

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

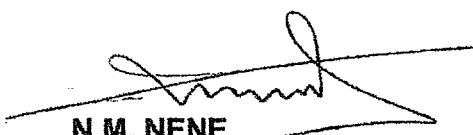
SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. R. 446

29 May 2015

**REGULATION ISSUED IN TERMS OF SECTION 74(1) READ WITH
SECTION 23(3)(d) OF THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF
1991)**

In terms of section 74(1) of the Value-Added Tax Act, 1991, I, Nhlanhla Musa Nene, Minister of Finance, hereby prescribe in the Schedule hereto, the continuous and regular activities for purposes of section 23(3)(d) of the Act.



N.M. NENE
MINISTER OF FINANCE

SCHEDULE

DEFINITIONS

1. In this regulation, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned and the following terms have the following meaning:

“the Act” means the Value-Added Tax Act, 1991 (Act No. 89 of 1991).

NATURE OF ACTIVITIES

2. (1) A person may apply to register as a vendor at the time that any goods or services are acquired directly in respect of the commencement of a continuous and regular activity set out below:
 - (a) Agriculture, Farming, Forestry and Fisheries:
 - (i) The cultivating of land for purposes of producing crops;
 - (ii) The breeding and raising of livestock or wild animals;
 - (iii) The planting, maintaining and harvesting of tree plantations;
 - (iv) The farming of aquatic organisms or plants, including hydroponics, aquaponics and aeroponics; or
 - (v) Catching, taking or harvesting of “fish” as defined in the Marine Living Resources Act, 1998 (Act No. 18 of 1998);
 - (b) Mining: The exploring for or extracting of any mineral, metal, oil, gas or natural gas resource;
 - (c) Ship and Aircraft Building: The building of ships, yachts, other floating vessels or aircrafts;

- (d) Manufacture or Assembly: The manufacture or assembly of plant, machinery, motor vehicles (including motor vehicles used in mining or farming) or locomotives;
 - (e) Property Development: The construction of residential or commercial buildings for purposes of selling or leasing such buildings, to the extent that the activity is not an exempt activity contemplated in section 12 of the Act;
 - (f) Infrastructure Development: Infrastructure development in the form of buildings, permanent installations or structures, for purposes of carrying on a person's enterprise, where the—
 - (i) total value of such development, in terms of any contractual obligation accepted by that person, exceeds R1 million; and
 - (ii) completion of such development will take more than 12 months from date of commencement of that development.
 - (g) Beneficiation: The treatment of goods, extracted as a result of a mining process, for purposes of improving the properties of such goods.
- (2) A person conducting any activity listed in paragraphs (a) to (g) must, where required in terms of any legislation, have applied for or be in possession of the relevant permit, licence or similar document, issued or to be issued by the appropriate regulatory authority, authorising that person to conduct that activity.

No. R. 446**29 Mei 2015**

**REGULASIE UITGEREIK KRAGTENS ARTIKEL 74(1) SAAMGELEES MET
ARTIKEL 23(3)(d) VAN DIE WET OP BELASTING OP TOEGEVOEGDE WAARDE,
1991 (WET NO. 89 VAN 1991)**

Ingevolge artikel 74(1) van die Wet op Belasting op Toegevoegde Waarde, 1991, skryf ek, Nhlanhla Musa Nene, Minister van Finansies, hierby in die Bylae hierby, die voortdurende en gereelde aktiwiteite vir die doeleindes van artikel 23(3)(d) van die Wet voor.

N.M. NENE
MINISTER VAN FINANSIES

BYLAE**WOORDOMSKRYWING**

1. In hierdie regulasie, tensy uit die samehang anders blyk, dra enige woord of uitdrukking waaraan 'n betekenis ingevolge die Wet toegeskryf is, die betekenis aldus daarvan geheg, en dra die volgende terme die volgende betekenisse:

"die Wet" beteken die Wet op die Belasting op Toegevoegde Waarde, 1991 (Wet No. 89 van 1991).

AARD VAN AKTIWITEITE

2. (1) 'n Persoon mag aansoek doen om te regstreer as 'n ondernemer ten tyde van die verkryging van enige goed of dienste direk in verband met die aanvang van 'n voortdurende en gereelde aktiwiteit soos hieronder uiteengesit:
 - (a) Landbou, Boerdery, Bosbou en Visserye:
 - (i) Die bewerking van grond met die doel om gewasse te produseer;
 - (ii) Die teel en grootmaak van lewende hawe of wilde diere;
 - (iii) Die aanplant, instandhouding en oes van boomplantasies;
 - (iv) Die boerdery van akwatiese organismes of plante, insluitend hidroponiese, akwaponiese en aeroponiese kweking; of
 - (v) Die vang, neem of oes van "vis" soos omskryf in die Wet op Lewende Mariene Hulpbronne, 1998 (Wet No. 18 van 1998);
 - (b) Mynbou: Die verkenning vir of onttrekking van enige mineraal-, metaal-, olie-, gas- of natuurlike gashulpbron;

- (c) Skeep- en lugvaartuigbou: Die bou van skepe, seiljagte, ander drywende vaartuie of lugvaartuie;
 - (d) Vervaardiging of Montering: Die vervaardiging of montering van aanlegte, masjinerie, motorvoertuie (insluitend motorvoertuie gebruik in mynbou of boerdery) of lokomotiewe;
 - (e) Eiendomsontwikkeling: Die oprig van residensiële of kommersiële geboue met die doel om die geboue te verkoop of te verhuur, in die mate wat die aktiwiteit nie 'n vrygestelde aktiwiteit soos beoog in artikel 12 van die Wet is nie;
 - (f) Infrastruktuurontwikkeling: Die ontwikkeling van infrastruktuur in die vorm van geboue, permanente installasies of strukture, met die doel om 'n persoon se onderneming te bedryf, waar die—
 - (i) totale waarde van die ontwikkeling, ingevolge enige kontraktuele verpligting soos aanvaar deur daardie persoon, R1 miljoen oorskry; en
 - (ii) voltooïng van die ontwikkeling langer as 12 maande vanaf die aanvangsdatum van daardie ontwikkeling sal neem.
 - (g) Verryking: Die behandeling van goed, onttrek as gevolg van 'n mynbouproses, met die doel om die eienskappe van die goed te verbeter.
- (2) 'n Persoon wat enige van die aktiwiteite gelys in paragrawe (a) tot (g) bedryf, moes of moet, indien so vereis kragtens enige wetgewing, reeds aansoek gedoen het vir of in besit wees van die nodige permit, lisensie of soortgelyke dokument, uitgereik of wat uitgereik staan te word deur die gepaste regulerende owerheid, wat daardie persoon magtig om sodanige aktiwiteit te bedryf.