of his or her death was—

(i) a resident, be treated as if that estate were a resident; and

(ii) a non-resident, be treated as if that estate were a non-resident.".

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 25B of Act 58 of 1962, as substituted by section 27 of Act 32 of 2004 and amended by section 48 of Act 23 of 2018 and section 28 of Act 23 of 2020

29. (1) Section 25B of the Income Tax Act, 1962, is hereby amended—

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

"(1) Any amount (other than an amount of a capital nature which is not included in gross income or an amount contemplated in paragraph 3B of the Second Schedule) received by or accrued to or in favour of any person during any year of assessment in his or her capacity as the trustee of a trust, shall, subject to the provisions of section 7, to the extent to which that amount has been derived for the immediate or future benefit of any ascertained beneficiary, who is a resident and has a vested right to that amount during that year, be deemed to be an amount which has accrued to that beneficiary, and to the extent to which that amount is not so derived, be deemed to be an amount which has accrued to that trust."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) Where a beneficiary who is a resident has acquired a vested right to any amount referred to in subsection (1) in consequence of the exercise by the trustee of a discretion vested in him or her in terms of the relevant deed of trust, agreement or will of a deceased person, that amount shall for the purposes of that subsection be deemed to have been derived for the benefit of that beneficiary.".

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of years of assessment commencing on or after that date.

Insertion of section 25E in Act 58 of 1962

30. (1) The following section is hereby inserted after section 25D of the Income Tax Act, 1962:

"**Determination of contributed tax capital in foreign currency**

25E. Any amount referred to in paragraphs *(a)* and *(b)* of the definition of 'contributed tax capital' in section 1 that is denominated in any currency other than the currency of the Republic, must be translated to the currency of the Republic by applying the spot rate on the date on which that amount must be taken into account for purposes of the determination of contributed tax capital.".

(2) Subsection (1) comes into operation on 1 January 2025.

This gazette is also available free online at **www.gpwonline.co.za**

Wysiging van artikel 25 van Wet 58 van 1962, soos vervang deur artikel 48 van Wet 25 van 2015 en gewysig deur artikel 47 van Wet 15 van 2016, artikel 47 van Wet 23 van 2018 en artikel 20 van Wet 20 van 2021

28. (1) Artikel 25 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (5) paragraaf *(a)* deur die volgende paragraaf te vervang:

"*(a)* buiten by die toepassing van artikel 6, artikel 6A **[en]**, artikel 6B en artikel 6C, behandel word asof daardie boedel 'n natuurlike persoon is; en"; en

(b) deur in subartikel (5) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* indien die gestorwe persoon **['n inwoner was]** ten tye van sy of haar dood—

(i) 'n inwoner was, behandel word asof daardie boedel 'n inwoner is; en

(ii) nie 'n inwoner was nie, behandel word asof daardie boedel nie 'n inwoner is nie.".

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 25B van Wet 58 van 1962, soos vervang deur artikel 27 van Wet 32 van 2004 en gewysig deur artikel 48 van Wet 23 van 2018 en artikel 28 van Wet 23 van 2020

29. (1) Artikel 25B van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Enige bedrag (buiten 'n bedrag van kapitale aard wat nie ingesluit is in bruto inkomste nie of 'n bedrag beoog in paragraaf 3B van die Tweede Bylae **[nie]**) gedurende enige jaar van aanslag ontvang deur of toegeval aan of ten gunste van 'n persoon in sy of haar hoedanigheid as die trustee van 'n trust, word, behoudens die bepalings van artikel 7, vir sover daardie bedrag verkry is vir die onmiddellike of toekomstige voordeel van 'n vasgestelde begunstigde, wat 'n inwoner is en gedurende daardie jaar 'n gevestigde reg op daardie bedrag het, geag 'n bedrag te wees wat toegeval het aan daardie begunstigde, en vir sover daardie bedrag nie aldus verkry is nie, geag 'n bedrag te wees wat aan daardie trust toegeval het."; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Waar 'n begunstigde wat 'n inwoner is 'n gevestigde reg verkry het op 'n bedrag bedoel in subartikel (1) as gevolg van die uitoefening deur 'n trustee van 'n diskresie in hom of haar gevestig ingevolge die betrokke trustakte, ooreenkoms of **['n]** testament van 'n oorlede persoon, word daardie bedrag by die toepassing van daardie subartikel geag vir die voordeel van daardie begunstigde verkry te gewees het.".

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Invoeging van artikel 25E in Wet 58 van 1962

30. (1) Die volgende artikel word hierby in die Inkomstebelastingwet, 1962, na artikel 25D ingevoeg:

"**Bepaling van toegevoegde belastingkapitaal in buitelandse geldeenheid**

25E. Enige bedrag bedoel in paragrawe *(a)* en *(b)* van die omskrywing van 'toegevoegde belastingkapitaal' in artikel 1 wat in enige ander geldeenheid as die geldeenheid van die Republiek aangedui word, moet omgereken word na die geldeenheid van die Republiek deur toepassing van die kontantkoers op die datum waarop daardie bedrag by die bepaling van toegevoegde belastingkapitaal in berekening gebring moet word.".

(2) Subartikel (1) tree op 1 Januarie 2025 in werking.

Amendment of section 28 of Act 58 of 1962, as amended by section 17 of Act 90 of 1962, section 22 of Act 55 of 1966, section 24 of Act 89 of 1969, section 21 of Act 88 of 1971, section 19 of Act 65 of 1973, section 19 of Act 91 of 1982, section 22 of Act 94 of 1983, section 17 of Act 65 of 1986, section 23 of Act 90 of 1988, section 13 of Act 70 of 1989, section 25 of Act 101 of 1990, section 29 of Act 129 of 1991, section 24 of Act 113 of 1993, section 19 of Act 21 of 1994, section 33 of Act 30 of 2000, section 42 of Act 35 of 2007, section 40 of Act 60 of 2008, section 40 of Act 17 of 2009, section 51 of Act 7 of 2010, section 61 of Act 22 of 2012, section 76 of Act 31 of 2013, section 52 of Act 25 of 2015, section 49 of Act 15 of 2016, section 50 of Act 23 of 2018, section 33 of Act 34 of 2019, section 21 of Act 20 of 2021 and section 14 of Act 20 of 2022

31. (1) Section 28 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (3A) in paragraph *(b)* for the proviso of the following proviso and further proviso:

‘‘: Provided that any amount that is payable to or receivable from a cell owner, referred to in the definition of ‘cell structure’ in section 1 of the Insurance Act, in respect of ‘third party risks’ as defined in that section of that Act, must be disregarded: Provided further that the amount may not be less than zero;’’; and

(b) by the substitution in subsection (3C) for paragraph *(b)* of the following paragraph:

‘‘*(b)* deduct the liabilities for remaining coverage, net of reinsurance, calculated for the latest year of assessment commencing on or after 1 January 2022, but before 1 January 2023, had IFRS 17 been applied at the end of that year of assessment; and’’.

(2) Subsection (1) is deemed to have come into operation on 1 January 2023 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 29A of Act 58 of 1962, as inserted by section 30 of Act 53 of 1999 and amended by section 36 of Act 59 of 2000, section 15 of Act 5 of 2001, section 15 of Act 19 of 2001, section 39 of Act 60 of 2001, section 30 of Act 74 of 2002, section 16 of Act 16 of 2004, section 23 of Act 20 of 2006, section 21 of Act 3 of 2008, section 52 of Act 7 of 2010, section 62 of Act 22 of 2012, section 77 of Act 31 of 2013, section 47 of Act 43 of 2014, section 53 of Act 25 of 2015, section 50 of Act 15 of 2016, section 46 of Act 17 of 2017, section 51 of Act 23 of 2018, section 34 of Act 34 of 2019, section 30 of Act 23 of 2020, section 22 of Act 20 of 2021 and section 15 of Act 20 of 2022

32. (1) Section 29A of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in paragraph *(b)* of the definition of ‘‘adjusted IFRS value’’ for the proviso of the following proviso and further proviso:

‘‘: Provided that any amount that is payable to or receivable from a cell owner, referred to in the definition of ‘cell structure’ in section 1 of the Insurance Act, in respect of ‘third party risks’ as defined in that section of that Act, must be disregarded: Provided further that the amount may not be less than zero;’’;

(b) by the addition in subsection (1) to the definition of ‘‘value of liabilities’’ of the following proviso:

‘‘: Provided that any amount that is payable to or receivable from a cell owner, referred to in the definition of ‘cell structure’ in section 1 of the Insurance Act, in respect of ‘third party risks’, as defined in that section of that Act, must be disregarded**[;]**.’’; and

(c) by the substitution in subsection (15) for paragraphs *(a)* and *(b)* of the following paragraphs:

Wysiging van artikel 28 van Wet 58 van 1962, soos gewysig deur artikel 17 van Wet 90 van 1962, artikel 22 van Wet 55 van 1966, artikel 24 van Wet 89 van 1969, artikel 21 van Wet 88 van 1971, artikel 19 van Wet 65 van 1973, artikel 19 van Wet 91 van 1982, artikel 22 van Wet 94 van 1983, artikel 17 van Wet 65 van 1986, artikel 23 van Wet 90 van 1988, artikel 13 van Wet 70 van 1989, artikel 25 van Wet 101 van 1990, artikel 29 van Wet 129 van 1991, artikel 24 van Wet 113 van 1993, artikel 19 van Wet 21 van 1994, artikel 33 van Wet 30 van 2000, artikel 42 van Wet 35 van 2007, artikel 40 van Wet 60 van 2008, artikel 40 van Wet 17 van 2009, artikel 51 van Wet 7 van 2010, artikel 61 van Wet 22 van 2012, artikel 76 van Wet 31 van 2013, artikel 52 van Wet 25 van 2015, artikel 49 van Wet 15 van 2016, artikel 50 van Wet 23 van 2018, artikel 33 van Wet 34 van 2019, artikel 21 van Wet 20 van 2021 en artikel 14 van Wet 20 van 2022

31. (1) Artikel 28 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (3A) in paragraaf (*b*) die voorbehoudsbepaling deur die volgende voorbehoudsbepaling en verdere voorbehoudsbepaling te vervang:

": Met dien verstande dat enige bedrag wat betaalbaar is aan of ontvangbaar is van 'n seleienaar, bedoel in die omskrywing van 'selstruktuur' in artikel 1 van die Versekeringswet, ten opsigte van 'derdepartyrisiko's' soos omskryf in daardie artikel van daardie Wet, verontagsaam moet word: Met dien verstande voorts dat die bedrag nie minder as nul mag wees nie;"; en

(b) deur in subartikel (3C) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* die verpligtinge vir oorblywende dekking, netto van herversekering, aftrek vir die laaste jaar van aanslag bereken wat begin op of na 1 Januarie 2022, maar voor 1 Januarie 2023, indien IFRS 17 aan die einde van daardie jaar van aanslag toegepas sou gewees het; en".

(2) Subartikel (1) word geag op 1 Januarie 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 29A van Wet 58 van 1962, soos ingevoeg deur artikel 30 van Wet 53 van 1999 en gewysig deur artikel 36 van Wet 59 van 2000, artikel 15 van Wet 5 van 2001, artikel 15 van Wet 19 van 2001, artikel 39 van Wet 60 van 2001, artikel 30 van Wet 74 van 2002, artikel 16 van Wet 16 van 2004, artikel 23 van Wet 20 van 2006, artikel 21 van Wet 3 van 2008, artikel 52 van Wet 7 van 2010, artikel 62 van Wet 22 van 2012, artikel 77 van Wet 31 van 2013, artikel 47 van Wet 43 van 2014, artikel 53 van Wet 25 van 2015, artikel 50 van Wet 15 van 2016, artikel 46 van Wet 17 van 2017, artikel 51 van Wet 23 van 2018, artikel 34 van Wet 34 van 2019, artikel 30 van Wet 23 van 2020, artikel 22 van Wet 20 van 2021 en artikel 15 van Wet 20 van 2022

32. (1) Artikel 29A van die Inkomstebelastingwet, 1962, word hierby gewysig —

(a) deur in subartikel (1) in paragraaf (*b*) van die omskrywing van "aangepaste IFRS-waarde" die voorbehoudsbepaling deur die volgende voorbehoudsbepaling en verdere voorbehoudsbepaling te vervang:

": Met dien verstande dat enige bedrag wat betaalbaar is aan of ontvangbaar is van 'n seleienaar, bedoel in die omskrywing van 'selstruktuur' in artikel 1 van die Versekeringswet, ten opsigte van 'derdepartyrisiko's' soos in daardie artikel van daardie Wet omskryf, verontagsaam moet word: Met dien verstande voorts dat die bedrag nie minder as nul mag wees nie;";

(b) deur in subartikel (1) by die omskrywing van "waarde van verpligtinge" die volgende voorbehoudsbepaling by te voeg:

": Met dien verstande dat enige bedrag wat betaalbaar is aan of ontvangbaar is van 'n seleienaar, bedoel in die omskrywing van 'selstruktuur' in artikel 1 van die Versekeringswet, ten opsigte van 'derdepartyrisiko's', soos in daardie artikel van daardie Wet omskryf, verontagsaam moet word**[;]**."; en

(c) deur in subartikel (15) paragrawe *(a)* en *(b)* deur die volgende paragrawe te vervang:

"*(a)* the amount by which the 'value of liabilities' amount determined at the end of the latest year of assessment commencing on or after 1 January 2022, but before 1 January 2023, less the amounts for premium debtors and policy loans determined in accordance with IFRS as reported by the insurer to shareholders in the audited annual financial statements at the end of that year of assessment, that reduce the amount of policy liabilities had IFRS 17 been applied, exceeds the 'value of liabilities' amount had IFRS 17 and the definitions of 'adjusted IFRS value' and 'value of liabilities' as amended by the Taxation Laws Amendment Act, 2022, been applied at the end of that year of assessment; or

(b) the amount by which the 'value of liabilities' amount had IFRS 17 and the definitions of 'adjusted IFRS value' and 'value of liabilities' as amended by the Taxation Laws Amendment Act, 2022, been applied at the end of the latest year of assessment commencing on or after 1 January 2022, but before 1 January 2023, plus the amounts for premium debtors and policy loans determined in accordance with IFRS as reported by the insurer to shareholders in the audited annual financial statements at the end of that year of assessment, that reduce the amount of policy liabilities had IFRS 17 been applied, exceeds the 'value of liabilities' amount determined at the end of that year of assessment:".

(2) Subsection (1) is deemed to have come into operation on 1 January 2023 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 35A of Act 58 of 1962, as inserted by section 30 of Act 32 of 2004 and amended by section 5 of Act 32 of 2005, section 59 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 43 of Schedule 1 to that Act, section 2 of Act 23 of 2015, section 2 of Act 16 of 2016, substituted by section 10 of Act 14 of 2017 and amended by section 47 of Act 17 of 2017

33. Section 35A of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subsection (8) of the following subsection:

"(8) Subsection (7) does not apply if **[an estate agent]** a property practitioner or conveyancer assists in the disposal of the immovable property and that **[estate agent]** property practitioner or conveyancer fails to notify the purchaser as contemplated in subsection (11).";

(b) by the substitution for subsection (11) of the following subsection:

"(11) Any **[estate agent]** property practitioner and any conveyancer who is entitled to any remuneration or other payment in respect of services rendered in connection with the disposal of the immovable property by the seller or the registration of transfer, as the case may be, must before any payment is made to the seller each notify the purchaser in writing of the fact that the seller is not a resident and that the provisions of this section may apply.";

(c) by the substitution for subsection (12) of the following subsection:

"(12) If **[an estate agent]** a property practitioner or conveyancer knows or should reasonably have known that the seller is not a resident and fails to comply with subsection (11), that failing **[estate agent]** property practitioner or conveyancer is jointly and severally liable for the payment of the amount which the purchaser is required to withhold and pay to the Commissioner in terms of this section, but limited to the amount of remuneration or other payment in respect of the services rendered in connection with the disposal of the immovable property by the seller or the registration of transfer, as the case may be.";

This gazette is also available free online at **www.gpwonline.co.za**

“*(a)* die bedrag waarmee die ‘waarde van verpligtinge’ bedrag vasgestel aan die einde van die laaste jaar van aanslag wat begin op of na 1 Januarie 2022, maar voor 1 Januarie 2023, minus die bedrae vir premiedebiteure en polislenings vasgestel ooreenkomstig IFRS soos deur die versekeraar oor verslag gedoen aan die aandeelhoudersin die geouditeerde finansieële jaarstate aan die einde van daardie jaar van aanslag, wat die bedrag van polisverpligtinge verminder indien IFRS 17 toegepas sou gewees het, meer is as die bedrag van die ‘waarde van verpligtinge’, indien IFRS 17 en die omskrywing van ‘aangepaste IFRS-waarde’ en ‘waarde van verpligtinge’ soos gewysig deur die Wysigingswet op Belastingwette, 2022, aan die einde van daardie jaar van aanslag toegepas sou gewees het; of

(b) die bedrag waarmee die ‘waarde van verpligtinge’ bedrag indien IFRS 17 en die omskrywings van ‘aangepaste IFRS-waarde’ en ‘waarde van verpligtinge’ soos gewysig deur die Wysigingswet op Belastingwette, 2022, toegepas is aan die einde van die laaste jaar van aanslag wat begin op of na 1 Januarie 2022, maar voor 1 Januarie 2023, plus die bedrae vir premiedebiteure en polislenings ooreenkomstig IFRS vasgestel soos deur die versekeraar oor verslag gedoen aan die aandeelhouers in die geouditeerde finansie le jaarstate aan die einde van daardie jaar van aanslag, wat die bedrag van polisverpligtinge verminder indien IFRS 17 toegepas sou gewees het, meer is as die bedrag van die ‘waarde van verpligtinge’ aan die einde van daardie jaar van aanslag bepaal:”.

(2) Subartikel (1) word geag op 1 Januarie 2023 in werking te getree het en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 35A van Wet 58 van 1962, soos ingevoeg deur artikel 30 van Wet 32 van 2004 en gewysig deur artikel 5 van Wet 32 van 2005, artikel 59 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011 gelees met paragraaf 43 van Bylae 1 by daardie Wet, artikel 2 van Wet 23 van 2015, artikel 2 van Wet 16 van 2016, vervang deur artikel 10 van Wet 14 van 2017 en gewysig deur artikel 47 van Wet 17 van 2017

33. Artikel 35A van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) Subartikel (7) is nie van toepassing nie waar ’n **[eiendomsagent]** eiendomspraktisyn of transportbesorger bystand met die beskikking oor die onroerende eiendom verleen en daardie **[eiendomsagent]** eiendomspraktisyn of transportbesorger nalaat om die koper kennis te gee soos in subartikel (11) bedoel.”;

(b) deur subartikel (11) deur die volgende subartikel te vervang:

“(11) ’n **[Eiendomsagent]** Eiendomspraktisyn of ’n transportbesorger wat op enige vergoeding of ander betaling ten opsigte van dienste gelewer in verband met die beskikking oor die onroerende eiendom deur die verkoper of die registrasie van oordrag, na gelang van die geval, geregtig is, moet elkeen voordat enige betaling aan die verkoper gemaak word, die koper skriftelik kennis gee van die feit dat die verkoper nie ’n inwoner is nie en dat die bepalings van hierdie artikel van toepassing mag wees.”;

(c) deur subartikel (12) deur die volgende subartikel te vervang:

“(12) Indien ’n **[eiendomsagent]** eiendomspraktisyn of transportbesorger weet of redelikerwys behoort te geweet het dat die verkoper nie ’n inwoner is nie en nalaat om aan subartikel (11) te voldoen, is die **[eiendomsagent]** eiendomspraktisyn of transportbesorger wat aldus nagelaat het, gesamentlik en afsonderlik aanspreeklik vir die betaling van die bedrag wat die koper ingevolge hierdie artikel moes terughou en aan die Kommissaris oorbetaal, maar beperk tot die bedrag van vergoeding of ander betaling ten opsigte van die dienste gelewer in verband met die beskikking oor die onroerende eiendom deur die verkoper of die registrasie van die oordrag, na gelang van die geval.”;

(d) by the substitution for subsection (13) of the following subsection:

"(13) The **[estate agent]** property practitioner or conveyancer who paid an amount in terms of subsection (12) is deemed to be a withholding agent for purposes of the Tax Administration Act.";

(e) by the deletion in subsection (15) of the definition of "estate agent";

(f) by the substitution in subsection (15) for the definition of "immovable property" of the following definition:

" '**immovable property**' means immovable property contemplated in paragraph 2(1)*(b)*(i) and (2) of the Eighth Schedule**[.]**; and"; and

(g) by the addition in subsection (15) after the definition of "immovable property" of the following definition:

" '**property practitioner**' means a property practitioner as defined in section 1 of the Property Practitioners Act, 2019 (Act No. 22 of 2019).".

Amendment of section 36 of Act 58 of 1962, as amended by section 12 of Act 72 of 1963, section 15 of Act 90 of 1964, section 20 of Act 88 of 1965, section 23 of Act 55 of 1966, section 16 of Act 95 of 1967, section 14 of Act 76 of 1968, section 26 of Act 89 of 1969, section 21 of Act 65 of 1973, section 28 of Act 85 of 1974, section 20 of Act 104 of 1980, section 25 of Act 94 of 1983, section 16 of Act 96 of 1985, section 14 of Act 70 of 1989, section 26 of Act 101 of 1990, section 30 of Act 129 of 1991, section 24 of Act 141 of 1992, section 29 of Act 113 of 1993, section 17 of Act 36 of 1996, section 41 of Act 60 of 2001, section 31 of Act 32 of 2004, section 26 of Act 20 of 2006, section 46 of Act 35 of 2007, section 23 of Act 3 of 2008, section 44 of Act 60 of 2008, section 43 of Act 17 of 2009, section 57 of Act 7 of 2010, section 60 of Act 24 of 2011, section 83 of Act 31 of 2013, section 51 of Act 43 of 2014, section 52 of Act 15 of 2016 and section 48 of Act 17 of 2017

34. (1) Section 36 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (11) for paragraph *(a)* of the definition of "capital expenditure" of the following paragraph:

"*(a)* expenditure (other than interest or finance charges) on shaft sinking and mine equipment (other than expenditure referred to in **[paragraph]** paragraphs *(d)* and *(d*A*)*);"; and

(b) by the insertion in subsection (11) in the definition of "capital expenditure" after paragraph *(d)* of the following paragraph:

"*(d*A*)* 125 per cent of the expenditure (excluding finance charges) for the acquisition of any new and unused machinery, plant, implement, utensil, or article owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value-Added Tax Act and which was or is brought into use for the first time by that taxpayer for the purpose of that taxpayer's trade on or after 1 March 2023 and before 1 March 2025 to be used by that taxpayer in the generation of electricity in the Republic from—

(i) wind power;
(ii) photovoltaic solar energy;
(iii) concentrated solar energy;
(iv) hydropower; or
(v) biomass comprising organic wastes, landfill gas or plant material:

Provided that where any machinery, plant, implement, utensil or article for which a deduction is allowed under this section is mounted on or affixed to any concrete or other foundation or supporting structure and—

(d) deur subartikel (13) deur die volgende subartikel te vervang:

"(13) Die **[eiendomsagent]** eiendomspraktisyn of transportbesorger wat 'n bedrag ingevolge subartikel (12) betaal het, word geag 'n terughoudingsagent vir doeleindes van die Wet op Belastingadministrasie te wees.";

(e) deur in subartikel (15) die omskrywing van "eiendomsagent" te skrap;

(f) deur in subartikel (15) in die Engelse teks die omskrywing van "immovable property" deur die volgende omskrywing te vervang:

" **'immovable property'** means immovable property contemplated in paragraph 2(1)*(b)*(i) and (2) of the Eighth Schedule**[.]**; and"; en

(g) deur in subartikel (15) voor die omskrywing van "onroerende eiendom" die volgende omskrywing in te voeg:

" **'eiendomspraktisyn'** 'n 'property practitioner' soos omskryf in artikel 1 van die 'Property Practitioners Act, 2019' (Wet No. 22 van 2019);".

Wysiging van artikel 36 van Wet 58 van 1962, soos gewysig deur artikel 12 van Wet 72 van 1963, artikel 15 van Wet 90 van 1964, artikel 20 van Wet 88 van 1965, artikel 23 van Wet 55 van 1966, artikel 16 van Wet 95 van 1967, artikel 14 van Wet 76 van 1968, artikel 26 van Wet 89 van 1969, artikel 21 van Wet 65 van 1973, artikel 28 van Wet 85 van 1974, artikel 20 van Wet 104 van 1980, artikel 25 van 5 Wet 94 van 1983, artikel 16 van Wet 96 van 1985, artikel 14 van Wet 70 van 1989, artikel 26 van Wet 101 van 1990, artikel 30 van Wet 129 van 1991, artikel 24 van Wet 141 van 1992, artikel 29 van Wet 113 van 1993, artikel 17 van Wet 36 van 1996, artikel 41 van Wet 60 van 2001, artikel 31 van Wet 32 van 2004, artikel 26 van 10 Wet 20 van 2006, artikel 46 van Wet 35 van 2007, artikel 23 van Wet 3 van 2008, artikel 44 van Wet 60 van 2008, artikel 43 van Wet 17 van 2009, artikel 57 van Wet 7 van 2010, artikel 60 van Wet 24 van 2011, artikel 83 van Wet 31 van 2013, artikel 51 van Wet 43 van 2014, artikel 52 van Wet 15 van 2016 en artikel 48 van Wet 17 van 2017

34. (1) Artikel 36 van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subartikel (11) paragraaf *(a)* van die omskrywing van "kapitaaluitgawe" deur die volgende paragraaf te vervang:

"*(a)* uitgawe (behalwe rente of finansieringskoste) aan die boor van skagte en myntoerusting (behalwe uitgawe in **[paragraaf]** paragrawe *(d)* en *(d*A*)* bedoel); en;"; en

(b) deur in subartikel (11) in die omskrywing van "kapitaaluitgawe" na paragraaf *(d)* die volgende paragraaf in te voeg:

"*(d*A*)* 125 persent van die uitgawe (met uitsondering van finansieringskoste) vir die verkryging van enige nuwe en ongebruikte masjinerie, installasie, gereedskap, werktuig of artikel waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge 'n ooreenkoms beoog in paragraaf *(a)* van die omskrywing van 'paaiementkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde en wat op of na 1 Maart 2023 en voor 1 Maart 2025 vir die eerste maal deur daardie belastingpligtige in gebruik geneem is of word vir doeleindes van daardie belastingpligtige se bedryf om deur daardie belastingpligtige gebruik te word vir die vervaardiging van elektrisiteit in die Republiek uit—

(i) windkrag;
(ii) fotovoltaïese sonenergie;
(iii) gekonsentreerde sonenergie;
(iv) waterkrag; of
(v) biomassa bestaande uit organiese afval, grondvulgas of plantmateriaal:

Met dien verstande dat waar enige masjinerie, installasie, gereedskap, werktuig of artikel waarvoor 'n aftrekking kragtens hierdie artikel toegelaat word, gemonteer is op of vasgeheg is aan enige beton- of ander fondament of ondersteunende struktuur en—

(i) the foundation or supporting structure is designed for such machinery, plant, implement, utensil or article and constructed in such manner that it is or should be regarded as being integrated with the machinery, plant, implement, utensil or article; and

(ii) the useful life of the foundation or supporting structure is or will be limited to the useful life of the machinery, plant, implement, utensil or article mounted thereon or affixed thereto,

the foundation or supporting structure shall be deemed to be part of the machinery, plant, implement, utensil or article mounted thereon or affixed thereto;''; and

(c) by the substitution for the words preceeding subparagraph (i) in paragraph *(d*A*)* of the definition of ''capital expenditure'' in subsection (11) of the following words:

''**[125 per cent of the]** expenditure (excluding finance charges) for the acquisition of any new and unused machinery, plant, implement, utensil, or article owned by the taxpayer or acquired by the taxpayer as purchaser in terms of an agreement contemplated in paragraph *(a)* of the definition of 'instalment credit agreement' in section 1 of the Value Added Tax Act and which was or is brought into use for the first time by that taxpayer for the purpose of that taxpayer's trade **[on or after 1 March 2023 and before 1 March 2025]** to be used by that taxpayer in the generation of electricity in the Republic from—''.

(2) Subsection (1)*(a)* and *(b)* is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

(3) Subsection (1)*(c)* comes into operation on 1 March 2025 and applies in respect of assets brought into use after 28 February 2025.

Amendment of section 40CA of Act 58 of 1962, as inserted by section 71 of Act 22 of 2012, amended by section 89 of Act 31 of 2013, as substituted by section 88 of Act 31 of 2013, amended by section 38 of Act 34 of 2019 and substituted by section 32 of Act 23 of 2020 and by section 23 of Act 20 of 2021

35. (1) Section 40CA of the Income Tax Act, 1962, is hereby amended by the substitution for the words following paragraph *(b)* of the following words:

''that company or that other person must be deemed, in addition to the amount of expenditure for which the asset is deemed to have been acquired by that company or that other person as a result of the application of sections 42(2)*(b)*, 43(2)*(b)* or 44(2)*(a)*(ii)*(aa)*, to have incurred an amount of expenditure equal to that deemed capital gain **[on the date of that asset-for-share transaction, substitutive share-for-share transaction or amalgamation transaction]** immediately before a disposal of that asset in a transaction other than a transaction contemplated in Part III of Chapter II.''.

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of any acquisition of an asset on or after that date.

Amendment of section 42 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 50 of Act 45 of 2003, section 33 of Act 32 of 2004, section 38 of Act 31 of 2005, section 29 of Act 20 of 2006, section 33 of Act 8 of 2007, section 53 of Act 35 of 2007, section 26 of Act 3 of 2008, section 49 of Act 60 of 2008, section 48 of Act 17 of 2009, section 62 of Act 7 of 2010, section 68 of Act 24 of 2011, section 74 of Act 22 of 2012, section 91 of Act 31 of 2013, section 55 of Act 43 of 2014, section 62 of Act 25 of 2015, section 51 of Act 17 of 2017, section 55 of Act 23 of 2018, section 40 of Act 34 of 2019 and section 25 of Act 20 of 2021

36. Section 42(1) of the Income Tax Act, 1962, is hereby amended—

(i) die fondament of ondersteunende struktuur ontwerp is vir sodanige masjinerie, installasie, gereedskap, werktuig of artikel en opgerig is op sodanige wyse dat dit met die masjinerie, installasie, gereedskap, werktuig of artikel geïntegreer is of beskou moet word as sodanig geïntegreer te wees; en

(ii) die bruikbare lewe van die fondament of ondersteunende struktuur beperk is of sal wees tot die bruikbare lewe van die masjinerie, installasie, gereedskap, werktuig of artikel daarop gemonteer of daaraan vasgeheg,

word die fondament of ondersteunende struktuur geag 'n deel van die masjinerie, installasie, gereedskap, werktuig of artikel daarop gemonteer of daaraan vasgeheg te wees;''; en

(c) deur in subartikel (11) in paragraaf *(d*A*)* van die omskrywing van ''kapitaaluitgawe'' die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

''**[125 persent van die]** uitgawe (met uitsondering van finansieringskoste) vir die verkryging van enige nuwe en ongebruikte masjinerie, installasie, gereedskap, werktuig of artikel waarvan die belastingpligtige die eienaar is of wat deur die belastingpligtige verkry is as koper ingevolge 'n ooreenkoms beoog in paragraaf *(a)* van die omskrywing van 'paaiementkredietooreenkoms' in artikel 1 van die Wet op Belasting op Toegevoegde Waarde en wat **[op of na 1 Maart 2023 en voor 1 Maart 2025]** vir die eerste maal deur daardie belastingpligtige in gebruik geneem is of word vir doeleindes van daardie belastingpligtige se bedryf wat deur daardie belastingpligtige gebruik staan te word vir die vervaardiging van elektrisiteit in die Republiek uit—''.

(2) Subartikel (1)*(a)* en *(b)* word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik geneem.

(3) Subartikel (1)*(c)* tree op 1 Maart 2025 in werking en is van toepassing ten opsigte van bates na 28 Februarie 2025 in gebruik geneem.

Wysiging van artikel 40CA van Wet 58 van 1962, soos ingevoeg deur artikel 71 van Wet 22 van 2012, gewysig deur artikel 89 van Wet 31 van 2013, soos vervang deur artikel 88 van Wet 31 van 2013, gewysig deur artikel 38 van Wet 34 van 2019 en vervang deur artikel 32 van Wet 23 van 2020 en deur artikel 23 van Wet 20 van 2021

35. (1) Artikel 40CA van die Inkomstebelastingwet, 1962, word hierby gewysig deur die woorde wat op paragraaf *(b)* volg deur die volgende woorde te vervang:

''word daardie maatskappy of daardie ander persoon geag, bykomend tot die bedrag van uitgawe waarteen die bate geag word deur daardie maatskappy of daardie ander persoon verkry te gewees het as gevolg van die toepassing van artikels 42(2)*(b)*, 43(2)*(b)* of 44(2)*(a)*(ii)*(aa)*, 'n bedrag aan uitgawes gelykstaande aan daardie geagte kapitaalwins **[op die datum van daardie bate-vir-aandeel-transaksie, vervangende aandeel-vir-aandeel-transaksie of amalgamasie-transaksie]** onmiddellik voor 'n beskikking oor daardie bate in 'n transaksie anders as 'n transaksie in Deel III van Hoofstuk II bedoel, aan te gegaan het.''.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van enige verkryging van 'n bate op of na daardie datum.

Wysiging van artikel 42 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 50 van Wet 45 van 2003, artikel 33 van Wet 32 van 2004, artikel 38 van Wet 31 van 2005, artikel 29 van Wet 20 van 2006, artikel 33 van Wet 8 van 2007, artikel 53 van Wet 35 van 2007, artikel 26 van Wet 3 van 2008, artikel 49 van Wet 60 van 2008, artikel 48 van Wet 17 van 2009, artikel 62 van Wet 7 van 2010, artikel 68 van Wet 24 van 2011, artikel 74 van Wet 22 van 2012, artikel 91 van Wet 31 van 2013, artikel 55 van Wet 43 van 2014, artikel 62 van Wet 25 van 2015, artikel 51 van Wet 17 van 2017, artikel 55 van Wet 23 van 2018, artikel 40 van Wet 34 van 2019 en artikel 25 van Wet 20 van 2021

36. Artikel 42(1) van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) by the substitution for paragraph *(c)* of the definition of ''qualifying interest'' of the following paragraph:

''*(c)* equity shares held by that person in a company that constitute at least 10 per cent of the equity shares and that confer at least 10 per cent of the voting rights in that company; **[or]**''; and

(b) by the substitution for paragraph *(d)* of the definition of ''qualifying interest'' of the following paragraph:

(d) an equity share held by that person in a company which forms part of the same group of companies or that person; or''.

Amendment of section 46 of Act 58 of 1962, as substituted by section 34 of Act 74 of 2002 and amended by section 54 of Act 45 of 2003, section 36 of Act 32 of 2004, section 42 of Act 31 of 2005, section 36 of Act 8 of 2007, section 57 of Act 35 of 2007, section 29 of Act 3 of 2008, section 52 of Act 60 of 2008, section 65 of Act 7 of 2010, section 71 of Act 24 of 2011, section 78 of Act 22 of 2012, section 95 of Act 31 of 2013, section 58 of Act 43 of 2014, section 65 of Act 25 of 2015, section 54 of Act 17 of 2017, section 34 of Act 23 of 2020 and section 27 of Act 20 of 2021

37. (1) Section 46 of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subsection (1) in paragraph *(b)*(i) for the words following item *(bb)* of the following words:

''as that unbundling company; and'';

(b) by the addition in subsection (3)*(a)* to subparagraph (v) of the following proviso:

'': Provided that a shareholder that acquires unbundled shares in terms of an unbundling transaction shall, in addition to any expenditure allocated to unbundled shares in accordance with this subparagraph, be treated as having incurred an amount equal to any amount of tax payable by the unbundling company arising in respect of all equity shares to which this section does not apply as contemplated in subsection (7) the same ratio as the number of equity shares held by that shareholder in that unbundled company bears to the number of all the issued equity shares in that unbundled company immediately after that unbundling transaction.'';

(c) by the substitution in subsection (3)*(b)* in the definition of ''expenditure'' for paragraph (ii) of the following subparagraph:

''(ii) capital assets, the expenditure incurred prior to the unbundling transaction in respect of the unbundling shares that is allowable in terms of paragraph 20 of the Eighth Schedule; **[and]**;''; and

(d) by the deletion in subsection (3)*(b)* in the definition of ''expenditure'' of subparagraph (iii).

(2) Paragraphs *(b), (c)* and *(d)* of subsection (1) come into operation on 1 January 2024 and apply in respect of the allocation of expenditure to unbundled shares acquired on or after that date.

Amendment of section 49D of Act 58 of 1962, as substituted by section 60 of Act 43 of 2014 and amended by section 68 of Act 25 of 2015

38. (1) Section 49D of the Income Tax Act, 1962, is hereby amended—

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

''*(b)* the property in respect of which that royalty is paid is effectively connected with a permanent establishment of that foreign person in the Republic if that foreign person is registered as a taxpayer in terms of Chapter 3 of the Tax Administration Act; **[or]**'';

(a) deur paragraaf *(c)* van die omskrywing van ''kwalifiserende belang'' deur die volgende paragraaf te vervang:

''*(c)* ekwiteitsaandele gehou deur daardie persoon in 'n maatskappy wat minstens 10 persent van die ekwiteitsaandele uitmaak en wat minstens 10 persent van die stemregte in daardie maatskappy verleen; **[of]**''; en

(b) deur paragraaf *(d)* van die omskrywing van ''kwalifiserende belang'' deur die volgende paragraaf te vervang:

''*(d)* 'n ekwiteitsaandeel gehou deur daardie persoon in 'n maatskappy wat deel uitmaak van dieselfde groep van maatskappye as daardie persoon**[.]** ; of''.

Wysiging van artikel 46 van Wet 58 van 1962, soos vervang deur artikel 34 van Wet 74 van 2002 en gewysig deur artikel 54 van Wet 45 van 2003, artikel 36 van Wet 32 van 2004, artikel 42 van Wet 31 van 2005, artikel 36 van Wet 8 van 2007, artikel 57 van Wet 35 van 2007, artikel 29 van Wet 3 van 2008, artikel 52 van Wet 60 van 2008, artikel 65 van Wet 7 van 2010, artikel 71 van Wet 24 van 2011, artikel 78 van Wet 22 van 2012, artikel 95 van Wet 31 van 2013, artikel 58 van Wet 43 van 2014, artikel 65 van Wet 25 van 2015, artikel 54 van Wet 17 van 2017, artikel 34 van Wet 23 van 2020 en artikel 27 van Wet 20 van 2021

37. (1) Artikel 46 van die Inkomstebelastingwet, 1962, word hierby gewysig —

(a) deur in subartikel (1) in paragraaf *(b)*(i) van die omskrywing van ''ontbondelingstransaksie'' die woorde wat op item *(bb)* volg deur die volgende woorde te vervang:

''as daardie ontbondelingsmaatskappy; en'';

(b) deur in subartikel 3*(a)* by subparagraaf (v) die volgende voorbehoudsbepaling by te voeg:

'': Met dien verstande dat 'n aandeelhouer wat ontbondelde aandele ingevolge 'n ontbondelingstransaksie verkry, bykomend tot enige uitgawe toegeken aan ontbondelde aandele ooreenkomstig hierdie subparagraaf, behandel word asof die aandeelhouer 'n bedrag aangegaan het gelykstaande aan enige bedrag belasting betaalbaar deur die ontbondelingsmaatskappy wat voortspruit ten opsigte van alle ekwiteitsaandele waarop hierdie artikel nie van toepassing is nie soos beoog in subartikel (7) in dieselfde verhouding staan as die aantal ekwiteitsaandele gehou deur daardie aandeelhouer in daardie ontbondelde maatskappy tot die aantal van al die ekwiteitsaandele uitgegee in daardie ontbondelingsmaatskappy onmiddellik na daardie ontbondelingstransaksie staan.''.

(c) deur in subartikel 3*(b)* in die omskrywing van ''onkoste'' paragraaf (ii) deur die volgende paragraaf te vervang:

''(ii) kapitaalbates verkry, die onkoste aangegaan voor die ontbondelingstransaksie ten opsigte van die ontbondelende aandele wat kragtens paragraaf 20 van die Agtste Bylae toelaatbaar is; **[en]**;''; en

(d) deur in subartikel 3*(b)* in die omskrywing van ''onkoste'' paragraaf (iii) te skrap.

(2) Paragrawe *(b), (c)* en *(d)* van subartikel (1) word geag op 1 Januarie 2024 in werking te getree het en is van toepassing ten opsigte van die toewysing van onkoste aan ontbondelde aandele op of na daardie datum verkry.

Wysiging van artikel 49D van Wet 58 van 1962, soos vervang deur artikel 60 van Wet 43 van 2014 en gewysig deur artikel 68 van Wet 25 van 2015

38. (1) Artikel 49D van die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur paragraaf *(b)* deur die volgende paragraaf te vervang:

''*(b)* die eiendom ten opsigte waarvan daardie tantième betaal word effektief verbind is met 'n permanente saak van daardie buitelandse persoon in die Republiek indien daardie buitelandse persoon geregistreer is as 'n belastingpligtige ingevolge Hoofstuk 3 van die Wet op Belastingadministrasie; **[of]**'';

This gazette is also available free online at **www.gpwonline.co.za**

(b) by the substitution for paragraph *(c)* of the following paragraph:

"*(c)* that royalty is paid by a headquarter company in respect of the granting of the use or right of use of or permission to use intellectual property as defined in section 23I to which section 31 does not apply as a result of the exclusions contained in section 31 (5)*(c)* or *(d)***[.]**; or"; and

(c) by the addition after paragraph *(c)* of the following paragraph:

"*(d)* that royalty is received by or accrued to a trust that is a resident and is then paid to a beneficiary of that trust as a distribution by that trust.".

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of royalties that are received by or accrues to a trust that is a resident on or after that date.

Amendment of section 50D of Act 58 of 1962, as inserted by section 98 of Act 31 of 2013 and amended by section 71 of Act 25 of 2015, section 56 of Act 15 of 2016 and section 59 of Act 23 of 2018

39. (1) Section 50D of the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraph (vi) of subsection (1)*(d)* of the following subparagraph:

"(vi) the New Development Bank established on 15 July 2014; **[or]**";

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

"*(e)* included in the income of a resident as is attributable to a donation, settlement or other disposition made by a resident as contemplated in section 7(8)*(a)***[.]**; or"; and

(c) by the addition in subsection (1) after paragraph *(e)* of the following paragraph:

"*(f)* that is received by or accrued to a trust that is a resident and is then paid to a beneficiary of that trust as a distribution by that trust.".

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of interest that is received by or accrues to a trust that is resident on or after that date.

Amendment of paragraph 6A of Second Schedule to Act 58 of 1962, as inserted by section 65 of Act 17 of 2017 and amended by section 66 of Act 23 of 2018, section 42 of Act 23 of 2020 and section 35 of Act 20 of 2021

40. (1) Paragraph 6A of the Second Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution for subparagraphs *(b)* and *(c)* of the following subparagraphs:

"*(b)* provident fund into a pension preservation fund, provident preservation fund or a retirement annuity fund; **[or]**

(c) pension preservation fund or provident preservation fund into another pension preservation or provident preservation fund or a retirement annuity fund**[.]**; or"; and

(b) by the addition after subparagraph *(c)* of the following subparagraph:

"*(d)* pension fund or provident fund into another pension fund or provident fund that is subject to an involuntary transfer.".

(2) Subsection (1) comes into operation on 1 March 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 12A of Eighth Schedule to Act 58 of 1962, as inserted by section 108 of Act 22 of 2012 and amended by section 127 of Act 31 of 2013, section 82 of Act 43 of 2014 and section 106 of Act 25 of 2015, substituted by section 70 of Act 17 of 2017 and amended by section 77 of Act 23 of 2018, section 54 of Act 34 of 2019, section 47 of Act 23 of 2020 and section 44 of Act 20 of 2021

41. (1) Paragraph 12A of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (6) for paragraph *(aa)* of the proviso to item *(d)* of the following paragraph:

(b) deur paragraaf *(c)* deur die volgende paragraaf te vervang:

"*(c)* daardie tantième betaal word deur 'n hoofkwartiermaatskappy ten opsigte van die toestaan van die gebruik, reg van gebruik of toestemming tot gebruik van immateriële goedere soos omskryf in artikel 23I waarop artikel 31 nie van toepassing is nie as gevolg van die uitsluitings vervat in artikel 31(5)*(c)* of *(d)***[.]**; of"; en

(c) deur na paragraaf *(c)* die volgende paragraaf in te voeg:

"*(d)* daardie tantième ontvang word deur of toeval aan 'n trust wat 'n inwoner is en dan aan 'n begunstigde van daardie trust as 'n uitkering deur daardie trust betaal word.".

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van tantième wat op of na daardie datum ontvang word deur of toeval aan 'n trust wat 'n inwoner is.

Wysiging van artikel 50D van Wet 58 van 1962, soos ingevoeg deur artikel 98 van Wet 31 van 2013, gewysig deur artikel 71 van Wet 25 van 2015, artikel 56 van Wet 15 van 2016 en artikel 59 van Wet 23 van 2018

39. (1) Artikel 50D van die Inkomstebelastingwet, 1962, word hierby gewysig —

(a) deur in subartikel (1)*(d)* subparagraaf (vi) deur die volgende subparagraaf te vervang:

"(vi) 'New Development Bank' gestig op 15 Julie 2014; **[of]**";

(b) deur in subartikel (1) paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* ingesluit in die inkomste van die inwoner as wat toeskryfbaar is aan 'n skenking, oormaking of ander beskikking gemaak deur 'n inwoner soos beoog in artikel 7(8)*(a)* **[.]**; of"; en

(c) deur by subartikel (1) na paragraaf *(e)* die volgende paragraaf by te voeg:

"*(f)* wat ontvang word deur of toeval aan 'n trust wat 'n inwoner is en dan aan 'n begunstigde van daardie trust as 'n uitkering van daardie trust betaal word.".

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van rente wat op of na daardie datum ontvang word deur of toeval aan 'n trust wat 'n inwoner is.

Wysiging van paragraaf 6A van Tweede Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 65 van Wet 17 van 2017 en gewysig deur artikel 66 van Wet 23 van 2018, artikel 42 van Wet 23 van 2020 en artikel 35 van Wet 20 van 2021

40. (1) Paragraaf 6A van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur paragrawe *(b)* en *(c)* deur die volgende paragrawe te vervang:

"*(b)* voorsorgfonds in 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds; **[of]**

(c) pensioenbewaringsfonds of **[voorsieningsbewaringsfonds]** voorsorgbewaringsfonds in 'n ander pensioenbewaringsfonds of **[voorsieningsbewaringsfonds]** voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds**[.]**; of"; en

(b) deur na subparagraaf *(c)* die volgende subparagraaf by te voeg:

"*(d)* pensioenfonds of voorsorgfonds in 'n ander pensioenfonds of voorsorgfonds wat aan 'n onwillekeurige oordrag onderhewig is.".

(2) Subartikel (1) tree op 1 Maart 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 12A van Agtste Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 108 van Wet 22 van 2012 en gewysig deur artikel 127 van Wet 31 van 2013, artikel 82 van Wet 43 van 2014 en artikel 106 van Wet 25 van 2015, vervang deur artikel 70 van Wet 17 van 2017 en gewysig deur artikel 77 van Wet 23 van 2018, artikel 54 van Wet 34 van 2019, artikel 47 van Wet 23 van 2020 en artikel 44 van Wet 20 van 2021

41. (1) Paragraaf 12A van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—

(a) deur in subparagraaf (6) paragraaf *(aa)* van die voorbehoudsbepaling by item *(d)* deur die volgende paragraaf te vervang:

"*(aa)* incurred, directly or indirectly by that company to fund expenditure incurred in respect of any asset that **[was subsequently]** is disposed of by that company, before or after that debt benefit arises, by way of an asset-for-share, intra-group or amalgamation transaction or a liquidation distribution in respect of which the provisions of section 42, 44, 45 or 47, as the case may be, applied; or"; and

(b) by the addition in subparagraph (6) to item *(d)* of the following further proviso:

": Provided further that, for purposes of this paragraph, where a debt benefit arises prior to the disposal of an asset, that debt benefit must be treated as a debt benefit that arose immediately before that disposal;".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of any disposal of an asset on or after that date.

Amendment of paragraph 64B of Eighth Schedule to Act 58 of 1962, as amended by section 79 of Act 31 of 2005, section 35 of Act 9 of 2006, section 65 of Act 8 of 2007, section 58 of Act 3 of 2008, section 81 of Act 60 of 2008, section 108 of Act 7 of 2010, section 116 of Act 24 of 2011, substituted by section 123 of Act 22 of 2012 and amended by section 144 of Act 31 of 2013, section 117 of Act 25 of 2017, section 84 of Act 23 of 2018 and section 51 of Act 23 of 2020

42. (1) Paragraph 64B of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended—

(a) by the substitution in subparagraph (1) for item *(b)* of the following item:

"*(b)* that interest is disposed of to any person that is not a resident **[(]**, other than—

(i) a controlled foreign company or any person that is a connected person in relation to the person disposing of that interest **[)]**;

(ii) a non-resident company that formed part of the same group of companies as the company disposing of the shares at any time during a period of 18 months before that disposal; or

(iii) a non-resident company, the shareholders of which, immediately after the disposal, are substantially the same as the shareholders of any company in the group of companies disposing of the shares,

for an amount that is equal to or exceeds the market value of the interest."; and

(b) by the substitution for subparagraph (4) of the following subparagraph:

"(4) A person must disregard any capital gain determined in respect of any foreign return of capital received by or accrued to that person from a 'foreign company' as defined in section 9D (other than an interest contemplated in paragraph 2(2)) where that person (whether alone or together with any other person forming part of the same group of companies as that person)—

(a) holds an interest of at least 10 per cent of the total equity shares and voting rights in that company; and

(b) has held the interest referred to in item *(a)* for at least 18 months prior to the receipt or accrual of that foreign return of capital.".

(2) Paragraph *(a)* of subsection (1) is deemed to have come into operation on 1 November 2023 and applies in respect of any disposals on or after that date.

(3) Paragraph *(b)* of subsection (1) comes into operation on 1 January 2024 and applies in respect of foreign returns of capital received or accrued on or after that date.

"*(aa)* aangegaan, direk of indirek deur daardie maatskappy om uitgawes te befonds aangegaan ten opsigte van enige bate **[wat later oor]** waaroor beskik **[is]** word deur daardie maatskappye, voor of na daardie skuldvoordeel ontstaan, deur middel van 'n bate-vir-aandeel, intra-groep of amalgamasietransaksie of 'n likwidasiedistribusie ten opsigte waarvan die bepalings van artikel 42, 44, 45 of 47, na gelang van die geval, van toepassing is; of"; en

(b) deur in subparagraaf (6) by item *(d)* die volgende voorbehoudsbepaling by te voeg:

": Met dien verstande voorts dat, by die toepassing van hierdie paragraaf, waar 'n skuldvoordeel ontstaan voor die beskikking oor 'n bate, daardie skuldvoordeel behandel moet word asof dit 'n skuldvoordeel is wat onmiddellik voor daardie beskikking ontstaan het;".

(2) Subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van enige beskikking oor 'n bate op of na daardie datum.

Wysiging van paragraaf 64B van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 79 van Wet 31 van 2005, artikel 35 van Wet 9 van 2006, artikel 65 van Wet 8 van 2007, artikel 58 van Wet 3 van 2008, artikel 81 van Wet 60 van 2008, artikel 108 van Wet 7 van 2010, artikel 116 van Wet 24 van 2011, vervang deur artikel 123 van Wet 22 van 2012 en gewysig deur artikel 144 van Wet 31 van 2013, artikel 117 van Wet 25 van 2017, artikel 84 van Wet 23 van 2018 en artikel 51 van Wet 23 van 2020

42. (1) Paragraaf 64B van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig —

(a) deur in subparagraaf (1) item (*b*) deur die volgende item te vervang:

"*(b)* oor daardie belang beskik is aan 'n persoon wat nie 'n inwoner is nie **[(]**, buiten—

(i) 'n beheerde buitelandse maatskappy of enige persoon wat 'n verbonde persoon is met betrekking tot die persoon wat oor daardie belang beskik**[)]**;

(ii) 'n nie-inwonende maatskappy wat deel uitgemaak het van dieselfde groep van maatskappye as die maatskappy wat oor die bates beskik op enige tydstip gedurende 'n tydperk van 18 maande voor daardie beskikking; of

(iii) 'n nie-inwonende maatskappy waarvan die aandeelhouers, onmiddellik na die beskikking, wesenlik dieselfde is as die aandeelhouers van enige maatskappy in die groep van maatskappye wat oor die aandele beskik,

[is nie] vir 'n bedrag wat gelyk is aan die markwaarde van die belang of dit oorskry."; en

(b) deur subparagraaf (4) deur die volgende subparagraaf te vervang:

"(4) 'n Persoon moet enige kapitaalwins bepaal ten opsigte van enige buitelandse teruggawe van kapitaal ontvang deur of toegeval aan daardie persoon vanaf 'n 'buitelandse maatskappy' soos omskryf in artikel 9D (buiten 'n belang beoog in paragraaf 2(2)) verontagsaam waar daardie persoon (hetsy alleen of tesame met enige ander persoon wat deel uitmaak van dieselfde groep van maatskappye as daardie persoon)—

(a) 'n belang van minstens 10 persent van die totale ekwiteitsaandele en stemregte in daardie maatskappy hou; en

(b) die belang in item *(a)* bedoel vir minstens 18 maande voor die ontvangs of toevalling van daardie buitelandse teruggawe van kapitaal gehou het.".

(2) Paragraaf *(a)* van subartikel (1) word geag op 1 November 2023 in werking te getree het en is van toepassing ten opsigte van enige beskikkings op of na daardie datum.

(3) Paragraaf *(b)* van subartikel (1) tree op 1 Januarie 2024 in werking en is van toepassing ten opsigte van buitelandse teruggawes van kapitaal op of na daardie datum ontvang of toegeval.

Amendment of paragraph 66 of Eighth Schedule to Act 58 of 1962, as amended by section 33 of Act 17 of 2001, section 107 of Act 45 of 2003, section 67 of Act 8 of 2007, section 79 of Act 35 of 2007, section 125 of Act 22 of 2012 and section 120 of Act 25 of 2015

43. (1) Paragraph 66 of the Eighth Schedule to the Income Tax Act, 1962, is hereby amended:

(a) by the substitution in subparagraph (1) for item *(a)* of the following item:

"*(a)* that asset qualified for a deduction or allowance in terms of section 11*(e)*, 11D (2), 12B, 12BA, 12C, 12DA, 12E, 14, 14*bis* or 37B;";

(b) by the substitution in subparagraph (1) for item *(c)* of the following item:

"*(c)* an amount at least equal to the receipts and accruals from that disposal has been or will be expended to acquire one or more assets (hereinafter referred to as the 'replacement asset or assets'), all of which will qualify for a capital deduction or allowance in terms of section 11*(e)*, 11D (2), 12B, 12BA, 12C, 12DA, 12E or 37B;"; and

(c) by the substitution for subparagraph (4) of the following subparagraph:

"(4) A person must treat as a capital gain for a year of assessment so much of the disregarded capital gain contemplated in subparagraph (2), as bears to the total amount of that disregarded capital gain apportioned to that replacement asset as contemplated in subparagraph (3) the same ratio as the amount of any deduction or allowance allowed in that year in terms of section 11*(e)*, 11D (2), 12B, 12BA, 12C, 12DA, 12E or 37B in respect of the replacement asset bears to the total amount of the deduction or allowance in terms of that section (determined with reference to the cost of value of that asset at the time of acquisition thereof) which is allowable for all years of assessment in respect of that replacement asset.".

(2) Subsection (1) is deemed to have come into operation on 1 March 2023 and applies in respect of assets brought into use on or after that date.

Continuation of certain amendments of Schedules to Act 91 of 1964 and Act 89 of 1991

44. Every amendment to, withdrawal from, or insertion in—

(a) Schedules No. 1 to 6, 8 and 10 to the Customs and Excise Act, 1964, made under section 48, 49, 56, 56A, 57, 60 or 75(15) of that Act during the period 1 October 2022 up to and including 31 October 2023, shall not lapse by virtue of section 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) or 75(16) of that Act; and

(b) Schedule No.1 to the Value-Added Tax Act, 1991, made under section 74(3)*(a)* of that Act during the period 1 October 2022 up to and including 31 October 2023, shall not lapse by virtue of section 74(3)*(b)* of that Act.

Amendment of Schedule No. 6 to Act 91 of 1964

45. (1) Part 3 of Schedule No. 6 to the Customs and Excise Act, 1964, is hereby amended—

(a) by the addition of the following Note after Note 13:

"**14.** For the purposes of item 670.05, the following applies to the purchase and use of distillate fuel for the manufacture of foodstuffs during the period 1 April 2023 to 31 March 2025:

(a) Application of provisions and definitions:

(i) The refund provided for in this item is subject to these Notes and the provisions of section 75(11).

Wysiging van paragraaf 66 van Agtste Bylae by Wet 58 van 1962, soos gewysig deur artikel 33 van Wet 17 van 2001, artikel 107 van Wet 45 van 2003, artikel 67 van Wet 8 van 2007, artikel 79 van Wet 35 van 2007, artikel 125 van Wet 22 van 2012 en artikel 120 van Wet 25 van 2015

43. (1) Paragraaf 66 van die Agtste Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig:

(a) deur in subparagraaf (1) item *(a)* deur die volgende item te vervang:

"*(a)* daardie bate gekwalifiseer het vir 'n aftrekking of toelae ingevolge artikel 11*(e)*, 11D(2), 12B, 12BA, 12C, 12DA, 12E, 14, 14*bis* of 37B;";

(b) deur in subparagraaf (1) item *(c)* deur die volgende item te vervang:

"*(c)* 'n bedrag wat minstens gelyk is aan die ontvangste of toevallings vanweë daardie beskikking bestee is of sal word ter verkryging van 'n bate of bates (hierna na verwys as die 'vervangende bate of bates') wat almal sal kwalifiseer vir 'n kapitaalaftrekking of toelae ingevolge artikel 11*(e)*, 11D(2), 12B, 12BA, 12C, 12DA, 12E of 37B;"; en

(c) deur subparagraaf (4) deur die volgende subparagraaf te vervang:

"(4) 'n Persoon moet soveel van die kapitaalwins ingevolge subparagraaf (2) verontagsaam as 'n kapitaalwins vir 'n jaar van aanslag ag as wat in dieselfde verhouding tot daardie verontagsaamde kapitaalwins aan daardie bate toegedeel soos beoog in subparagraaf (3) staan as wat die bedrag van enige kapitaalaftrekking of toelae ingevolge artikel 11*(e)*, 11D(2), 12B, 12BA, 12C, 12DA, 12E of 37B ten aansien van daardie vervangende bate in daardie jaar toegelaat staan tot die totale bedrag van die kapitaalaftrekking of toelae ingevolge daardie artikel (vasgestel met verwysing na die koste of waarde van daardie bate ten tyde van die verkryging daarvan) in alle jare van aanslag ten aansien van daardie vervangende bate toelaatbaar.".

(2) Subartikel (1) word geag op 1 Maart 2023 in werking te getree het en is van toepassing ten opsigte van bates op of na daardie datum in gebruik gestel.

Voortduring van sekere wysigings van Bylaes by Wet 91 van 1964 en Wet 89 van 1991

44. Geen wysiging aan of intrekking van of invoeging in—

(a) Bylaes No. 1 tot 6, 8 en 10 20 by die Doeane- en Aksynswet, 1964, wat aangebring is kragtens artikel 48, 49, 56, 56A, 57, 60 of 75(15) van daardie Wet gedurende die tydperk 1 Oktober 2022 tot en met 31 Oktober 2023, verval uit hoofde van artikel 48(6), 49(5A), 56(3), 56A(3), 57(3), 60(4) of 75(16) van daardie Wet nie; en

(b) Bylae No. 1 by die Wet op Belasting op Toegevoegde Waarde, 1991, wat aangebring is kragtens artikel 74(3)*(a)* van daardie Wet gedurende die tydperk 1 Oktober 2022 tot en met 31 Oktober 2023, verval uit hoofde van artikel 74(3)*(b)* van daardie Wet nie.

Wysiging van Bylae No. 6 by Wet 91 van 1964

45. (1) Deel 3 van Bylae No. 6 by die Doeane- en Aksynswet, 1964, word hierby gewysig—

(a) deur die volgende Opmerking(s) na Opmerking(s) 13 in te voeg:

"**14.** Vir die doeleindes van item 670.05, is die volgende op die koop en verbruik van distillaatbrandstof vir die vervaardiging van voedsels gedurende die tydperk van 1 April 2023 tot 31 Maart 2025 van toepassing:

(a) Toepassing van voorsienings en omskrywings:

(i) Die terugbetaling waarvoor in hierdie item voorsiening gemaak word is onderhewig aan hierdie Opmerkings en bepalings van artikel 75(11).

(ii) Unless the context otherwise indicates—

(aa) 'distillate fuel' means—

(A) distillate fuel; and

(B) biodiesel as contemplated in section 37B(2)*(a)*(ii),

in respect of which a fuel levy and Road Accident Fund levy is prescribed in Part 5A and Part 5B of Schedule No. 1 respectively, and which has been duly entered for home consumption or which is deemed to have been duly entered for home consumption, whether or not such distillate fuel and biodiesel have been mixed; and

(bb) excludes the following:

(A) 'smokeless diesel', a mixture of kerosene and a lubricity agent, normally used in underground mines;

(B) any mixture of distillate fuel with kerosene or any other substance except biodiesel; and

(C) any distillate fuel entered for export or ships stores or in terms of any other procedure except for home consumption or on which the levies are not paid as contemplated in this definition.

'electricity generation' means electricity generated from distillate fuel used in stationary fixed electric power generators and excludes mobile portable electric power generators.

'foodstuffs' means products and preparations for human consumption, classifiable in Chapters 2 to 21 of Part 1 to Schedule No. 1, but excludes the following:

(aa) products and preparations for making beverages classifiable in any of the tariff subheadings included under Section A of Part 7 to Schedule No. 1; and

(bb) goods of Chapters 5, 6, 13 and 14.

'logbooks' means systematic written tabulated statements for the regular periodic recording of all activities and occurrences that impact on the validity of refund claims. Logbooks must provide a full audit trail of distillate fuel for which refunds are claimed. Storage logbooks must reflect details of the receipt, storage, removal, disposal or loss of distillate fuel. Usage logbooks must reflect details of the source and usage of distillate fuel for the manufacture of foodstuffs or other activities.

'manufacture' means the execution at manufacturing premises of operations that contribute to the realisation of foodstuffs for commercial gain, which—

(aa) includes, but is not limited to the following activities:

(A) slaughtering of animals in an abattoir;

(B) mixing, forming or producing of foodstuffs;

(C) processing, converting or extracting of foodstuffs;

(D) handling, storing or preserving of foodstuffs;

(E) conveying or transferring of foodstuffs;

(F) packing or measuring of foodstuffs;

(G) lighting or air-conditioning for such manufacture;

(H) waste management as the result of manufacture; or

(I) electricity generation for such manufacture; and

(bb) excludes any activities specified in Note 6 which are eligible for a refund contemplated in item 670.04.

'manufacturing premises' means—

(aa) the business premises where the operations for the manufacture of foodstuffs are executed; and

(ii) Tensy die samehang anders aandui—
beteken 'distillaatbrandstof'—
(aa) (A) distillaatbrandstof, en
(B) biodiesel soos beoog in Artikel 37B(2)*(a)*(ii), ten opsigte waarvan 'n brandstofheffing en Padongelukfondsheffing onderskeidelik voorgeskryf is in Deel 5A en Deel 5B van Bylae No. 1 en wat behoorlik vir binnelandse verbruik geklaar is of wat geag word as behoorlik vir binnelandse verbruik geklaar te wees, hetsy sodanige distillaatbrandstof en biodiesel al gemeng was al dan nie;
(bb) uitgesonderd die volgende:
(A) 'rooklose diesel', 'n mengsel van kerosene en 'n smeringsmiddel, normaalweg in ondergrondse myne gebruik;
(B) enige mengsel van distillaatbrandstof met kerosene of enige ander middel behalwe biodiesel;
(C) enige distillaatbrandstof geklaar vir uitvoer of skeepsvoorraad of ingevolge enige ander prosedure behalwe vir binnelandse verbruik of waarop die heffings nie betaal is soos beoog in hierdie omskrywing nie.

'elektrisiteit opwekking' beteken elektrisiteit opgewek van distillaatbrandstof verbruik deur vasstaande blywende elektriese kragopwekkers en sluit mobiele draagbare elektriese kragopwekkers uit.

'voedsels' beteken produkte en preparate vir menslike verbruik, indeelbaar in Hoofstukke 2 tot 21 in Deel 1 by Bylae No. 1, maar uitgesonderd die volgende:
(aa) produkte en preparate vir die maak van dranke indeelbaar in enige van die tariefsubposte ingesluit onder Afdeling A van Deel 7 by Bylae No. 1; en
(bb) goedere van Hoofstukke 5, 6, 13 en 14.

'logboeke' beteken sistematiese geskrewe getabuleerde state vir die gereelde periodieke rekordhouding van alle aktiwiteite en gebeure wat 'n impak op die geldigheid van terugbetalingseise het. Logboeke moet 'n volle oudit spoor voorsien van distillaatbrandstof waarvoor terugbetalings geëis word. Bergingslogboeke moet besonderhede weergee van die ontvangs, berging, verwydering, beskikking of verlies van distillaatbrandstof. Gebruikslogboeke moet besonderhede weergee van die bron en gebruik van distillaatbrandstof vir voedsel vervaardiging of ander aktiwiteite.

'vervaardiging' beteken die uitvoering van bedrywighede by die vervaardigings perseel wat bydra tot die verwesenliking van voedsels vir kommersiële gewin, wat—
(aa) insluit, maar nie beperk is tot die volgende bedrywighede nie:
(A) slag van diere by 'n abattoir;
(B) meng, vorming of vervaardiging van voedsels;
(C) verwerking, omskakeling of ekstrahering van voedsels;
(D) hantering, berging of preservering van voedsels;
(E) afvoer of oordrag van voedsels;
(F) verpakking of afmeting van voedsels;
(G) beligting of lugversorging vir sodanige vervaardiging;
(H) afvalbestuur as gevolg van vervaardiging; of
(I) elektrisiteit opwekking vir sodanige vervaardiging; en
(bb) uitgesonderd enige bedrywighede in Opmerking 6 vermeld wat geregtig is op 'n terugbetaling beoog in item 670.04.

'vervaardigingsperseel' beteken—
(aa) die sake perseel waar die bedrywighede vir die vervaardiging van voedsels uitgevoer word; en

(bb) excludes any business premises at which—

(A) the floor surface of the publicly accessible portion of the trading area for wholesale or retail sales outlet activities comprises more than 10 per cent of the total floor surface of the business premises; or

(B) only the wholesale or retail distribution or sales of goods occur.

'refund' means a refund of the Road Accident Fund levy only to the extent provided for in this item.

'tax invoice' means an invoice containing the following information:

(aa) the words 'Tax Invoice';

(bb) the name, address and VAT number (a 10-digit number starting with 4) of the supplier;

(cc) the name and address of the purchaser (if the invoice value is over R500);

(dd) date of the transaction;

(ee) description of the goods (being diesel or distillate fuel);

(ff) quantity delivered or purchased;

(gg) value of the supply; and

(hh) the amount of VAT, which must be shown as 0% since VAT is not levied on distillate fuel or diesel.

(b) Application for registration and claiming of refunds:

(i) Every person that for the purposes of this item both purchases and uses distillate fuel for the manufacture of foodstuffs must apply for registration as a refund user.

(ii) Each such application includes application for registration of the manufacturing premises and must be accompanied by a detailed floor plan according to scale for all the buildings on the premises which indicates the purpose and use of all areas therein.

(iii) Application for registration must be made on form DA 185 and annexure DA 185.4A3 obtained from any SARS office or the SARS website (www.sars.gov.za).

(iv) An application for registration must be submitted per person and information required in respect of each manufacturing premises must be furnished separately for each such premises on an addendum which must be attached to form DA185.4A3.

(v) Every application for registration that is approved will be issued with effect from 1 April 2023 as the date on which the refund user became eligible for the claiming of refunds.

(vi) No claim for a refund of levies on distillate fuel for the manufacture of foodstuffs shall be considered until the refund user and the manufacturing premises are so registered.

(vii) The refund user must in addition to the registration required under this Act also be registered under the provisions of the Value-Added Tax Act 89 of 1991.

(viii) Any claim for a refund of levies on distillate fuel must be submitted in the prescribed form (form DA 66) together with all necessary supporting documents relating to such claim.

(ix) The refund user must for purposes of any claim for a refund—

(aa) submit the screen or page of the electronic application that corresponds to form DA 66 electronically through the communicative system indicated on the SARS website for that purpose; or

(bb) uitgesonderd enige sake perseel waarby—

(A) die openbare toeganglike deel van die handelsgebied vir groothandel of kleinhandel verkope afsetgebied bedrywighede bestaan uit meer as 10 persent van die totale vloer oppervlakte van die sake perseel; of

(B) slegs die groothandel- of kleinhandel verspreiding of verkope van goedere plaasvind.

'terugbetaling' beteken 'n terugbetaling van die Padongelukfondsheffing slegs tot die mate in hierdie item voorsien.

'belasting faktuur' beteken 'n faktuur wat die volgende inligting bevat:

(aa) die woorde 'Belasting faktuur';

(bb) die naam, adres en BTW-nommer ('n 10-syfer nommer wat met 4 begin) van die verskaffer;

(cc) die naam en adres van die aankoper (as die faktuur waarde oor R500 is);

(dd) datum van die transaksie;

(ee) beskrywing van die goedere (wat diesel of distillaatbrandstof is);

(ff) hoeveelheid afgelewer of aangekoop;

(gg) waarde van die voorraad; en

(hh) die bedrag van BTW, wat as 0% gewys moet word omdat BTW nie gehef word op distillaatbrandstof of diesel nie.

(b) Aansoek vir registrasie en eis van terugbetalings:

(i) Elke persoon wat vir doeleindes van hierdie item beide distillaatbrandstof aankoop en gebruik vir die vervaardiging van voedsels moet aansoek doen vir registrasie as 'n terugbetalingsgebruiker.

(ii) Elke sodanige aansoek sluit in aansoek vir registrasie van die vervaardigingsperseel en moet vergesel word van 'n gedetailleerde vloerplan volgens skaal vir al die geboue op die perseel wat die doel en gebruik van alle oppervlakte daarin aandui.

(iii) Aansoek om registrasie moet op vorm DA 185 en aanhangsel DA 185.4A3 gemaak word, verkrygbaar by enige SAID-kantoor of die SAID-webwerf (www.sars.gov.za).

(iv) Elke aansoek vir registrasie moet voorgelê word per persoon en inligting vereis ten opsigte van elke vervaardigings perseel moet afsonderlik ingedien word op 'n addendum wat aangeheg moet word aan vorm DA185.4A3 vir elke sodanige perseel.

(v) Elke aansoek vir registrasie wat goedgekeur word, sal uitgereik word met ingang van 1 April 2023 as die datum waarop die terugbetalingsgebruiker geregtig geword het vir die eis van terugbetalings

(vi) Geen eis vir 'n terugbetaling van heffings op distillaatbrandstof vir die vervaardiging van voedsels sal oorweeg word totdat die terugbetalinggebruiker en die vervaardiging perseel so geregistreer is nie.

(vii) Die terugbetalingsgebruiker moet bykomend tot die registrasie vereis ingevolge hierdie Wet ook geregistreer wees ingevolge die bepalings van die BTW Wet, 1991 (Wet No. 89 van 1991).

(viii) Enige eis vir 'n terugbetaling van heffings op distillaatbrandstof moet voorgelê word op die voorgeskrewe vorm (vorm DA 66) tesame met al die nodige stawende dokumente verwant aan sodanige eis.

(ix) Die terugbetalinggebruiker moet vir doeleindes van enige eis vir 'n terugbetaling—

(aa) die skerm of bladsy van die elektroniese aansoek wat oooreenstem met vorm DA 66 elektronies voorlê deur die kommunikasie stelsel op die SAID webwerf aangedui vir daardie doeleinde doel; of

(bb) in instances where the electronic application process contemplated in item *(aa)* is unavailable, submit a completed form DA 66 at the SARS office nearest to the manufacturing premises.

(x) A refund may only be claimed in respect of duty-paid distillate fuel purchased in and used in the Republic and for which a duly completed tax invoice was issued and retained.

(c) Keeping of records, books, accounts and other documents:

(i) The refund user must keep record of each manufacturing or other operation or process executed at the manufacturing premises, including the—

(aa) area of the manufacturing premises where the activity occurs;

(bb) method or elements of the activity and stage thereof in the process flow; and

(cc) ratio of distillate fuel used for the activity relative to overall distillate fuel usage.

(ii) Records, books, accounts or other documents (including purchase invoices, sales invoices, storage logbooks and usage logbooks) must show in respect of each refund claim how the quantity of distillate fuel on which a refund was claimed was calculated.

(iii) The Commissioner may determine such time and such form of evidence to be produced by any particular refund user in respect of each refund claim by that user for the period 1 April 2023 until the date on which this Note comes into operation.

(iv) All such records, books, accounts or other documents to substantiate each refund claim must be kept for a minimum period of 5 years from the date of purchase, use, disposal or loss of the distillate fuel or the refund claim, whichever occurs last.

(v) Any such records, books, accounts or other documents must be produced for inspection to any officer in accordance with the provisions of section 4 of this Act.

(vi) Purchase documentation in respect of the receipt of distillate fuel must be in the name of the refund user and original purchase invoices in the form of tax invoices must be obtained and retained by the refund user.

(vii) Storage documentation (including storage logbooks) in respect of the receipt, storage, removal, disposal or loss of distillate fuel must reflect the—

(aa) capacity of the storage tank;

(bb) date of receipt, removal, disposal or loss;

(cc) quantity received, removed, disposed or lost;

(dd) purpose of removal or details of disposal or loss; and

(ee) monthly opening and closing balance of storage level.

(viii) Usage documentation (including usage logbooks) in respect of the source and usage of distillate fuel for the manufacture of foodstuffs or other activities must reflect the—

(aa) source of distillate fuel;

(bb) date and time of each activity of usage;

(cc) quantity in respect of each activity of usage;

(dd) purpose in respect of each activity of usage; and

(ee) equipment powered in each activity of usage.

(bb) in gevalle waar die elektroniese aansoek proses beoog in item *(aa)* nie beskikbaar is nie, 'n volledig voltooide vorm DA 66 voorlê by die SAID-kantoor naaste aan die vervaardigingsperseel.

(x) 'n Terugbetaling mag slegs geëis word ten opsigte van reg-betaalde distillaatbrandstof aangekoop en verbruik in die Republiek en waarvoor 'n behoorlik voltooide belastingfaktuur uitgereik en behou was.

(c) Hou van rekords, boeke, rekeninge en ander dokumente:

(i) Die terugbetalingsgebruiker moet rekord hou van elke vervaardiging- of ander bewerking of proses uitgevoer by die vervaardigingsperseel, met inbegrip van die—

(aa) area van die vervaardigingsperseel waar die bedrywigheid plaasvind;

(bb) metode of elemente van die bedrywigheid en stadium in die vloeiproses daarvan; en

(cc) verhouding van distillaatbrandstof verbruik vir die bedrywigheid relatief tot die algehele distillaatbrandstof verbruik.

(ii) Rekords, boeke, rekeninge of ander dokumente (met inbegrip van aankoop fakture, verkoop fakture, stoor logboeke en gebruikslogboeke) moet ten opsigte van elke terugbetalingseis aantoon hoe die hoeveelheid distillaatbrandstof waarop 'n terugbetaling geëis was, bereken was.

(iii) Die Kommissaris mag sodanige tyd en sodanige vorm van bewyse bepaal wat enige besondere terugbetalingsgebruiker moet voorlê met betrekking tot elke terugbetalingseis deur daardie verbruiker vir die tydperk van 1 April 2023 tot die datum waarop hierdie Opmerking inwerking tree.

(iv) Alle sodanige rekords, boeke, rekeninge of ander dokumente om elke terugbetalingseis te staaf moet vir 'n minimum tydperk van 5 jaar gehou word vanaf die datum van aankoop, gebruik, beskikking of verlies van die distillaatbrandstof of die terugbetalingseis, wat ook al laaste gebeur.

(v) Enige sodanige rekords, boeke, rekeninge of ander dokumente moet voorgelê word aan enige beampte vir ondersoek in ooreenstemming met die bepalings van artikel 4 by hierdie Wet.

(vi) Aankoop dokumentasie ten opsigte van die ontvangs van distillaatbrandstof moet in die naam van die terugbetalingsgebruiker wees en oorspronklike aankoop fakture in die vorm van belasting fakture moet verkry word en gehou word deur die terugbetalingsgebruiker.

(vii) Bergingsdokumentasie (met inbegrip van bergingslogboeke) ten opsigte van ontvangs, berging, verwydering, beskikking of verlies van distillaatbrandstof moet die volgende reflekteer—

(aa) inhoudsvermoë van die opgaartenk;

(bb) datum van ontvangs, verwydering, beskikking of verlies;

(cc) hoeveelheid ontvang, verwyder, beskik of verloor;

(dd) doel van verwydering of besonderhede van die beskikking of verlies; en

(ee) maandelikse openings- en sluitingsbalans van bergingsvlak.

(viii) Gebruiksdokumentasie (met inbegrip van gebruikslogboeke) ten opsigte van die bron en gebruik van distillaatbrandstof vir voedsel vervaardiging of ander aktiwiteite die volgende reflekteer—

(aa) bron van distillaatbrandstof;

(bb) datum en tyd van elke aktiwiteit of verbruik;

(cc) hoeveelheid ten opsigte van elke aktiwiteit of verbruik;

(dd) doel ten opsigte van elke aktiwiteit of verbruik; en

(ee) toerusting aangedryf in elke aktiwiteit of verbruik.

(ix) Usage logbook entries must be substantiated by the source documentation and additional information that informed the completion of such logbooks, including the—
(aa) serial number or identification marking of equipment;
(bb) manufacturer specifications of equipment;
(cc) distillate fuel or power usage rate of equipment;
(dd) frequency, intensity and duration of use of equipment;
(ee) function and place of such equipment in the overall process flow; and
(ff) any other incidents, facts and observations relevant to the measurement of distillate fuel usage.

(x) Notwithstanding the usage logbook obligations prescribed in paragraph *(c)*(viii)—
(aa) where multiple equipment is powered simultaneously in respect of both the manufacture of foodstuffs and other activities, the volume of distillate fuel so used must be apportioned based on the ratio of distillate fuel used for the manufacture of foodstuffs relative to overall distillate fuel usage;
(bb) where the volume of distillate fuel used in any activity cannot with reasonable certainty be gauged, the volume of distillate fuel so used must be determined based on the average rate of distillate fuel consumption of the equipment concerned over the total time period of the usage thereof.''; and

(b) by the insertion of the following refund item after refund item 670.04:

Rebate Item	Tariff Item	Rebate Code	CD	Description	Extent of Rebate	Extent of Refund
670.05	000.00	01.00	06	Distilate fuel purchased for use and used in the manufacture of foodstuffs as specified and subject to compliance with Note 14		Full Road Accident Fund levy less 20%

(2) Subject to section 58(1) of the Customs and Excise Act, 1964, subsection (1) is deemed to have come into operation on 1 April 2023 up to and including 31 March 2025.

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 1 of Act 61 of 1993, section 22 of Act 97 of 1993, section 9 of Act 20 of 1994, section 18 of Act 37 of 1996, section 23 of Act 27 of 1997, section 34 of Act 34 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, section 114 of Act 74 of 2002, section 47 of Act 12 of 2003, section 164 of Act 45 of 2003, section 43 of Act 16 of 2004, section 92 of Act 32 of 2004, section 8 of Act 10 of 2005, section 101 of Act 31 of 2005, section 40 of Act 9 of 2006, section 77 of Act 20 of 2006, sections 81 and 108 of Act 8 of 2007, section 104 of Act 35 of 2007, section 68 of Act 3 of 2008, section 104 of Act 60 of 2008, section 33 of Act 18 of 2009, section 119 of Act 7 of 2010, section 26 of Act 8 of 2010, section 129 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 108 of Schedule 1 to that Act, section 145 of Act 22 of 2012, section 165 of Act 31 of 2013, section 95 of Act 43 of 2014, section 128 of

(ix) Gebruikslogboek inskrywings moet deur die bron dokumente bevestig word en addisionele inligting wat die voltooiing van sodanige logboeke inlig, met inbegrip van -
(aa) reeksnommer of identifikasie merke van toerusting;
(bb) vervaardiger se toerusting spesifikasies;
(cc) distillaatbrandstof of krag gebruikstempo van toerusting;
(dd) frekwensie, intensiteit en duur van gebruik van toerusting;
(ee) funksie en plek van sodanige toerusting in die algehele vloeiproses ; en
(ff) enige ander insidente, feite en waarnemings verwant aan die meet van distillaatbrandstof verbruik;

(x) Nieteenstaande die gebruikslogboek verpligtinge omskryf in paragraaf *(c)*(viii)—
(aa) waar veelvoudige toerusting gelyktydig aangedryf is ten opsigte van beide die vervaardiging van voedsels en ander bedrywighede, moet die volume van distillaatbrandstof so verbruik verdeel word gegrond op die verhouding van distillaatbrandstof verbruik vir die vervaardiging van voedsels relatief tot die algehele distillaatbrandstof gebruik; of
(bb) waar die volume distillaatbrandstof verbruik in enige bedrywighede nie met redelike sekerheid gemeet kan word nie, moet die volume distillaatbrandstof so verbruik bepaal word gegrond op die gemiddelde skaal van distillaatbrandstof gebruik van die betrokke toerusting oor die totale tydperk van gebruik daarvan.''; en

(b) deur die volgende terugbetalingsitem na terugbetalingsitem 670.04 in te voeg:

Kortings-item	Tarief-item	Kortings-kode	CD	Beskrywing	Bestek van Korting	Bestek van Terugbetaling
670.05	000.00	01.00	06	Distillaatbrandstof gekoop vir gebruik en gebruik in die vervaardiging van voedsels omskryf en onderhewig aan nakoming met Opmerking 14		Volle Padongeluk-fondsheffing minus 20%

(2) Behoudens artikel 58(1) van die Doeane- en Aksynswet, 1964, word subartikel (1) geag op 1 April 2023 tot en met 31 Maart 2025 in werking te getree het.

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 1 van Wet 61 van 1993, 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 34 van Wet 34 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, artikel 114 van Wet 74 van 2002, artikel 47 van Wet 12 van 2003, artikel 164 van Wet 45 van 2003, artikel 43 van Wet 16 van 2004, artikel 92 van Wet 32 van 2004, artikel 8 van Wet 10 van 2005, artikel 101 van Wet 31 van 2005, artikel 40 van Wet 9 van 2006, artikel 77 van Wet 20 van 2006, artikels 81 en 108 van Wet 8 van 2007, artikel 104 van Wet 35 van 2007, artikel 68 van Wet 3 van 2008, artikel 104 van Wet 60 van 2008, artikel 33 van Wet 18 van 2009, artikel 119 van Wet 7 van 2010, artikel 26 van Wet 8 van 2010, artikel 129 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, gelees met item 108 van Bylae 1 by daardie Wet, artikel 145 van Wet 22 van 2012, artikel 165 van Wet 31 van 2013, artikel 95 van Wet 43 van 2014, artikel 128 van Wet 25 van 2015,

Act 25 of 2015, section 83 of Act 15 of 2016, section 77 of Act 17 of 2017, section 89 of Act 28 of 2018, section 66 of Act 34 of 2019, section 61 of Act 23 of 2020 and section 27 of Act 20 of 2022

46. (1) Section 1 of the Value-Added Tax Act, 1991, is hereby amended by the addition in subsection (1) to the proviso of the definition of ''enterprise'' of the following paragraph:

''(xv) the activities of the Corporation for Deposit Insurance established in terms of section 166AE of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017), shall to the extent that it makes supplies of deposit insurance as contemplated in section 166AF(1) of that Act be deemed not to be the carrying on of an enterprise;''.

(2) Subsection (1) comes into operation on 1 April 2024.

Amendment of section 2 of Act 89 of 1991, as amended by section 22 of Act 136 of 1991, paragraph 2 of Government Notice 2695 of 8 November 1991, section 13 of Act 136 of 1992, section 10 of Act 20 of 1994, section 19 of Act 37 of 1996, section 24 of Act 27 of 1997, section 87 of Act 30 of 1998, section 82 of Act 53 of 1999, section 149 of Act 60 of 2001, section 115 of Act 74 of 2002, section 44 of Act 16 of 2004, section 93 of Act 32 of 2004, section 41 of Act 9 of 2006, section 78 of Act 20 of 2006, section 105 of Act 60 of 2008, section 130 of Act 24 of 2011, section 90 of Act 23 of 2018, section 67 of Act 34 of 2019 and section 49 of Act 20 of 2021

47. (1) Section 2 of the Value-Added Tax Act, 1991, is hereby amended by the substitution in subsection (2) for the definition of ''derivative'' of the following definition:

'' '**derivative**' means a derivative as defined in **[International Accounting Standard 39 of the International Accounting Standards]** and within the scope of International Financial Reporting Standard 9 issued by the International Accounting Standards Board;''.

(2) Subsection (1) comes into operation on 1 January 2024.

Amendment of section 8 of Act 89 of 1991, as amended by section 24 of Act 136 of 1991, paragraph 4 of Government Notice 2695 of 8 November 1991, section 15 of Act 136 of 1992, section 24 of Act 97 of 1993, section 11 of Act 20 of 1994, section 20 of Act 46 of 1996, section 25 of Act 27 of 1997, section 83 of Act 53 of 1999, section 67 of Act 19 of 2001, section 151 of Act 60 of 2001, section 166 of Act 45 of 2003, section 95 of Act 32 of 2004, section 102 of Act 31 of 2005, section 172 of Act 34 of 2005, section 42 of Act 9 of 2006, section 79 of Act 20 of 2006, section 27 of Act 36 of 2007, section 106 of Act 60 of 2008, section 91 of Act 17 of 2009, section 120 of Act 7 of 2010, section 131 of Act 24 of 2011, section 146 of Act 22 of 2012, section 166 of Act 31 of 2013, section 21 of Act 44 of 2014, section 129 of Act 25 of 2015, section 24 of Act 16 of 2016, section 78 of Act 17 of 2017, section 10 of Act 21 of 2018, section 68 of Act 34 of 2019 and section 62 of Act 23 of 2020

48. (1) Section 8 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (8) for the proviso and further proviso of the following proviso:

''Provided that this subsection shall not apply—

(i) in respect of any indemnity payment received or indemnification under a contract of insurance where the supply of services contemplated by that contract is not a supply subject to tax under section 7(1)*(a)***[:]**;

(ii) **[Provided further that this subsection shall not apply in respect of any indemnity payment received by a vendor under a contract of insurance]** to the extent that such

artikel 83 van Wet 15 van 2016, artikel 77 van Wet 17 van 2017, artikel 89 van Wet 28 van 2018, artikel 66 van Wet 34 van 2019, artikel 61 van Wet 23 van 2020 en artikel 27 van Wet 20 van 2022

46. (1) Artikel 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (1) by die voorbehoudsbepaling by die omskrywing van ''onderneming'' die volgende paragraaf by te voeg:

''(xv) die aktiwiteite van die 'Corporation for Deposit Insurance' opgerig ingevolge artikel 166AE van die 'Financial Sector Regulation Act, 2017' (Wet No. 9 van 2017), sal na gelang dit lewerings maak van depositoversekering soos beoog in artikel 166AF(1) van daardie Wet geag word nie die bedryf van 'n onderneming te wees nie;''.

(2) Subartikel (1) tree op 1 April 2024 in werking.

Wysiging van artikel 2 van Wet 89 van 1991, soos gewysig deur artikel 22 van Wet 136 van 1991, paragraaf 2 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 13 van Wet 136 van 1992, artikel 10 van Wet 20 van 1994, artikel 19 van Wet 37 van 1996, artikel 24 van Wet 27 van 1997, artikel 87 van Wet 30 van 1998, artikel 82 van Wet 53 van 1999, artikel 149 van Wet 60 van 2001, artikel 115 van Wet 74 van 2002, artikel 44 van Wet 16 van 2004, artikel 93 van Wet 32 van 2004, artikel 41 van Wet 9 van 2006, artikel 78 van Wet 20 van 2006, artikel 105 van Wet 60 van 2008, artikel 130 van Wet 24 van 2011, artikel 90 van Wet 23 van 2018, artikel 67 van Wet 34 van 2019 en artikel 49 van Wet 20 van 2021

47. (1) Artikel 2 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur in subartikel (2) paragraaf (i) deur die volgende paragraaf te vervang:

'' **'afgeleide instrument'** 'n afgeleide instrument soos omskryf in **['International Accounting Standard 39' van die 'International Accounting Standards']** en binne die bestek van 'International Financial Reporting Standard 9' uitgereik deur die 'International Accounting Standards Board';''.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking.

Wysiging van artikel 8 van Wet 89 van 1991, soos gewysig deur artikel 24 van Wet 136 van 1991, paragraaf 4 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 15 van Wet 136 van 1992, artikel 24 van Wet 97 van 1993, artikel 11 van Wet 20 van 1994, artikel 20 van Wet 46 van 1996, artikel 25 van Wet 27 van 1997, artikel 83 van Wet 53 van 1999, artikel 67 van Wet 19 van 2001, artikel 151 van Wet 60 van 2001, artikel 166 van Wet 45 van 2003, artikel 95 van Wet 32 van 2004, artikel 102 van Wet 31 van 2005, artikel 172 van Wet 34 van 2005, artikel 42 van Wet 9 van 2006, artikel 79 van Wet 20 van 2006, artikel 27 van Wet 36 van 2007, artikel 106 van Wet 60 van 2008, artikel 91 van Wet 17 van 2009, artikel 120 van Wet 7 van 2010, artikel 131 van Wet 24 van 2011, artikel 146 van Wet 22 van 2012, artikel 166 van Wet 31 van 2013, artikel 21 van Wet 44 van 2014, artikel 129 van Wet 25 van 2015, artikel 24 van Wet 16 van 2016, artikel 78 van Wet 17 van 2017, artikel 10 van Wet 21 van 2018, artikel 68 van Wet 34 van 2019 en artikel 62 van Wet 23 van 2020

48. (1) Artikel 8 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig —

(a) deur in subartikel (8) die voorbehoudsbepaling en verdere voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

''Met dien verstande dat hierdie subartikel nie van toepassing is nie—

(i) ten opsigte van 'n betaling van skadeloosstelling ontvang of skadeloosstelling ingevolge 'n versekeringskontrak waar die lewering van die dienste beoog in daardie kontrak nie 'n lewering is wat ingevolge artikel 7(1)*(a)* aan belasting onderhewig is nie**[:]**;

(ii) **[Met dien verstande voorts dat hierdie subartikel nie van toepassing is nie ten opsigte van 'n betaling van skadeloosstelling deur 'n ondernemer kragtens 'n versekeringskontrak ontvang]** vir sover daardie betaling

payment is made to another person as consideration for the supply **[relates to the total reinstatement]** of goods or services being reinstated under a contract of insurance **[, stolen or damaged beyond economic repair, in respect of the acquisition of which by the vendor a deduction of input tax under section 16(3) was denied in terms of section 17(2) or would have been denied if these sections had been applicable prior to the commencement date]**; or

(iii) to the extent that the indemnity payment contemplated in this provision is in respect of goods or services to which the vendor receiving the payment was, upon acquisition of such goods or services, denied a deduction of input tax under section 17(2).''; and

(b) by the addition after subsection (8) of the following subsection:

''(8A) For the purposes of paragraph (ii) of the proviso to section 8(8) and section 16(2) and (3) and subject to the provisions of section 54(2)—

(a) the person supplying the goods or services being reinstated under a contract of insurance is deemed to make a supply to each person that is liable to pay any part of the consideration in respect thereof; and

(b) notwithstanding paragraph (i) of the proviso to section 20(1), if the person supplying the reinstated goods or services in paragraph *(a)* is a vendor, that vendor must issue a tax invoice to each person that is liable to make a payment of consideration in respect thereof and such tax invoice must reflect the consideration paid or payable by each person.''.

(2) Subsection (1) comes into operation on 1 January 2024.

Amendment of section 10 of Act 89 of 1991, as amended by section 26 of Act 136 of 1991, paragraph 5 of Government Notice 2695 of 8 November 1991, section 16 of Act 136 of 1992, section 26 of Act 97 of 1993, section 12 of Act 20 of 1994, section 21 of Act 37 of 1996, section 22 of Act 46 of 1996, section 27 of Act 27 of 1997, section 84 of Act 53 of 1999, section 68 of Act 19 of 2001, section 152 of Act 60 of 2001, section 168 of Act 45 of 2003, section 97 of Act 32 of 2004, section 104 of Act 31 of 2005, section 43 of Act 9 of 2006, section 80 of Act 20 of 2006, section 82 of Act 8 of 2007, section 107 of Act 60 of 2008, section 122 of Act 7 of 2010, section 133 of Act 24 of 2011, section 168 of Act 39 of 2013, section 131 of Act 25 of 2015, section 80 of Act 17 of 2017, section 63 of Act 23 of 2020 and section 51 of Act 20 of 2021

49. (1) Section 10 of the Value-Added Tax Act, 1991, is hereby amended by the substitution for subsection (29) of the following subsection:

''(29) Where goods are deemed to be supplied by a vendor in terms of section 18D(2), the supply shall be deemed to be made for a consideration in money equal to the adjusted cost to the vendor **[of the construction, extension or improvement]** of such fixed property or portion of such fixed property so supplied.''.

(2) Subsection (1) comes into operation on 1 April 2024.

Amendment of section 18D of Act 89 of 1991, as inserted by section 54 of Act 20 of 2021

50. (1) Section 18D of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (5) for paragraph *(a)* of the following paragraph:

''*(a)* contemplated in subsection (3) is supplied by that vendor within the 'temporarily applied' period; or'';

[betrekking het op die algehele herinbesitstelling] gemaak word aan 'n ander persoon as vergoeding vir die lewering van goed **[, wat gesteel is of buite ekonomiese herstel beskadig is, ten opsigte van die verkryging waarvan deur die ondernemer 'n aftrekking van insetbelasting kragtens artikel 16(3) ontsê is ingevolge artikel 17(2) of ontsê sou gewees het indien daardie artikels voor die aanvangsdatum van toepassing was]** of dienste wat kragtens 'n versekeringskontrak heringestel word; of

(iii) namate die betaling van skadeloosstelling beoog in hierdie bepaling ten opsigte van goed of dienste is waarvoor die ondernemer wat die betaling ontvang, by verkryging van sodanige goed of dienste, 'n aftrekking van insetbelasting kragtens artikel 17(2) ontsê is.''; en

(b) deur na subartikel (8) die volgende subartikel in te voeg:

''(8A) By die toepassing van paragraaf (ii) van die voorbehoudsbepaling by artikel 8(8) en artikel 16(2) en (3) en behoudens die bepalings van artikel 54(2)—

(a) word die persoon wat kragtens 'n versekeringskontrak die goed of dienste lewer wat heringestel word, geag 'n lewering te maak aan elke persoon wat aanspreeklik is om enige deel van die vergoeding ten opsigte daarvan te betaal; en

(b) ondanks paragraaf (i) van die voorbehoudsbepaling by artikel 20(1), indien die persoon wat die heringestelde goed of dienste in paragraaf *(a)* lewer 'n ondernemer is, moet daardie ondernemer 'n belastingfaktuur uitreik aan elke persoon wat aanspreeklik is om betaling van vergoeding ten opsigte daarvan te maak en sodanige belastingfaktuur moet die vergoeding betaal of betaalbaar deur elke persoon aandui.''.

(2) Subartikel (1) tree op 1 Januarie 2024 in werking.

Wysiging van artikel 10 van Wet 89 van 1991, soos gewysig deur artikel 26 van Wet 136 van 1991, paragraaf 5 van Goewermentskennisgewing 2695 van 8 November 1991, artikel 16 van Wet 136 van 1992, artikel 26 van Wet 97 van 1993, artikel 12 van Wet 20 van 1994, artikel 21 van Wet 37 van 1996, artikel 22 van Wet 46 van 1996, artikel 27 van Wet 27 van 1997, artikel 84 van Wet 53 van 1999, artikel 68 van Wet 19 van 2001, artikel 152 van Wet 60 van 2001, artikel 168 van Wet 45 van 2003, artikel 97 van Wet 32 van 2004, artikel 104 van Wet 31 van 2005, artikel 43 van Wet 9 van 2006, artikel 80 van Wet 20 van 2006, artikel 82 van Wet 8 van 2007, artikel 107 van Wet 60 van 2008, artikel 122 van Wet 7 van 2010, artikel 133 van Wet 24 van 2011, artikel 168 van Wet 39 van 2013, artikel 131 van Wet 25 van 2015, artikel 80 van Wet 17 van 2017, artikel 63 van Wet 23 van 2020 en artikel 51 van Wet 20 van 2021

49. (1) Artikel 10 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur subartikel (29) deur die volgende subartikel te vervang:

''(29) Waar goed geag word ingevolge artikel 18D(2) deur 'n ondernemer gelewer te word, word die lewering geag gedoen te word vir 'n vergoeding in geld gelyk aan die aangepaste koste vir die ondernemer **[van die oprigting, uitbreiding of verbetering]** van sodanige vaste eiendom of gedeelte van sodanige vaste eiendom aldus gelewer.''.

(2) Subartikel (1) tree op 1 April 2024 in werking.

Wysiging van artikel 18D van Wet 89 van 1991, soos ingevoeg deur artikel 54 van Wet 20 van 2021

50. (1) Artikel 18D van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur in subartikel (5) paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* beoog in subartikel (3) deur daardie ondernemer binne die 'tydelik aangewende' tydperk gelewer word; of'';

(b) by the substitution in subsection (5) for paragraph *(b)* of the following paragraph:

"*(b)* is temporarily applied as contemplated in subsection (2)*(b)* and is no longer applied in supplying accommodation in a dwelling immediately after the expiry of the 'temporarily applied' period **[; or]**;";

(c) by the deletion in subsection (5) of paragraph *(c)*; and

(d) by the addition after subsection (5) of the following subsection:

"(6) The fixed property contemplated in subsection (2)*(b)* shall be deemed to have been supplied by the developer by way of a taxable supply under section 18(1) for a consideration as contemplated in section 10(7) in the course or furtherance of that vendor's enterprise at the earlier of—

(a) the time that the temporary letting period of 12 months has been exceeded; or

(b) the time that the vendor applies that fixed property permanently for a purpose other than that of making taxable supplies:

Provided that this provision shall not apply if, during the period that the property is 'temporarily applied', a written agreement for the taxable supply of the property has been concluded and the transfer of that property only occurs after the expiry of the said period. In such a case, the sale of the property concerned will be a taxable supply at the time contemplated in section 9(3)*(d)*.".

(2) Subsection (1) comes into operation on 1 April 2024.

Amendment of section 21 of Act 89 of 1991, as amended by section 26 of Act 136 of 1992, section 34 of Act 97 of 1993, section 176 of Act 45 of 2003, section 48 of Act 16 of 2004, section 36 of Act 18 of 2009, section 150 of Act 22 of 2012, section 27 of Act 23 of 2015, section 136 of Act 25 of 2015 and section 2 of Act 22 of 2018

51. (1) Section 21 of the Value-Added Tax Act, 1991, is hereby amended—

(a) by the substitution in subsection (1) for paragraph *(e)* of the following paragraph:

"*(e)* an error has occurred in stipulating the amount of consideration agreed upon for that supply**[,]**; or"; and

(b) by the addition in subsection (1) after paragraph *(e)* of the following paragraph:

"*(f)* prepaid vouchers contemplated in section 10(19) have been issued by any registered vendor that is an 'electronic communications service licensee' as defined in section 1 of the Electronic Communications Act, 2005 (Act No. 36 of 2005), and the nature of the supply specified on such voucher has been fundamentally varied or altered,".

(2) Subsection (1) comes into operation on 1 April 2024.

Amendment of section 54 of Act 89 of 1991, as amended by section 40 of Act 136 of 1991, section 34 of Act 136 of 1992, section 25 of Act 20 of 1994, section 46 of Act 27 of 1997, section 100 of Act 53 of 1999, section 51 of Act 16 of 2004, section 102 of Act 43 of 2014, section 34 of Act 44 of 2014 and section 12 of Act 21 of 2018

52. (1) Section 54 of the Value-Added Tax Act, 1991, is hereby amended by the insertion after subsection (2B) of the following subsection:

"(2C) For the purposes of this Act, where gold is supplied as contemplated in section 11(1)*(f)* or where gold is exported from the Republic in the circumstances contemplated in paragraph *(a)* or *(d)* of the definition of 'exported' in section 1(1) and in accordance with section 12 of the of the Precious Metals Act, 2005 (Act No. 37 of 2005), by an agent who is acting on behalf of another person who is the principal for the purposes of that supply and—

(a) the agent is a registered vendor; and

(b) the principal is a resident of the Republic and a registered vendor,

the agent must obtain and retain documentary proof as is acceptable to the Commissioner: Provided that the agent will—

(b) deur in subartikel (5) paragraaf *(b)* deur die volgende paragraaf te vervang:

"*(b)* tydelik aangewend word soos in subartikel (2)*(b)* beoog en nie langer aangewend word in die lewering van verblyf in 'n woning onmiddellik na die verval van die 'tydelik aangewende' tydperk nie,**[; of]**";

(c) deur in subartikel (5) paragraaf *(c)* te skrap; en

(d) deur na subartikel (5) die volgende subartikel by te voeg:

"(6) Die vaste eiendom beoog in subartikel (2)*(b)* word geag deur die ontwikkelaar gelewer te gewees het by wyse van 'n belasbare lewering kragtens artikel 18(1) vir die vergoeding in artikel 10(7) beoog in die loop of voortsetting van daardie ondernemer se onderneming op die vroegste van—

(a) die tyd wanneer die tydelike huurtydperk van 12 maande oorskry is; of

(b) die tyd wanneer die ondernemer daardie vaste eiendom permanent aanwend vir 'n ander doel as om belasbare lewerings te maak:

Met dien verstande dat hierdie bepaling nie van toepassing is nie indien, gedurende die tydperk waartydens die eiendom 'tydelik aangewend' word, 'n skriftelike ooreenkoms vir die belasbare lewering van die eiendom gesluit is en die oordrag van daardie eiendom slegs na die verval van die genoemde tydperk plaasvind. In daardie geval is die verkoop van die betrokke eiendom 'n belasbare lewering op die tydstip beoog in artikel 9(3)*(d)*."

(2) Subartikel (1) tree op 1 April 2024 in werking.

Wysiging van artikel 21 van Wet 89 van 1991 soos gewysig deur artikel 26 van Wet 136 van 1992, artikel 34 van Wet 97 van 1993, artikel 176 van Wet 45 van 2003, artikel 48 van Wet 16 van 2004, artikel 36 van Wet 18 van 2009, artikel 150 van Wet 22 van 2012, artikel 27 van Wet 23 van 2015, artikel 136 van Wet 25 van 2015 en artikel 2 van Wet 22 van 2018

51. (1) Artikel 21 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig—

(a) deur in subartikel (1) paragraaf *(e)* deur die volgende paragraaf te vervang:

"*(e)* 'n fout voorgekom het by die stipulering van die bedrag van vergoeding waarop vir daardie lewering ooreengekom is**[,]**; of"; en

(b) deur in subartikel (1) na paragraaf *(e)* die volgende paragraaf by te voeg:

"*(f)* voorafbetaalde bewyse beoog in artikel 10(19) uitgereik is deur enige geregistreerde ondernemer wat 'n 'elektroniese kommunikasiedienslisensiehouer' is soos omskryf in artikel 1 van die Wet op Elektroniese Kommunikasies, 2005 (Wet No. 36 van 2005), en die aard van die lewering vermeld op sodanige bewys fundamenteel gewysig of verander is,".

(2) Subartikel (1) tree op 1 April 2024 in werking.

Wysiging van artikel 54 van Wet 89 van 1991, soos gewysig deur artikel 40 van Wet 136 van 1991, artikel 34 van Wet 136 van 1992, artikel 25 van Wet 20 van 1994, artikel 46 van Wet 27 van 1997, artikel 100 van Wet 53 van 1999, artikel 51 van Wet 16 van 2004, artikel 34 van Wet 44 van 2014 en artikel 12 van Wet 21 van 2018

52. (1) Artikel 54 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur na subartikel (2B) die volgende subartikel in te voeg:

"(2C) By die toepassing van hierdie Wet, waar goud gelewer word soos in artikel 11(1)(*f*) beoog of waar goud uit die Republiek uitgevoer word in die omstandighede beoog in paragraaf (*a*) of *(d)* van die omskrywing van 'uitgevoer' in artikel 1(1) en ooreenkomstig artikel 12 van die 'Precious Metals Act, 2005' (Wet No. 37 van 2005), deur 'n agent wat namens 'n ander persoon optree wat vir die doeleindes van daardie lewering die prinsipaal is en—

(a) die agent 'n geregistreerde ondernemer is; en

(b) die prinsipaal 'n inwoner van die Republiek en 'n geregistreerde ondernemer is,

moet die agent dokumentêre bewys verkry en behou, wat vir die Kommissaris aanvaarbaar is: Met dien verstande dat die agent—

(aa) not be required to provide the principal with copies of the documentary evidence as prescribed; and

(bb) be liable to account for output tax in the event that the agent is not in possession of the requisite documents, other than zero-rated tax invoices in circumstances where the principal supplied its gold directly to the purchaser, to substantiate the application of the zero rate in respect of supplies made by the agent on behalf of a principal.''.

(2) Subsection (1) comes into operation on 1 April 2024.

Amendment of Schedule 1 to Act 89 of 1991, as amended by section 48 of Act 136 of 1991, section 43 of Act 136 of 1992, Government Notice No. 2244 of 31 July 1992, section 44 of Act 97 of 1993, Government Notice No. 1955 of 7 October 1993, section 32 of Act 20 of 1994, section 32 of Act 37 of 1996, section 53 of Act 27 of 1997, substituted by section 177 of Act 60 of 2001, amended by section 58 of Act 30 of 2002, section 121 of Act 74 of 2002, Government Notice No. R.111 in Government *Gazette* 24274 of 17 January 2003, section 189 of Act 45 of 2003, sections 52 to 55 of Act 16 of 2004, section 108 of Act 32 of 2004, sections 111 to 123 of Act 31 of 2005, sections 52 to 53 of Act 9 of 2006, section 89 of Act 20 of 2006, section 109 of Act 8 of 2007, section 85 of Act 8 of 2007, Government Notice No. R.958 in Government *Gazette* 30370 of 12 October 2007, section 107 of Act 35 of 2007, Government Notice No. R.766 in Government *Gazette* 32416 of 24 July 2009, Government Notices Nos. R.154 and R.157 in Government *Gazette* 34046 of 1 March 2011, section 143 of Act 24 of 2011, Government Notice No. R.187 in Government *Gazette* 35102 of 2 March 2012, Government Notice No. R.506 in Government *Gazette* 35481 of 6 July 2012, Government Notice No. 995 in Government *Gazette* 35932 of 7 December 2012, Government Notice No. R.1072 in Government *Gazette* 36002 of 14 December 2012, section 181 of Act 31 of 2013, Government Notice No. R.288 in Government *Gazette* 37554 of 17 April 2014, section 107 of Act 43 of 2014, Government Notice No. R.723 in Government *Gazette* 39100 of 14 August 2015, Government Notice No. R.558 in Government *Gazette* 40004 of 20 May 2016, section 87 of Act 15 of 2016, section 31 of Act 16 of 2016, section 74 of Act 34 of 2019, Government Notice No. R.226 in Government *Gazette* 43051 of 28 February 2020, Government Notice No. R.1069 in Government *Gazette* 43781 of 9 October 2020, section 25 of Act 16 of 2022 and by Government Notioce R.3780 in Government *Gazette* 49104 of 11 August 2023

53. (1) Schedule 1 of the Value-Added Tax Act, 1991, is hereby amended by the deletion of item 413.00.

(2) Subsection (1) is deemed to have come into operation on 1 January 2013.

Amendment of section 3 of Act 28 of 2008, as amended by section 92 of Act 15 of 2016

54. (1) Section 3 of the Mineral and Petroleum Resources Royalty Act, 2008, is hereby amended—

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

''(1) The royalty mentioned in section 2 in respect of the transfer of a refined mineral resource, other than oil and gas, is determined by multiplying the gross sales of the extractor in respect of that mineral resource during the year of assessment by the percentage determined in accordance with the formula in section 4(1).''; and

(b) by the insertion after subsection (1) of the following subsection:

''(1A) The royalty mentioned in section 2 in respect of the transfer of a refined mineral resource, that is oil and gas, is determined by multiplying the gross sales of the extractor in respect of that mineral resource during the year of assessment by the percentage determined in accordance with the formula in section 4(1A).''.

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

(aa) nie vereis word om die prinsipaal van afskrifte van die dokumentêre bewys soos voorgeskryf te voorsien nie; en

(bb) verplig is om rekening te gee van uitsetbelasting in die geval dat die agent nie in besit van die vereiste dokumente is nie, behalwe nulskaal belastingfakture in omstandighede waar die prinsipaal sy goud regstreeks aan die koper gelewer het, om die toepassing van die nulskaal ten opsigte van lewerings deur die agent namens 'n prinsipaal gedoen te rugsteun.''.

(2) Subartikel (1) tree op 1 April 2024 in werking.

Wysiging van Bylae 1 by Wet 89 van 1991, soos gewysig deur artikel 48 van Wet 136 van 1991, artikel 43 van Wet 136 van 1992, Goewermentskennisgewing No. 2244 van 31 Julie 1992, artikel 44 van Wet 97 van 1993, Goewermentskennisgewing No. 1955 van 7 Oktober 1993, artikel 32 van Wet 20 van 1994, artikel 32 van Wet 37 van 1996, artikel 53 van Wet 27 van 1997, vervang deur artikel 177 van Wet 60 van 2001, gewysig deur artikel 58 van Wet 30 van 2002, artikel 121 van Wet 74 van 2002, Goewermentskennisgewing No. R.111 in *Staatskoerant* 24274 van 17 Januarie 2003, artikel 189 van Wet 45 van 2003, artikels 52 tot 55 van Wet 16 van 2004, artikel 108 van Wet 32 van 2004, artikels 111 tot 123 van Wet 31 van 2005, artikels 52 tot 53 van Wet 9 van 2006, artikel 89 van Wet 20 van 2006, artikel 109 van Wet 8 van 2007, artikel 85 van Wet 8 van 2007, Goewermentskennisgewing No. R.958 in *Staatskoerant* 30370 van 12 Oktober 2007, artikel 107 van Wet 35 van 2007, Goewermentskennisgewing No. R.766 in *Staatskoerant* 32416 van 24 Julie 2009, Goewermentskennisgewing Nos. R.154 en R.157 in *Staatskoerant* 34046 van 1 Maart 2011, artikel 143 van Wet 24 van 2011, Goewermentskennisgewing No. R.187 in *Staatskoerant* 35102 van 2 Maart 2012, Goewermentskennisgewing No. R.506 in *Staatskoerant* 35481 van 6 Julie 2012, Goewermentskennisgewing No. 995 in *Staatskoerant* 35932 van 7 Desember 2012, Goewermentskennisgewing No. R.1072 in *Staatskoerant* 36002 van 14 Desember 2012, artikel 181 van Wet 31 van 2013, Goewermentskennisgewing No. R.288 in *Staatskoerant* 37554 van 17 April 2014, artikel 107 van Wet 43 van 2014, Goewermentskennisgewing No. R.723 in *Staatskoerant* 39100 van 14 Augustus 2015, Goewermentskennisgewing No. R.558 in *Staatskoerant* 40004 van 20 Mei 2016, artikel 87 van Wet 15 van 2016, artikel 31 van Wet 16 van 2016, artikel 74 van Wet 34 van 2019, Goewermentskennisgewing No. R.226 in *Staatskoerant* 43051 van 28 Februarie 2020 en Goewermentskennisgewing No. R.1069 in *Staatskoerant* 43781 van 9 Oktober 2020 en artikel 25 van Wet 16 van 2022

53. (1) Bylae 1 van die Wet op Belasting op Toegevoegde Waarde, 1991, word hierby gewysig deur item 413.00 te skrap.

(2) Subartikel (1) word geag op 1 Januarie 2013 in werking te getree het.

Phetošo ya karolo ya 3 ya Molao No. ya 28 wa 2008, bjalo ka ge o fetošitšwe ke karolo ya 92 ya Molao wa No. ya 15 wa 2016

54. (1) Karolo ya 3 ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008, e fetošwa ke—

(a) go tsenywa ga karolwana ye e latelago legatong la karolwana ya (1):

"(1) Royalithi ye go bolelwago ka yona ka go karolo ya 2 malebana le phetišetšo ya methopo ya diminirale ye e hlwekišitšwego, ntle le makhura le kgase, e hlathwa ka go atiša palomoka ya dithekišo tša moepi wa malebana le methopo ya diminerale gare ga ngwaga wa tekolo ka peresente yeo e hlathilwego go ya ka fomula ya karolo ya 4(1).''; le

(b) go tsenywa ga karolwana ye e latelago ka morago ga karolwana ya (1):

"(1A) Royalithi ye go bolelwago ka yona ka go karolo ya 2 malebana le phetišetšo ya methopo ya diminerale tše di hlwekišitšwego, tšeo e lego makhura le kgase, e hlathwa ka go atiša palomoka ya dithekišo tša moepi wa malebana le methopo ya diminerale gare ga ngwaga wa tekolo ka peresente yeo e hlathilwego go ya ka fomula ya karolo ya 4(1A).''.

(2) Karolwana ya (1) e tla thoma go šoma ka di 1 Janeware 2024 ebile e tlo šoma malebana le mengwaga ya tekolo ye e thomago pele goba ka morago ga letšatšikgwedi leo.

Amendment of section 4 of Act 28 of 2008

55. (1) Section 4 of the Mineral and Petroleum Resources Royalty Act, 2008, is hereby amended—

(a) by the insertion after subsection (1) of the following subsection:

"(1A) The percentage mentioned in section 3(1A) is—
2 + [earnings before interest and taxes/(gross sales in respect of refined mineral resources × 12.5)] × 100."; and

(b) by the substitution in subsection (3) for paragraph *(a)* of the following paragraph:

"*(a)* The percentage determined in terms of **[subsection]** subsections (1) and (1A) must not exceed 5 per cent.".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 5 of Act 28 of 2008, as amended by section 98 of Act 17 of 2009, section 132 of Act 7 of 2010 and section 184 of Act 31 of 2013

56. (1) Section 5 of the Mineral and Petroleum Resources Royalty Act, 2008, is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

"For purposes of the formula in section 4(1) and (1A), **'earnings before interest and taxes'** in respect of a year of assessment means the aggregate of—".

(2) Subsection (1) comes into operation on 1 January 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 32 of Act 24 of 2011, as amended by section 168 of Act 22 of 2012

57. (1) Section 32 of the Taxation Laws Amendment Act, 2011, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) is deemed to have come into operation on 1 October 2012 and applies in respect of expenditure incurred in respect of research and development on or after 1 October 2012 **[but before 1 October 2022]**.".

(2) Subsection (1) is deemed to have come into operation on 10 January 2012.

Amendment of section 1 of Act 25 of 2011, as amended by section 35 of Act 21 of 2012

58. (1) Section 1 of the Taxation Laws Second Amendment Act, 2011, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 October 2012 and applies in respect of research and development on or after 1 October 2012**[, but on or before 1 January 2024]**.".

(2) Subsection (1) is deemed to have come into operation on 14 December 2011.

Amendment of section 5 of Act 21 of 2012

59. (1) Section 5 of the Tax Administration Laws Amendment Act, 2012, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) is deemed to have come into operation on 1 October 2012 and applies in respect of expenditure incurred in respect of research and development on or after that date **[but before 1 October 2022]**.".

(2) Subsection (1) is deemed to have come into operation on 20 December 2012.

Phetošo ya karolo ya 4 ya Molao wa No. ya 28 wa 2008

55. (1) Karolo ya 4 ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008, e fetošwa ke—

(a) go tsenywa ga karolwana ye e latelago ka morago ga karolwana ya (1):

"(1A) Peresente ye go bolelwago ka yona ka go karolo ya 3(1A) ke—
2 + [letseno pele ga twala le metšhelo/(palomoka ya dithekišo tša malebana le methopo ya diminerale tše di hlwekišitšwego × 12.5)] × 100.";

(b) go tsenywa ka go karolwana ya (3) ga temana ya *(a)* ya temana ye e latelago:

"*(a)* Peresente ye e hlathilwego go ya ka **[karolwana]** dikarolwana tša (1) le (1A) ga se ya swanela go feta diperesente tše 5.".

(2) Karolwana ya (1) e tla thoma go šoma ka di 1 Janeware 2024 ebile e tlo šoma malebana le mengwaga ya tekolo ye e thomago pele goba ka morago ga letšatšikgwedi leo.

Phetošo ya karolo ya 5 ya Molao wa No. ya 28 wa 2008, bjalo ka ge o fetošitšwe ke karolo ya 98 ya Molao wa No. ya 17 wa 2009, karolo ya 132 ya Molao wa No. ya 7 wa 2010 le karolo ya 184 ya Molao wa No. ya 31 wa 2013

56. (1) Karolo ya 5 ya Molao wa Royalithi ya Methopo ya Diminerale le Petroliamo, wa 2008, e fetošwa ke go tsenywa ka go karolwana ya (1) ga mantšu ao a latelago pele ga temana ya *(a)*:

"Ka morero wa fumula yeo e lego ka go karolo ya 4(1) le (1A), **'letseno pele ga twala le metšhelo'** malebana le tekolo ya ngwaga e ra kgoboketšo ya—".

(2) Karolwana ya (1) e tla thoma go šoma ka di 1 Janeware 2024 ebile e tlo šoma malebana le mengwaga ya tekolo ye e thomago pele goba ka morago ga letšatšikgwedi leo.

Wysiging van artikel 32 van Wet 24 van 2011, soos gewysig deur artikel 168 van Wet 22 van 2012

57. (1) Artikel 32 van die Wysigingswet op Belastingwette, 2011, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Oktober 2012 in werking en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van daardie navorsing en ontwikkeling op of na 1 Oktober 2012 **[, maar voor 1 Oktober 2022]**.".

(2) Subartikel (1) word geag op 10 Januarie 2012 in werking te getree het.

Wysiging van artikel 1 van Wet 25 van 2011, soos gewysig deur artikel 35 van Wet 21 van 2012

58. (1) Artikel 1 van die Tweede Wysigingswet op Belastingwette, 2011, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Oktober 2012 in werking en is van toepassing ten opsigte van navorsing en ontwikkeling op of na 1 Oktober 2012**[, maar op of voor 1 Januarie 2024]**.".

(2) Subartikel (1) word geag op 14 Desember 2011 in werking te getree het.

Wysiging van artikel 5 van Wet 21 van 2012

59. (1) Artikel 5 van die Wysigingswet op Belastingadministrasiewette, 2012, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) word geag op 1 Oktober 2012 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum **[, maar voor 1 Oktober 2022]**.".

(2) Subartikel (1) word geag op 20 Desember 2012 in werking te getree het.

Amendment of section 13 of Act 31 of 2013, as amended by section 144 of Act 25 of 2015, section 98 of Act 15 of 2016, section 93 of Act 17 of 2017, section 98 of Act 23 of 2018, section 82 of Act 34 of 2019, section 71 of Act 23 of 2020, section 60 of Act 20 of 2021 and section 35 of Act 20 of 2022

60. (1) Section 13 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 January **[2024]** 2025 and applies in respect of amounts incurred on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 15 of Act 31 of 2013, as amended by section 145 of Act 25 of 2015, section 99 of Act 15 of 2016, section 94 of Act 17 of 2017, section 99 of Act 23 of 2018, section 83 of Act 34 of 2019, section 72 of Act 23 of 2020, section 61 of Act 20 of 2021 and section 36 of Act 20 of 2022

61. (1) Section 15 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection

"(2) Subsection (1) comes into operation on 1 January **[2024]** 2025 and applies in respect of amounts incurred on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 29 of Act 31 of 2013

62. (1) Section 29 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 January 2014 and applies in respect of expenditure incurred in respect of research and development on or after that date **[, but before 1 October 2022]**.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 62 of Act 31 of 2013, as amended by section 148 of Act 25 of 2015, section 100 of Act 15 of 2016, section 100 of Act 23 of 2018, section 84 of Act 34 of 2019, section 73 of Act 23 of 2020, section 62 of Act 20 of 2021 and section 37 of Act 20 of 2022

63. (1) Section 62 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Subsection (1) comes into operation on 1 January **[2024]** 2025 and applies in respect of amounts of interest incurred on or after that date.".

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.

Amendment of section 18 of Act 43 of 2014

64. (1) Section 18 of the Taxation Laws Amendment Act, 2014, is hereby amended by the substitution for subsections (2), (3) and (4) of the following subsections:

"(2) Paragraphs *(a)* and *(h)* of subsection (1) come into operation on 1 January 2015 and apply in respect of expenditure incurred in respect of research and development on or after that date **[, but before 1 October 2022]**.

(3) Paragraphs *(b)*, *(c)* and *(g)* of subsection (1) are deemed to have come into operation on 1 October 2012 and apply in respect of expenditure incurred in respect of research and development on or after that date **[, but before 1 October 2022]**.

(4) Paragraphs *(e)* and *(f)* of subsection (1) are deemed to have come into operation on 1 January 2014 and apply in respect of expenditure incurred in respect of research and development on or after that date **[, but before 1 October 2022]**.".

(2) Subsection (1) is deemed to have come into operation on 20 January 2015.

Amendment of section 27 of Act 15 of 2016

65. (1) Section 27 of the Taxation Laws Amendment Act, 2016, is hereby amended by the substitution for subsection (2) of the following subsection:

Wysiging van artikel 13 van Wet 31 van 2013, soos gewysig deur artikel 144 van Wet 25 van 2015, artikel 98 van Wet 15 van 2016, artikel 93 van Wet 17 van 2017, artikel 98 van Wet 23 van 2018, artikel 82 van Wet 34 van 2019, artikel 71 van Wet 23 van 2020, artikel 60 van Wet 20 van 2021 en artikel 35 van Wet 20 van 2022

60. (1) Artikel 13 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree in werking op 1 Januarie **[2024]** 2025 en is van toepassing ten opsigte van bedrae aangegaan op of na daardie datum.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 15 van Wet 31 van 2013, soos gewysig deur artikel 145 van Wet 25 van 2015, artikel 99 van Wet 15 van 2016, artikel 94 van Wet 17 van 2017, artikel 99 van Wet 23 van 2018, artikel 83 van Wet 34 van 2019, artikel 72 van Wet23 van 2020, artikel 61 van Wet 20 van 2021 en artikel 36 van Wet 20 van 2022

61. (1) Artikel 15 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree in werking op 1 Januarie **[2024]** 2025 en is van toepassing op bedrae op of na daardie datum aangegaan.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 29 van Wet 31 van 2013

62. (1) Artikel 29 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree op 1 Januarie 2014 in werking en is van toepassing ten opsigte van uitgawes ten opsigte van navorsing en ontwikkeling op of na daardie datum **[, maar voor 1 Oktober 2022,]** aangegaan.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 62 van Wet 31 van 2013, soos gewysig deur artikel 148 van Wet 25 van 2015, artikel 100 van Wet 15 van 2016, artikel 100 van Wet 23 van 2018, artikel 84 van Wet 34 van 2019, artikel 73 van Wet 23 van 2020, artikel 62 van Wet 20 van 2021 en artikel 37 van Wet 20 van 2022

63. (1) Artikel 62 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subartikel (1) tree in werking op 1 Januarie **[2024]** 2025 en is van toepassing ten opsigte van bedrae van rente aangegaan op of na daardie datum.".

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.

Wysiging van artikel 18 van Wet 43 van 2014

64. (1) Artikel 18 van die Wysigingswet op Belastingwette, 2014, word hierby gewysig deur subartikels (2), (3) en (4) deur die volgende subartikels te vervang:

"(2) Paragrawe *(a)* en *(h)* van subartikel (1) tree in werking op 1 Januarie 2015 en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum**[, maar voor 1 Oktober 2022]**.

(3) Paragrawe *(b)*, *(c)* en *(g)* van subartikel (1) word geag op 1 Oktober 2012 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum**[, maar voor 1 Oktober 2022]**.

(4) Paragrawe *(e)* en *(f)* van subartikel (1) word geag op 1 Januarie 2014 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum**[, maar voor 1 Oktober 2022]**.".

(2) Subartikel (1) word geag op 20 Januarie 2015 in werking te getree het.

Wysiging van artikel 27 van Wet 15 van 2016

65. (1) Artikel 27 van die Wysigingswet op Belastingwette, 2016, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Subsection (1) is deemed to have come into operation on 1 October 2012 and applies in respect of expenditure incurred in respect of research and development on or after that date **[, but before 1 October 2022]**.".

(2) Subsection (1) is deemed to have come into operation on 19 January 2017.

Amendment of section 12 of Act 15 of 2019, as amended by section 64 of Act 20 of 2021

66. (1) Section 12 of the Carbon Tax Act, 2019, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to subsection (2), a taxpayer that conducts an activity that is listed in Schedule 2 in the column 'Activity/Sector' and participates in the carbon budget system from 1 January 2021 to 31 December **[2022]** 2024, must receive an additional allowance of five per cent of the total greenhouse gas emissions in respect of a tax period.".

(2) Subsection (1) is deemed to have come into operation on 1 January 2023.

Amendment of Schedule 1 to Act 15 of 2019, as amended by section 98 of Act 34 of 2019

67. (1) Schedule 1 to the Carbon Tax Act, 2019, is hereby amended by the substitution for Table 2 of the following Table:

TABLE 2

FUGITIVE EMMISSION FACTORS

IPCC Code	**SOURCE CATEGORY ACTIVITY**	**CO_2**	**CH_4**	**N_2O**
1B1	**SOLID FUELS (M^3 /TONNE)**			
1B1a	**COAL MINING AND HANDLING**			
1B1ai	UNDERGROUND COAL MINING	0.000077	0.00077	
	UNDERGROUND POST-MINING (HANDLING & TRANSPORT)	0.000018	0.00018	
1B1aii	SURFACE COAL MINING	N/A	0	
	SURFACE POST-MINING (STORAGE AND TRANSPORT)	N/A	0	
1B1c2	Charcoal production (Fuel wood input) ($kgCH_4/TJ$)	N/A	0.300	
	Charcoal production (Charcoal produced) ($kgCH_4/TJ$)	N/A	1.000	
1B2	***OIL AND NATURAL GAS*** **(Gg/103M^3 TOTAL OIL PRODUCTION)**			
1B2b	**NATURAL GAS**			
1B2b	**FLARING AND VENTING**			
1.B.2.b.ii	WELL DRILLING	0.0000001	0.000000033	ND
1.B.2.b.ii	WELL TESTING	0.000009	0.000000051	0.000000000068
1.B.2.b.ii	WELL SERVICING	0.0000000019	0.00000011	ND
1B2b	***GAS PRODUCTION*** **(Gg/106M^3 TOTAL OIL PRODUCTION)**			
1.B.2.b.iii.2	FUGITIVES	$1.40E^{-05}$ to $8.20E^{-05}$	$3.80E^{-04}$ to $2.30E^{-03}$	N/A

"(2) Subartikel (1) word geag op 1 Oktober 2012 in werking te getree het en is van toepassing ten opsigte van uitgawes aangegaan ten opsigte van navorsing en ontwikkeling op of na daardie datum**[, maar voor 1 Oktober 2022]**.".

(2) Subartikel (1) word geag op 19 Januarie 2017 in werking te getree het.

Wysiging van artikel 12 van Wet 15 van 2019, soos gewysig deur artikel 64 van Wet 20 van 2021

66. (1) Artikel 12 van die Wet op Koolstofbelasting, 2019, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Behoudens subartikel (2), moet 'n belastingpligtige wat 'n aktiwiteit uitvoer wat gelys is in bylae 2 in die kolom 'Aktiwiteit/Sektor', en deelneem aan die koolstofbegrotingsisteem van 1 Januarie 2021 tot 31 Desember **[2022]** 2024, 'n addisionele toelae van vyf persent van die totale kweekhuisgasvrystellings ten opsigte van 'n belastingtydperk ontvang.".

(2) Subartikel (1) word geag op 1 Januarie 2023 in werking te getree het.

Wysiging van Bylae 1 by Wet 15 van 2019, soos gewysig deur artikel 98 van Wet 34 van 2019

67. (1) Bylae 1 by die Wet op Koolstofbelasting, 2019, word hierby gewysig deur Tabel 2 deur die volgende tabel te vervang:

TABEL 2

VLUGTIGE VRYSTELLINGSFAKTORE

IPCC-kode	**BRONKATEGORIE FAKTORE**	**CO_2**	**CH_4**	**N_2O**
1B1	**VASTE BRANDSTOF (M^3 /TON)**			
1B1a	**STEENKOOLMYNBOU EN HANTERING**			
1B1ai	ONDERGRONDSE STEENKOOLMYNBOU	0.000077	0.00077	
	ONDERGRONDSE NA-MYNBOU (HANTERING & VERVOER)	0.000018	0.00018	
1B1aii	BOGRONDSE STEENKOOLMYNBOU	NVT	0	
	BOGRONDSE NA-MYNBOU (BERGING EN VERVOER)	NVT	0	
1B1c2	Houtskoolproduksie (Brandstof -hout toevoer) (kgCH4/TJ)	NVT	0.300	
	Houtskoolproduksie (Houtskool geproduseer) (kgCH_4/TJ)	NVT	1.000	
1B2	**OLIE EN AARDGAS (Gg/ 103M^3 TOTALE OLIEPRODUKSIE)**			
1B2b	**AARDGAS**			
1B2b	**OPVLAMMING EN ONTLUGTING**			
1.B.2.b.ii	PUTBOOR	0.0000001	0.000000033	ND
1.B.2.b.ii	PUTTOETS	0.000009	0.000000051	0.000000000068
1.B.2.b.ii	PUTDIENS	0.0000000019	0.00000011	ND
1B2b	**GASPRODUKSIE (Gg/ 106M^3 TOTAAL OLIEPRODUKSIE)**			
1.B.2.b.iii.2	VLUGTIGES	$1.40E^{-05}$ tot $8.20E^{-05}$	$3.80E^{-04}$ tot $2.30E^{-03}$	NVT

IPCC Code	SOURCE CATEGORY ACTIVITY	CO_2	CH_4	N_2O
1.B.2.b.ii	FLARING	0.0012	0.00000076	0.000000021
	GAS PROCESSING **(Gg/106M^3 RAW GAS FEED)**			
1.B.2.b.iii.3	SWEET GAS PLANTS—FUGITIVES	1.50E^{-04} to 3.20E^{-04}	4.80E^{-04} to 1.03E^{-03}	N/A
1.B.2.b.ii	SWEET GAS PLANTS—FLARING	0.0018	0.0000012	0.000000025
1.B.2.b.iii.3	SOUR GAS PLANTS—FUGITIVES	0.0000079	0.000097	N/A
1.B.2.b.ii	SOUR GAS PLANTS—FLARING	0.0036	0.0000024	0.000000054
1.B.2.b.i	SOUR GAS PLANTS — RAW CO2 VENTING	0.063	N/A	N/A
1.B.2.b.iii.3	DEEP CUT EXTRACTION—FUGITIVES	0.0000016	0.000011	N/A
1.B.2.b.ii	DEEP CUT EXTRACTION—FLARING	0.00011	0.000000072	0.000000012
1.B.2.b.iii.3	DEFAULT—FUGITIVES	1.20E^{-05} to 3.20E^{-04}	1.50E^{-04} to 1.03E^{-03}	N/A
1.B.2.b.ii	DEFAULT—FLARING	0.003	0.000002	0.000000033
1.B.2.b.i	DEFAULT—RAW CO2 VENTING	0.04	N/A	N/A
1B2b	***GAS TRANSMISSION & STORAGE*** **(Gg-CO_2/year/km**			
1.B.2.b.iii.4	TRANSMISSION—FUGITIVES	0.000000016	0.0000025	N/A
1.B.2.b.i	TRANSMISSION—VENTING	0.0000000085	0.0000010	N/A
1.B.2.b.iii.4	STORAGE (**Gg-CO2/year/M^3**)		2.32E^{-12}	ND
1B2b	***GAS DISTRIBUTION*** **(Gg/106M^3 OF UTILITY SALES)**			
1.B.2.b.iii.5	ALL	0.000051	0.0011	ND
1B2b	***NATURAL GAS LIQUIDS TRANSPORT*** **(Gg/ 103M^3 CONDENSATE AND PENTANES PLUS)**			
1.B.2.a.iii.3	CONDENSATE	0.0000000072	0.00000011	
1.B.2.a.iii.3	LIQUEFIED PETROLEUM GAS **(Gg/ 103M^3 LPG)**	0.00000043	N/A	2.2 0E^{-12}
1.B.2.a.iii.3	LIQUEFIED NATURAL GAS **(Gg/106M^3 MARKETABLE GAS)**	ND	ND	ND
1B2a	OIL			
1B2a	***OIL PRODUCTION*** **(Gg/ 103M^3 CONVENTIONAL OIL PRODUCTION)**			
1.B.2.a.iii.2	CONVENTIONAL OIL—FUGITIVES (ONSHORE)	1.10E^{-10} to 2.60E^{-07}	1.50E^{-09} to 3.60E^{-06}	N/A
1.B.2.a.iii.2	CONVENTIONAL OIL—FUGITIVES (OFFSHORE)	0.000000000043	0.00000000059	N/A
1.B.2.a.i	CONVENTIONAL OIL—VENTING	0.000000095	0.00000072	N/A
1.B.2.a.ii	CONVENTIONAL OIL—FLARING	0.000041	0.000000025	0.00000000064
1B2a	***OIL PRODUCTION*** **(Gg/ 103M^3 HEAVY OIL PRODUCTION)**			
1.B.2.a.iii.2	HEAVY OIL/COLD BITUMEN—FUGITIVES	0.00000054	0.0000079	N/A

IPCC-kode	**BRONKATEGORIE FAKTORE**	**CO_2**	**CH_4**	**N_2O**
1.B.2.b.ii	OPVLAMMING	0.0012	0.00000076	0.000000021
	GASVERWERKING (Gg/ 106M^3 ROU GASTOEVOER)			
1.B.2.b.iii.3	SOETGAS AANLEG- VLUGTIGES	1.50E-^{04} tot 3.20E^{-04}	4.80E^{-04} tot 1.03E^{-03}	NVT
1.B.2.b.ii	SOET GAS AANLEG—OPVLAMMING	0.0018	0.0000012	0.000000025
1.B.2.b.iii.3	SUUR GAS AANLEG—VLUGTIGES	0.0000079	0.000097	NVT
1.B.2.b.ii	SUUR GAS AANLEG—OPVLAMMING	0.0036	0.0000024	0.000000054
1.B.2.b.i	SUUR GAS AANLEG—RU CO_2 ONTLUGTING	0.063	NVT	NVT
1.B.2.b.iii.3	DIEPGROEFONTGINNING—VLUGTIGES	0.0000016	0.000011	NVT
1.B.2.b.ii	DIEPGROEFONTGINNING—OPVLAMMING	0.00011	0.000000072	0.000000012
1.B.2.b.iii.3	STANDAARD—VLUGTIGES	1.20E^{-05} tot 3.20E^{-04}	1.50E^{-04} tot 1.03E^{-03}	NVT
1.B.2.b.ii	STANDAARD—OPVLAMMING	0.003	0.000002	0.000000033
1.B.2.b.i	STANDAARD—RU CO_2 ONTVLUGTING	0.04	NVT	NVT
1B2b	**GASLEIDING & -BERGING (Gg-CO_2 /jaar/km**			
1.B.2.b.iii.4	LEIDING—VLUGTIGES	0.000000016	0.0000025	NVT
1.B.2.b.i	LEIDING—ONTLUGTING	0.0000000085	0.0000010	NVT
1.B.2.b.iii.4	**BERGING (Gg-CO_2/jaar/M^3)**		2.32E^{-12}	ND
1B2b	**GASVERSPREIDING (Gg/ 10^{6}M^3 VAN NUTSVERKOPE)**			
1.B.2.b.iii.5	**ALLES**	0.000051	0.0011	ND
1B2b	***AARDGASVLOEISTOF-VERVOER*** **(Gg/ 10^{3}M^3 KONDENSAAT EN PENTAAN PLUS)**			
1.B.2.a.iii.3	KONDENSAAT	0.0000000072	0.00000011	
1.B.2.a.iii.3	**VLOEIBARE PETROLEUMGAS (Gg/ 10^{3}M^3 LPG)**	0.00000043	NVT	2.2 0E^{-12}
1.B.2.a.iii.3	**VLOEIBARE AARDGAS (Gg/ 10^{6}M^3** BEMARKBARE GAS)	ND	ND	ND
1B2a	OLIE			
1B2a	**OLIEPRODUKSIE (Gg/ 10^{3}M^3 KONVENSIONELE OLIEPRODUKSIE)**			
1.B.2.a.iii.2	KONVENSIONELE OLIE—VLUGTIGES (AANLANDIG)	1.10E^{-10} tot 2.60E^{-07}	1.50E^{-09} tot 3.60E^{-06}	NVT
1.B.2.a.iii.2	KONVENSIONELE OLIE—VLUGTIGES (AFLANDIG)	0.000000000043	0.00000000059	NVT
1.B.2.a.i	KONVENSIONELE OLIE—ONTVLUGTING	0.000000095	0.00000072	NVT
1.B.2.a.ii	KONVENSIONELE OLIE—OPVLAMMING	0.000041	0.000000025	0.00000000064
1B2a	**OLIEPRODUKSIE (Gg/ 10^{3}M^3 SWAAR OLIEPRODUKSIE)**			
1.B.2.a.iii.2	SWAAR OLIE/KOUE BITUMEN—VLUGTIGES	0.00000054	0.0000079	NVT

IPCC Code	SOURCE CATEGORY ACTIVITY	CO_2	CH_4	N_2O
1.B.2.a.i	HEAVY OIL/COLD BITUMEN—VENTING	0.0000053	0.000017	N/A
1.B.2.a.ii	HEAVY OIL/COLD BITUMEN—FLARING	0.000022	0.00000014	0.00000000046
1B2a	***OIL PRODUCTION*** (Gg/ $103M^3$ THERMAL BITUMEN PRODUCTION)			
1.B.2.a.iii.2	THERMAL OIL PRODUCTION—FUGITIVES	0.000000029	0.00000018	N/A
1.B.2.a.i	THERMAL OIL PRODUCTION—VENTING	0.00000022	0.0000035	N/A
1.B.2.a.ii	THERMAL OIL PRODUCTION—FLARING	0.000027	0.000000016	0.00000000024
1B2a	***OIL PRODUCTION*** **(Gg/$103M^3$ SYNTHETIC CRUDE PRODUCTION FROM OILSANDS)**			
1.B.2.a.iii.2	SYNTHETIC CRUDE (FROM OILSANDS)	ND	0.0000023	ND
1.B.2.a.iii.2	SYNTHETIC CRUDE (OIL SHALE)	ND	ND	ND
1B2a	***OIL PRODUCTION*** **(Gg/$103M^3$ TOTAL OIL PRODUCTION)**			
1.B.2.a.iii.2	DEFAULT TOTAL—FUGITIVES	0.00000028	0.0000022	N/A
1.B.2.a.i	DEFAULT TOTAL—VENTING	0.0000018	0.0000087	N/A
1.B.2.a.ii	DEFAULT TOTAL—FLARING	0.000034	0.000000021	0.00000000054
1B2a	***OIL UPGRADING*** **(Gg/$103M^3$ OIL UPGRADED)**			
1.B.2.a.iii.2	ALL	ND	ND	ND
1B2a	***OIL TRANSPORT*** **(Gg/$103M^3$ OIL TRANSPORTED BY PIPELINE)**			
1.B.2.a.iii.3	PIPELINES	0.00000000049	0.0000000054	N/A
1B2a	***OIL TRANSPORT*** **(Gg/$103M^3$ OIL TRANSPORTED BY TANKER TRUCK)**			
1.B.2.a.i	TANKER TRUCKS AND RAIL CARS—VENTING	0.0000000023	0.000000025	N/A
	OIL TRANSPORT (Gg/ $103M^3$ OIL TRANSPORTED BY TANKER SHIPS)			
1.B.2.a.i	LOADING OFF-SHORE PRODUCTION ON TANKER SHIPS—VENTING	ND	ND	ND
1B2a	***OIL REFINING*** **(Gg/ $103M^3$ OIL REFINED)**			
1.B.2.a.iii.4	ALL		2.60E-09 to 4.10E-08	ND

(2) Subsection (1) is deemed to have come into operation on 1 June 2019.

Amendment of section 13 of Act 20 of 2022

68. (1) Section 13 of the Taxation Laws Amendment Act, 2022, is hereby amended by the substitution for paragraph *(a)* of subsection (1) of the following paragraph:

IPCC-kode	BRONKATEGORIE FAKTORE	CO_2	CH_4	N_2O
1.B.2.a.i	SWAAR OLIE/KOUE BITUMEN—ONTVLUGTING	0.0000053	0.000017	NVT
1.B.2.a.ii	SWAAR OLIE/KOUE BITUMEN—OPVLAMMING	0.000022	0.00000014	0.00000000046
1B2a	**OLIEPRODUKSIE (Gg/ 10^3M^3 TERMIESE BITUMENPRODUKSIE)**			
1.B.2.a.iii.2	TERMIESE OLIEPRODUKSIE—VLUGTIGES	0.000000029	0.00000018	NVT
1.B.2.a.i	TERMIESE OLIEPRODUKSIE—ONTVLUGTING	0.00000022	0.0000035	NVT
1.B.2.a.ii	TERMIESE OLIEPRODUKSIE—OPVLAMMING	0.000027	0.000000016	0.00000000024
1B2a	**OLIEPRODUKSIE (Gg/ 10^3M^3 SINTETIESE RUOLIEPRODUKSIE VAN OLIESANDSTEEN)**			
1.B.2.a.iii.2	SINTETIESE RUOLIE (VAN OLIESANDSTEEN)	ND	0.0000023	ND
1.B.2.a.iii.2	SINTETIESE RUOLIE *(OLIESKALIE)*	ND	ND	ND
1B2a	**OLIEPRODUKSIE (Gg/ 10^3M^3 TOTALE OLIEPRODUKSIE)**			
1.B.2.a.iii.2	STANDAARD TOTAAL—VLUGTIGES	0.00000028	0.0000022	NVT
1.B.2.a.i	STANDAARD TOTAAL—ONTVLUGTING	0.0000018	0.0000087	NVT
1.B.2.a.ii	STANDAARD TOTAAL—OPVLAMMING	0.000034	0.000000021	0.00000000054
1B2a	**OLIE OPGRADERING (Gg/ 10^3M^3 OLIE OPGEGRADEER)**			
1.B.2.a.iii.2	ALLES	ND	ND	ND
1B2a	**OLIEVERVOER (Gg/ 10^3M^3 OLIE VERVOER DEUR PYPLEIDING)**			
1.B.2.a.iii.3	PYPLEIDINGS	0.00000000049	0.0000000054	NVT
1B2a	**OLIEVERVOER (Gg/ 10^3M^3 OLIE VERVOER DEUR TENKWA)**			
1.B.2.a.i	TENKWAENS EN SPOORWAENS—ONTVLUGTING	0.0000000023	0.000000025	NVT
	OLIEVERVOER (Gg/ 10^3M^3 OLIE VERVOER DEUR OLIEBOTE)			
1.B.2.a.i	LAAI AFLANDIGE PRODUKSIE OP OLIEBOTE—ONTVLUGTING	ND	ND	ND
1B2a	**OLIE RAFFINERING (Gg/ 10^3M^3 OLIE GERAFFINEER)**			
1.B.2.a.iii.4	ALLES		$2.60E^{-09}$ tot $4.10E^{-08}$	ND

(2) Subartikel (1) word geag op 1 Junie 2019 in werking te getree het.

Wysiging van artikel 13 van Wet 20 van 2022

68. (1) Artikel 13 van die Wysigingswet op Belastingwette, 2022, word hierby gewysig deur paragraaf *(a)* van subartikel (1) deur die volgende paragraaf te vervang:

"*(a)* by the substitution for subsection (2) of the following subsection:

'(2) In the case of such an agreement, other than a lay-by agreement as contemplated in subsection (2A), in terms of which at least 25 per cent of the said amount payable only becomes due and payable on or after the expiry of a period of not less than 12 months after the date of the said agreement, taking into consideration any allowance made under section 11*(j)*, there shall be made such further allowance as under the special circumstances of the trade of the taxpayer, as set out in a public notice issued by the Commissioner, is reasonable, in respect of all amounts which are deemed to have accrued under such agreements but which have not been received at the close of the taxpayer's accounting period: Provided that any allowance so made shall be included as income in the taxpayer's returns for the following year of assessment and shall form part of the taxpayer's income.'; and".

(2) Subsection (1) is deemed to have come into operation on 1 January 2023.

Short title

69. This Act is called the Taxation Laws Amendment Act, 2023.

"*(a)* deur subartikel (2) deur die volgende subartikel te vervang:

'(2) In die geval van so 'n ooreenkoms, anders as 'n bêrekoopooreenkoms soos beoog in subartikel (2A), ingevolge waarvan minstens 25 persent van genoemde bedrag betaalbaar eers by of na verstryking van 'n tydperk van minstens 12 maande na die datum van genoemde ooreenkoms verskuldig en betaalbaar word, met inagneming van enige vermindering ingevolge artikel 11*(j)* toegestaan, word so 'n verdere vermindering toegestaan as wat in die besondere omstandighede van die bedryf van die belastingpligtige billik is soos uiteengesit in 'n openbare kennisgewing uitgereik deur die Kommissaris, ten opsigte van alle bedrae wat geag word uit hoofde van sodanige ooreenkomste toe te geval het, maar ten tyde van sluiting van die belastingpligtige se rekenings nog nie ontvang is nie: Met dien verstande dat 'n aldus toegestane vermindering in die belastingpligtige se opgawes vir die volgende jaar van aanslag as inkomste ingesluit moet word en deel van die belastingpligtige se inkomste uitmaak.'; en".

(2) Subartikel (1) word geag op 1 Januarie 2023 in werking te getree het.

Kort titel

69. Hierdie Wet heet die Wysigingswet op Belastingwette, 2023.