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REPUBLIEK VAN SUID-AFRIKA

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Cape Town,
Kaapstad, 20 May 2016

No. 40006

THE PRESIDENCY

No. 561

20 May 2016

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

Act No. 2 of 2016: Revenue Laws Amendment Act, 2016

DIE PRESIDENSIE

No. 561

20 Mei 2016

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

Wet No 2 van 2016: Wysigingswet op Inkomstewette, 2016

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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 17 May 2016)*

ACT

To amend the Income Tax Act, 1962, so as to correct certain provisions; to provide for a correction of the calculation of the amount of a deduction in determining taxable income; to amend the Taxation Laws Amendment Act, 2015, so as to amend certain provisions; to provide for the postponement of the commencement of certain provisions in respect of taxation of retirement benefits; 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, Government Notice 46 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, 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

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake 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 17 Mei 2016)

WET

Tot wysiging van die Inkomstebelastingwet, 1962, ten einde 'n bepaling reg te stel; om voorsiening te maak vir 'n regstelling van die berekening van die bedrag van 'n aftrekking by die vasstelling van belasbare inkomste; tot wysiging van die Wysigingswetsontwerp op Belastingwette, 2015, ten einde sekere bepalings te wysig; om voorsiening te maak vir die uitstel van die inwerkingtreding van sekere bepalings ten opsigte van belasting van uittreevoordele; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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, 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, Goewermentskennisgewing 46 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

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 and section 3 of Act 25 of 2015

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| <p>1. (1) Section 1 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the addition in subsection (1) in the definition of “pension fund” of the following proviso:</p> <p style="padding-left: 2em;">“(a) the fund is a permanent fund <i>bona fide</i> established for the purpose of providing annuities for employees on retirement from employment or for the dependants or nominees of deceased employees, or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid or for the purpose of providing any benefit contemplated in paragraph 2C of the Second Schedule or section 15A or 15E of the Pension Funds Act;</p> <p>(b) the rules of the fund provide—</p> <p class="list-item-l1">(i) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales;</p> <p class="list-item-l1">(ii) that membership of the fund throughout the period of employment shall be a condition of the employment by the employer of all persons of the class or classes specified therein who enter his or her employment on or after the date upon which—</p> <p class="list-item-l2">(aa) the fund comes into operation; or</p> <p class="list-item-l2">(bb) the employer becomes a participant in that fund;</p> <p class="list-item-l1">(iii) that persons who immediately prior to the said date were employed by the employer and who on the said date fall within the said class or classes may, on application made within a period of not more than 12 months as from the said date, be permitted to become members of the fund on such conditions as may be specified in the rules;</p> <p class="list-item-l1">(iv) 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) except where two-thirds of the total value does not exceed R165 000 or where the employee is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account:</p> <p class="list-item-l2">(aa) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018—</p> <p class="list-item-l3">(i) any amount contributed to a provident fund of which that person is a member on 1 March 2018;</p> <p class="list-item-l3">(ii) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2018; and</p> <p class="list-item-l3">(iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or</p> <p class="list-item-l2">(bb) in any other case of a person who is a member of a provident fund—</p> <p class="list-item-l3">(i) any amount contributed to a provident fund prior to 1 March 2018;</p> <p class="list-item-l3">(ii) with addition of any other amounts credited to the member’s individual account of the provident fund prior to 1 March 2018; and</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> |
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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, saamgelees 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 en artikel 3 van Wet 25 van 2015

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

- (a) deur in subartikel (1) in die omskrywing van “pensioenfonds” die volgende voorbehoudsbepaling by te voeg:

“: Met dien verstande dat ten opsigte van enige fonds in paragraaf (a) of (b) beoog—

(a) die fonds ’n permanente fonds is wat *bona fide* ingestel is met die oogmerk om vir werknemers by uitdienstreding of vir die afhanklikes of benoemdes van oorlede werknemers, jaargelde beskikbaar te stel, of hoofsaaklik met genoemde oogmerk en ook met die oogmerk om ander voordele as jaargelde vir voormalde persone beskikbaar te stel of met die oogmerk om enige voordeel beoog in paragraaf 2C van die Tweede Bylae of artikel 15A of 15E van die Wet op Pensioenfondse te voorsien;

(b) dat die reëls van die fonds bepaal—

(i) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomsdig aangegewe skale moet wees;

(ii) dat lidmaatskap van die fonds gedurende die hele dienstermyn ’n voorwaarde is van die indiensneming deur die werkewer van alle persone in die daarin vermelde kategorie of kategorieë wat op of na die datum waarop—

(aa) die fonds in werking tree; of

(bb) die werkewer ’n deelnemer in daardie fonds word, by die werkewer in diens gaan;

(iii) dat persone wat onmiddellik voor genoemde datum by die werkewer in diens was en wat op genoemde datum in genoemde kategorie of kategorieë val, op aansoek binne ’n tydperk van hoogstens 12 maande vanaf genoemde datum gedoen, toegelaat kan word om op die in die reëls vermelde voorwaardes lede van die fonds te word;

(iv) 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 lewendige annuïteit) betaal moet word, behalwe waar tweederdes van die totale waarde nie R165 000 te bove gaan nie of waar die werknemer oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word ’n bedrag as volg bereken nie in berekening gebring nie:

(aa) in die geval van ’n persoon wat ’n lid van ’n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2018—

(i) enige bydraes aan ’n voorsorgfonds waarvan daardie persoon op 1 Maart 2018 ’n lid is;

(ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en

(iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraph (i) of bedrae gekrediteer soos in subparagraph (ii) beoog; of

(bb) in enige ander geval van ’n persoon wat ’n lid van ’n voorsorgfonds is—

(i) enige bydraes voor 1 Maart 2018 aan ’n voorsorgfonds gemaak;

(ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en

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| | (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund; | 5 |
| | (v) that a partner is regarded as an employee of the partnership; and | 10 |
| | <u>(c) that the rules of the fund have been complied with;”;</u> | 10 |
| (b) | by the substitution in subsection (1) in the definition of “pension preservation fund” for paragraph (e) of the proviso of the following paragraph: | |
| | <u>“(e) not more than one-third of the total value of the retirement interest</u> may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R165 000 or where the member is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account: | 15 |
| | (a) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018— | 20 |
| | (i) any amount contributed to a provident fund of which that person is a member on 1 March 2018; | |
| | (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and | 25 |
| | (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or | |
| (b) | in any other case of a person who is a member of a provident fund— | 30 |
| | (i) any amount contributed to a provident fund prior to 1 March 2018; | |
| | (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and | 35 |
| | (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the <u>provident fund;”;</u> | 40 |
| (c) | by the substitution in the definition of “provident fund” for paragraph (b) of the proviso of the following paragraph: | 45 |
| | <u>“(b) that the rules of the fund provide—</u> | |
| | (i) that all annual contributions of a recurrent nature to the fund shall be in accordance with specified scales; | |
| | (ii) that membership of the fund throughout the period of employment shall be a condition of the employment by the employer of all persons of the class or classes specified therein who enter his or her employment on or after the date upon which— | 50 |
| | (aa) the fund comes into operation; or | |
| | (bb) the employer becomes a participant in that fund; | 55 |
| | (iii) that persons who immediately prior to the said date were employed by the employer and who on the said date fall within the said class or classes may, on application made within a period of not more than 12 months as from the said date, be permitted to become members of the fund on such conditions as may be specified in the rules; | 60 |

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| <ul style="list-style-type: none"> (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraph (i) of bedrae gekrediteer soos in subartikel (ii) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds; (v) dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en | 5 |
| <ul style="list-style-type: none"> (c) <u>dat die reëls van die fonds nagekom is;</u>”; | 10 |
| <p>(b) deur in subartikel (1) in die omskrywing van “pensioenbewaringsfonds” paragraaf (e) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:</p> <p>“(e) 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) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is: Met dien verstaande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie:</p> <p>(a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2018—</p> <ul style="list-style-type: none"> (i) enige bydraes aan 'n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2018 'n lid is; (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraph (i) of bedrae gekrediteer soos in subparagraph (ii) beoog; of <p>(b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is—</p> <ul style="list-style-type: none"> (i) enige bydraes voor 1 Maart 2018 aan 'n voorsorgfonds gemaak; (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraph (i) of bedrae gekrediteer soos in subparagraph (ii) beoog, <p>verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;”;</p> <p>(c) deur in die omskrywing van “voorsorgfonds” paragraaf (b) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:</p> <p>“(b) dat die reëls van die fonds bepaal—</p> <ul style="list-style-type: none"> (i) dat alle jaarlikse bydraes van terugkerende aard tot die fonds ooreenkomsdig aangegewe skale moet wees; (ii) dat lidmaatskap van die fonds gedurende die hele dienstermyn 'n voorwaarde is van die indiensneming deur die werkgewer van alle persone in die daarin vermelde kategorie of kategorieë wat op of na die datum waarop— <ul style="list-style-type: none"> (aa) die fonds in werking tree; of (bb) die werkgewer 'n deelnemer in daardie fonds word, by die werkgewer in diens gaan; (iii) dat persone wat onmiddellik voor genoemde datum by die werkgewer in diens was en wat op genoemde datum in genoemde kategorie of kategorieë val, op aansoek binne 'n tydperk van hoogstens 12 maande vanaf genoemde datum gedoen, toegelaat kan word om op die in die reëls vermelde voorwaardes lede van die fonds te word; | 15 20 25 30 35 40 45 50 55 60 |

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| <p>(iv) 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) except where two-thirds of the total value does not exceed R165 000 or where the employee is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account:</p> <p>(a) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018—</p> <ul style="list-style-type: none"> (i) any amount contributed to a provident fund of which that person is a member on 1 March 2018; (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or <p>(b) in any other case of a person who is a member of a provident fund—</p> <ul style="list-style-type: none"> (i) any amount contributed to a provident fund prior to 1 March 2018; (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the provident fund; <p>(v) that a partner is regarded as an employee of the partnership; and</p> <p><u>(c) that the rules of the fund have been complied with;”;</u></p> <p>(d) by the substitution in subsection (1) in the definition of “provident preservation fund” for paragraph (e) of the following paragraph:</p> <p>“(e) not more than one-third of the total value of the retirement interest</p> | <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> |
| <p>may be commuted for a single payment, and that the remainder must be paid in the form of an annuity (including a living annuity) except where two-thirds of the total value does not exceed R165 000 or where the member is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account:</p> <p>(i) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018—</p> <ul style="list-style-type: none"> (aa) any amount contributed to a provident fund of which that person is a member on 1 March 2018; (bb) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (cc) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (aa) or amounts credited contemplated in subparagraph (bb); or | |

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| <ul style="list-style-type: none"> (iv) 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) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie: | 5 |
| <ul style="list-style-type: none"> (a) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2018— | 10 |
| <ul style="list-style-type: none"> (i) enige bydraes aan 'n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2018 'n lid is; | 15 |
| <ul style="list-style-type: none"> (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | 20 |
| <ul style="list-style-type: none"> (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of | 25 |
| <ul style="list-style-type: none"> (b) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is— | 30 |
| <ul style="list-style-type: none"> (i) enige bydraes aan 'n voorsorgfonds gemaak voor 1 Maart 2018; | 35 |
| <ul style="list-style-type: none"> (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | 40 |
| <ul style="list-style-type: none"> (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds; | 45 |
| <ul style="list-style-type: none"> (v) dat 'n vennoot van 'n vennootskap as 'n werknemer van die vennootskap beskou word; en | 50 |
| <p><i>(c) dat die reëls van die fonds nagekom is;"</i></p> | |
| <p>(d) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" paragraaf (e) deur die volgende paragraaf te vervang:</p> | 55 |
| <p><i>"(e) 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) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is: Met dien verstande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie:</i></p> | 60 |
| <ul style="list-style-type: none"> (i) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2018— | 50 |
| <ul style="list-style-type: none"> (aa) enige bydraes aan die voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2018 'n lid is; | 55 |
| <ul style="list-style-type: none"> (bb) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | 60 |
| <ul style="list-style-type: none"> (cc) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (aa) of bedrae gekrediteer soos in subparagraaf (bb) beoog; of | 60 |

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| <ul style="list-style-type: none"> (ii) in any other case of a person who is a member of a provident fund— <ul style="list-style-type: none"> (aa) any amount contributed to a provident fund prior to 1 March 2018; (bb) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (cc) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (aa) or amounts credited contemplated in subparagraph (bb), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the <u>provident fund</u>;”; | 5 |
| <ul style="list-style-type: none"> (e) by the substitution in subsection (1) in the definition of “retirement annuity fund” in paragraph (b) of the proviso for subparagraph (ii) of the following subparagraph: <ul style="list-style-type: none"> “(ii) 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) except where two-thirds of the total value does not exceed R165 000 or where the member is deceased: Provided that in determining the value of the retirement interest an amount calculated as follows must not be taken into account: <ul style="list-style-type: none"> (aa) in the case of a person who is a member of a provident fund and who is 55 years of age or older on 1 March 2018— <ul style="list-style-type: none"> (i) any amount contributed to a provident fund of which that person is a member on 1 March 2018; (ii) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (iii) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (i) or amounts credited contemplated in subparagraph (ii); or (iv) in any other case of a person who is a member of a provident fund— <ul style="list-style-type: none"> (aa) any amount contributed to a provident fund prior to 1 March 2018; (bb) with addition of any other amounts credited to the member's individual account of the provident fund prior to 1 March 2018; and (cc) any fund return, as defined in the Pension Funds Act, in relation to the contributions contemplated in subparagraph (aa) or amounts credited contemplated in subparagraph (bb), reduced by any amounts permitted in terms of any law to be deducted from the member's individual account of the <u>provident fund</u>;”. | 15 |
| <ul style="list-style-type: none"> (2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date. (3)(a) The Minister of Finance shall deliberate with interested parties in respect of the implementation of subsection (1). (b) The deliberations contemplated in paragraph (a) shall include deliberations at the National Economic, Development and Labour Council (NEDLAC) established in terms of the National Economic, Development and Labour Council Act, 1994 (Act 35 of 1994). (c) The Minister of Finance shall table a report in the National Assembly, not later than 31 August 2017, in respect of the results of the deliberations contemplated in paragraph (a). | 50 |
| <ul style="list-style-type: none"> (2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date. (3)(a) The Minister of Finance shall deliberate with interested parties in respect of the implementation of subsection (1). (b) The deliberations contemplated in paragraph (a) shall include deliberations at the National Economic, Development and Labour Council (NEDLAC) established in terms of the National Economic, Development and Labour Council Act, 1994 (Act 35 of 1994). (c) The Minister of Finance shall table a report in the National Assembly, not later than 31 August 2017, in respect of the results of the deliberations contemplated in paragraph (a). | 55 |
| <ul style="list-style-type: none"> (2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of years of assessment commencing on or after that date. (3)(a) The Minister of Finance shall deliberate with interested parties in respect of the implementation of subsection (1). (b) The deliberations contemplated in paragraph (a) shall include deliberations at the National Economic, Development and Labour Council (NEDLAC) established in terms of the National Economic, Development and Labour Council Act, 1994 (Act 35 of 1994). (c) The Minister of Finance shall table a report in the National Assembly, not later than 31 August 2017, in respect of the results of the deliberations contemplated in paragraph (a). | 60 |

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| (ii) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is— (aa) enige bydraes aan die voorsorgfonds gemaak voor 1 Maart 2018; | 5 |
| (bb) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | |
| (cc) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (aa) of bedrae gekrediteer soos in subparagraaf (bb) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;”; en | 10 |
| (e) deur in subartikel (1) in die omskrywing van “uittredingsannuïteitsfonds” in paragraaf (b) van die voorbehoudsbepaling, subparagraaf (ii) deur die volgende paragraaf te vervang: “(ii) 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) betaal moet word, behalwe waar twee-derdes van die totale waarde nie R165 000 te bowe gaan nie of waar die werknemer oorlede is: Met dien verstaande dat by die bepaling van die waarde van die uittreebelang word 'n bedrag as volg bereken nie in berekening gebring nie: (aa) in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds is en wat 55 jaar of ouer is op 1 Maart 2018— (i) enige bydraes aan 'n voorsorgfonds gemaak waarvan daardie persoon op 1 Maart 2018 'n lid is; (ii) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | 15 |
| (iii) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (i) of bedrae gekrediteer soos in subparagraaf (ii) beoog; of | 20 |
| (iv) in enige ander geval van 'n persoon wat 'n lid van 'n voorsorgfonds is— (aa) enige bydraes aan 'n voorsorgfonds gemaak voor 1 Maart 2018; | 25 |
| (bb) met die toevoeging van enige ander bedrae gekrediteer in die lid se individuele rekening van die voorsorgfonds voor 1 Maart 2018; en | 30 |
| (cc) enige fondsopbrengs soos omskryf in die Wet op Pensioenfondse met betrekking tot die bydraes beoog in subparagraaf (aa) of bedrae gekrediteer soos in subparagraaf (bb) beoog, verminder deur enige bedrae toegelaat ingevolge enige wet om afgetrek te word van die lid se individuele rekening van die voorsorgfonds;”. | 35 |
| (2) Subartikel (1) tree in werking op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin. | 50 |
| (3)(a) Die Minister van Finansies moet met die belanghebbende partye beraadslaag ten opsigte van die uitvoering van subartikel (1). | 55 |
| (b) Die beraadslagings beoog in paragraaf (a) sluit in beraadslagings by die Nasionale Ekonomiese, Ontwikkelings- en Arbeidsraad gestig ingevolge die Wet op die Nasionale Ekonomiese, Ontwikkelings- en Arbeidsraad, 1994 (Wet No. 35 van 1994). | |
| (c) Die Minister van Finansies moet 'n verslag in die Nasionale Vergadering ter tafel lê, nie later nie as 31 Augustus 2017, ten opsigte van die resultate van die beraadslagings in paragraaf (a) beoog. | 60 |

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 and section 18 of Act 25 of 2015

2. (1) Section 11 of the Income Tax Act, 1962, is hereby amended by the substitution for paragraph (iii) of the proviso to paragraph (k) of the following paragraph:

“(iii) any amount so contributed by an employer of the person for the benefit of the person must be deemed—

(aa) to be equal to the amount of the cash equivalent of the value of the benefit contemplated in paragraph 2(l) of the Seventh Schedule determined in accordance with paragraph 12D of that Schedule; and

(bb) to have been contributed by the person; and”.

(2) Subsection (1) is deemed to have come into operation on 1 March 2016.

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Amendment of section 3 of Act 25 of 2015

3. (1) Section 3 of the Taxation Laws Amendment Act, 2015 is hereby amended—

(a) by the deletion in subsection (1) of paragraphs (p), (t), (v), (z) and (zC);

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

“(7) Paragraphs (k), (l), (o), (q), (r), (u), (w), (x) and (y) of subsection

(1) come into operation on 1 March 2018 and apply in respect of years of assessment commencing on or after that date.”; and

(c) by the deletion of subsection (8).

(2) Subsection (1) is deemed to have come into operation on 8 January 2016.

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Amendment of section 150 of Act 25 of 2015

4. (1) The following section is hereby substituted for section 150 of the Taxation Laws Amendment Act, 2015:

“Amendment of section 16 of Act 43 of 2014

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150. (1) Section 16 of the Taxation Laws Amendment Act, 2014, is hereby amended by the substitution for subsection (2) of the following subsection:

‘(2) Subsection (1) comes into operation on 1 March 2018 and applies in respect of amounts received on or after that date.’

(2) Subsection (1) is deemed to have come into operation on 20 January 2015.”.

(2) Subsection (1) is deemed to have come into operation on 8 January 2016.

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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, saamgelees met item 33 van Bylae 1 by daardie Wet, artikel 22 van Wet 22 van 2012 en artikel 27 van Wet 31 van 2013, artikel 17 van Wet 43 van 2014 en artikel 18 van Wet 25 van 2015

2. (1) Artikel 11 van die Inkomstebelastingwet, 1962, word hierby gewysig deur paragraaf (iii) van die voorbehoudsbepaling tot paragraaf (k) deur die volgende paragraaf te vervang:

“(iii) enige bedrag aldus bygedra deur die werkgewer van die persoon ten behoeve van die persoon word geag—
(aa) gelyk te wees aan die bedrag van die kontantekwivalent van die waarde van die voordeel beoog in paragraaf 2(l) van die Sewende Bylae bereken ooreenkomsdig paragraaf 12D van daardie Bylae; en
(bb) bygedra te wees deur die persoon; en”.

(2) Subartikel (1) word geag op 1 Maart 2016 in werking te getree het.

Wysiging van artikel 3 van Wet 25 van 2015

3. (1) Artikel 3 van die Wysigingswet op Belastingwette, 2015 word hierby gewysig—

(a) deur in subartikel (1) paragrawe (p), (t), (v), (z) en (zC) te skrap; 40
(b) deur subartikel (7) deur die volgende subartikel te vervang:
“(7) Paragrawe (k), (l), (o), (q), (r), (u), (w), (x) en (y) van subartikel (1) tree in werking op 1 Maart 2018 en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.”; en
(c) deur subartikel (8) te skrap.

(2) Subartikel (1) word geag op 8 Januarie 2016 in werking te getree het.

Wysiging van artikel 150 van Wet 25 van 2015

4. (1) Artikel 150 van die Wysigingswet op Belastingwette, 2015, word hierby deur die volgende artikel vervang:

“Wysiging van artikel 16 van Wet 43 van 2014 50

150. (1) Artikel 16 van die Wysigingswet op Belastingwette, 2014, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

‘(2) Subartikel (1) tree in werking op 1 Maart 2018 en is van toepassing ten opsigte van bedrae ontvang op of na daardie datum.’
(2) Subartikel (1) word geag op 20 Januarie 2015 in werking te getree het.’.

(2) Subartikel (1) word geag op 8 Januarie 2016 in werking te getree het.

Amendment of section 159 of Act 25 of 2015

5. (1) The following section is hereby substituted for section 159 of the Taxation Laws Amendment Act, 2015:

“Substitution of section 128 of Act 43 of 2014

159. (1) The following section is hereby substituted for section 128 of the Taxation Laws Amendment Act, 2014: 5

‘**128.** (1) Section 113 of the Taxation Laws Amendment Act, 2013, is hereby amended by the substitution for subsection (2) of the following subsection:

‘(2) Paragraph (a) of subsection (1) comes into operation on 1 March 2018 and applies in respect of contributions made on or after that date.’ 10

(2) Subsection (1) is deemed to have come into operation on 12 December 2013.’.

(2) Subsection (1) is deemed to have come into operation on 8 January 2016. 15

Short title

6. This Act is called the Revenue Laws Amendment Act, 2016.

Wysiging van artikel 159 van Wet 25 van 2015

5. (1) Artikel 159 van die Wysigingswet op Belastingwette, 2015, word hierby deur die volgende artikel vervang:

“Vervanging van artikel 128 van Wet 43 van 2014

159. (1) Artikel 128 van die Wysigingswet op Belastingwette, 2014, word hierby deur die volgende artikel vervang: 5

‘128. (1) Artikel 113 van die Wysigingswet op Belastingwette, 2013, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

‘(2) Paragraaf (a) van subartikel (1) tree in werking op 1 Maart 2018 en is van toepassing ten opsigte van bydraes op of na daardie datum gemaak.’ 10

(2) Subartikel (1) word geag op 12 Desember 2013 in werking te getree het.”.

(2) Subartikel (1) word geag op 8 Januarie 2016 in werking te getree het. 15

Kort titel

6. Hierdie Wet heet die Wysigingswet op Inkomstewette, 2016.