

REPUBLIC OF SOUTH AFRICA

**STANDING COMMITTEE AMENDMENTS
TO
TAX ADMINISTRATION BILL**

[B 11—2011]

(As agreed to by the Standing Committee on Finance)

[B 11A—2011]

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AMENDMENTS AGREED TO

TAX ADMINISTRATION BILL

[B 11—2011]

ARRANGEMENT OF SECTIONS

1. On page 3, in line 33, to omit the words “Other reports” and to substitute “Resolution”.
2. On page 7, after line 19, to insert a new line “148. Finality of settlement agreement”.
3. On page 7, in line 20, to renumber section 148 to section 149.
4. On page 7, in line 21, to renumber section 149 to section 150.
5. On page 7, in line 26, to omit “150. Definitions”.
6. On page 7, in line 41, to omit “of assets”.
7. On page 10, in line 19, to omit “penalty assessment” and to substitute “decision not to remit penalty”.
8. On page 10, in line 27, to omit “Payment and recovery of” and to substitute “Objection and appeal against decision not to remit”.

CLAUSE 1

1. On page 12, in line 8, to omit “section 3” and to substitute “section 3(2)”.
2. On page 12, after line 8, to insert the following new definition:

“ **“administrative non-compliance penalty”** has the meaning assigned in section 208;”.
3. On page 12, in line 19, to omit “any” and to substitute “a”.
4. On page 12, in line 49, to omit “has the meaning assigned in section 187(4) and (5)” and to substitute “is the date described in section 187(3), (4) and (5)”.
5. On page 12, after line 50, to insert the following new definition:

“ **“fair market value”** means the price which could be obtained upon a sale of an asset between a willing buyer and a willing seller dealing at arm’s length in an open market;”.
6. On page 12, after line 54, to insert the following new definition:

“ **“international tax agreement”** means an agreement entered into with the government of another country in accordance with a tax Act;”.
7. On page 12, after line 57, to insert the following new definition:

“ **“magistrate”** means a judicial officer as defined in section 1 of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944), whether in chambers or otherwise;”.

8. On page 13, in line 11, to omit “before whom an inquiry referred to in Part C of Chapter 5 is held” and to substitute “referred to in section 50(1)”.
9. On page 13, in line 15, to omit “means an officer referred to in section 246” and to substitute “is an officer referred to in section 246(1), (2) and (3)”.
10. On page 13, in line 23, to omit “section 153” and to substitute “section 153(1)”.
11. On page 13, in line 32, to omit “section 68” and to substitute “section 68(1)”.
12. On page 13, in line 47, to omit “means” and to substitute “is”.
13. On page 13, in line 48, to omit “is” and to substitute “means”.
14. On page 13, in line 49, to omit “a fine or to imprisonment for a period exceeding two years” and to substitute “imprisonment for a period exceeding two years without the option of a fine or to a fine exceeding the equivalent amount of a fine under the Adjustment of Fines Act, 1991 (Act No. 101 of 1991)”.
15. On page 14, in line 3, to omit “means” and to substitute “is”.
16. On page 14, after line 30, to insert the following new definition:

“ **“understatement penalty”** means a penalty imposed by SARS in accordance with Part A of Chapter 16;”.

CLAUSE 3

1. On page 15, in line 7, to omit “any”.
2. On page 15, in line 18, to omit “arrangement made with the government of any other country by an agreement entered into in accordance with a tax Act” and to substitute “international tax agreement”.
3. On page 15, in line 20, to omit “any arrangement referred to in subsection 2(i) made with the government of any other country” and to substitute “an international agreement”.
4. On page 15, in line 29, to omit “state” and to substitute “country”.

CLAUSE 5

1. On page 15, in line 47, to omit “effective date of the repeal or amendment” and to substitute “date the repeal or amendment becomes effective”.

CLAUSE 6

1. On page 16, in line 8, to omit “which are assigned to the Commissioner personally by this Act must be exercised by the Commissioner personally unless he or she delegates such power in accordance with the power to do so” and to substitute “and duties which are assigned to the Commissioner by this Act must be exercised by the Commissioner personally but he or she may delegate such powers and duties in accordance with section 10”.

2. On page 16, in line 11, after “Powers”, to insert the words “and duties”.
3. On page 16, in line 15, to omit “exercise the power” and to substitute “do so”.
4. On page 16, in line 18, to omit “The senior SARS official described in subsection (3) is not prevented from allowing the execution of the power or duty to be done by—” and to substitute “The execution of a task ancillary to a power or duty under subsection (2) or (3) may be done by—”.
5. On page 16, in line 20, to omit “senior SARS official’s control” and to substitute “control of the Commissioner or a senior SARS official”.
6. On page 16, in line 21, to omit “senior SARS official’s control” and to substitute “control of the Commissioner or a senior SARS official”.
7. On page 16, in line 22, after “Powers”, to insert the words “and duties”.
8. On page 16, in line 23, to omit the words “personally” and “or performed”.

CLAUSE 9

1. On page 16, in line 47, to omit “taxpayer” and to substitute “person”.
2. On page 17, in line 1, to omit “may, subject to this Act in the discretion of the” and to substitute “may in the discretion of a”.
3. On page 17, in line 2, to omit the word “taxpayer” and to substitute “person”.
4. On page 17, in line 5, to omit the word “any” and to substitute “a”.

CLAUSE 10

1. On page 17, in line 16, to omit “section 6” and to substitute “section 6(2)”.
2. On page 17, in line 25, to omit “repealed” and to substitute “withdrawn”.
3. On page 17, in line 26, to omit “person making the delegation” and to substitute “Commissioner”.

CLAUSE 12

1. On page 17, in line 42, to omit “any other” and to substitute “a”.

CLAUSE 14

1. On page 18, in line 34, after the word “any”, to insert “other”.

CLAUSE 15

1. On page 18, in line 43, to omit “by the Commissioner after” and to substitute “at the request of the Tax Ombud in”.
2. On page 18, in line 44, to omit “Tax Ombud” and to substitute “Commissioner.”

CLAUSE 16

1. On page 19, in line 2, to omit “, subject to section 18(4),”.
2. On page 19, in line 16, to omit “any”.

CLAUSE 17

1. On page 19, in line 24, to omit “any” and to substitute “an”.
2. On page 19, in line 26, to omit “any” and to substitute “a”.
3. On page 19, in line 26, after “before”, to omit the comma.

CLAUSE 19

1. On page 20, in line 3, before “report”, to insert “submit a”.
2. On page 20, in line 7, after “taxpayers”, to insert the words “and identified systematic and emerging issues referred to in section 16(2)(f)”.
3. On page 20, after line 15, to insert the following subclause:

“(3) The Minister must table the annual report of the Tax Ombud in the National Assembly.”.

CLAUSE 20

1. On page 20, in line 16, to omit “**Other reports**” and to substitute “**Resolution**”.
2. On page 20, in line 19, to omit “any” and “that may be”.

CLAUSE 22

1. On page 20, in line 43, to omit “form and manner prescribed by the Commissioner” and to insert “prescribed form and manner”.
2. On page 20, in line 45, to omit “form and manner as the Commissioner may direct” and to insert “prescribed form and manner”.
3. On page 20, in line 49, after “person”, to insert “registered or applying for registration under a tax Act”.
4. On page 20, in line 49, to omit “upon registration”.
5. On page 20, in line 50, to omit “form and manner as may be prescribed by the Commissioner” and to insert “prescribed form and manner”.
6. On page 21, in line 2, to omit “is” and to substitute “may be”.

CLAUSE 24

1. On page 21, in line 24, to omit “consider” and to substitute “regard”.
2. On page 21, in line 24, to omit “taxpayer” and to substitute “person”.

3. On page 21, in line 25, after “subsection (3)”, to insert “and must inform the person accordingly if practical”.

CLAUSE 25

1. On page 21, in line 33, to omit “form and manner prescribed by the Commissioner” and to insert “prescribed form and manner”.
2. On page 21, in line 34, to omit “due date specified by law” and to substitute “date specified in the tax Act”.
3. On page 21, in line 34, to omit “due date indicated” and to substitute “date specified”.

CLAUSE 26

1. On page 22, in line 2, to omit “, at the time and place specified,”.
2. On page 22, in line 5, to omit “form specified and in the manner as may be prescribed by the Commissioner” and to substitute “prescribed form and manner and by the date specified”.

CLAUSE 32

1. On page 23, in line 10, after “Chapter 5”, to insert “which the person subject to the audit or investigation has been notified of or is aware of”.

CLAUSE 34

1. On page 23, in line 29, to omit “a” and to substitute “any”.
2. On page 23, in line 33, to omit “a ‘participant’ that is”.
3. On page 23, in line 35, to omit “as defined in section 1 of” and to substitute “prescribed by”.
4. On page 23, in line 36, after “or”, to insert a comma.
5. On page 23, in line 36, to omit “International Financial Reporting Standards” and to substitute “Generally Accepted Accounting Practice or appropriate financial reporting standards that provide a fair presentation of the financial results and position of the taxpayer”.
6. On page 23, in line 37, to insert single quotation marks around term “arrangement”.
7. On page 23, in line 40, to insert single quotation marks around term “arrangement”.
8. On page 23, in line 42, to omit “any”.
9. On page 23, in line 43, to omit “Statements of Generally Accepted Accounting Practice” and to substitute “ ‘financial reporting standards’ ”.

CLAUSE 35

1. On page 24, in line 27, to omit “any” and to substitute “an”.

2. On page 24, in line 27, to omit “contemplated” and to substitute “referred to”.

CLAUSE 38

1. On page 25, in line 18, before “form”, to insert “prescribed”.
2. On page 25, in line 18, to omit “at the time or place that may be prescribed by the Commissioner” and to substitute “by the date specified”.

CLAUSE 41

1. On page 25, in line 42, to omit “contemplated” and to substitute “referred to”.
2. On page 25, in line 45, to omit “as required under subsection (2)”.
3. On page 25, in line 46, to omit “person” and substitute “official”.

CLAUSE 43

1. On page 26, in line 31, to omit “Any relevant” and substitute “Relevant”.
2. On page 26, in line 32, to omit “any” before “criminal”.

CLAUSE 45

1. On page 26, in line 52, after “premises”, to insert “where the SARS official has a reasonable belief that a trade or enterprise is being carried on”.
2. On page 26, in line 54, to omit paragraph (b).
3. On page 27, in line 1, to renumber paragraph “(c)” to “(b)”.
4. On page 27, in line 2, to renumber paragraph “(d)” to “(c)”.
5. On page 27, in line 3, after “premises”, to insert a comma and to omit the bracket.
6. On page 27, in line 4, after “trade”, to omit the bracket and to insert a comma.

CLAUSE 46

1. On page 27, in line 11, to omit “request” and to substitute “require”.
2. On page 27, in line 13, to omit “another person” and to substitute “a person other than the taxpayer”.
3. On page 27, in line 14, after “person”, to insert “in relation to the taxpayer”.
4. On page 27, in line 16, to omit “must comply with the requirements of the request, and”.

CLAUSE 47

1. On page 27, in line 30, to omit “or another person”.
2. On page 27, in line 35, to omit “any”.
3. On page 27, in line 37, to omit “request” and to substitute “notice”.
4. On page 27, after line 37, to insert the following new subclause:

“(4) A person may decline to attend an interview, if the distance between the place designated in the notice and the usual place of business or residence of the person exceeds the distance prescribed by the Commissioner by public notice.”.

CLAUSE 48

1. On page 27, in line 40, after “person”, to insert a comma.
2. On page 27, in line 40, after “days”, to insert a comma.
3. On page 27, in line 41, to omit “any”.
4. On page 27, in line 54, after “premises”, to insert a comma and to omit the bracket.
5. On page 27, in line 55, after “trade”, to omit the bracket and to insert a comma.

CLAUSE 50

1. On page 28, in line 19, to omit “The Commissioner personally or a senior SARS official may authorise any person to conduct an inquiry for the purposes of the administration of a tax Act.”.
2. On page 28, in line 21, to omit “(2)”.
3. On page 28, in line 21, to omit “the Commissioner or”.
4. On page 28, in line 23, to omit “contemplated” and to substitute “referred to”.
5. On page 28, in line 24, to renumber subclause “(3)” to “(2)”.
6. On page 28, in line 24, to omit “subsection (2)” and to substitute “subsection (1)”.
7. On page 28, after line 26, to insert a new subclause:

“(3) A senior SARS official may authorise a person to conduct an inquiry for the purposes of the administration of a tax Act.”.

CLAUSE 59

1. On page 29, in line 44, to omit “The Commissioner personally or a” and to substitute “A”.
2. On page 29, in line 45, to omit “authorising SARS to” and to substitute “under which SARS may”.

CLAUSE 60

1. On page 30, in line 16, to omit “information”.

CLAUSE 61

1. On page 30, after line 31, to insert the following new paragraph:
 “(b)seize any relevant material;”.
2. On page 30, in line 32, to renumber paragraph “(b)” to “(c)”.
3. On page 30, in line 34, to renumber paragraph “(c)” to “(d)”.
4. On page 30, in line 36, to renumber paragraph “(d)” to “(e)”.
5. On page 30, in line 52, to omit subclause (8).
6. On page 30, in line 54, to renumber subclause “(9)” to “(8)”.

CLAUSE 62

1. On page 31, in line 9, to omit “SARS” and to substitute “a SARS official”.

CLAUSE 63

1. On page 31, in line 17, to omit “person who may consent thereto” and to substitute “owner or person in control of the premises”.
2. On page 31, after line 24, to insert the following new subclause:
 “(2) A SARS official must, before carrying out the search, inform the owner or person in control of the premises—
 (a) that the search is being conducted under this section; and
 (b) of the alleged failure to comply with an obligation imposed under a tax Act or tax offence that is the basis for the search.”.
3. On page 31, in line 25, to renumber subclause “(2)” to “(3)”.
4. On page 31, in line 25, to omit “Section 61(3)” and to substitute “Section 61(4)”.
5. On page 31, in line 26, to renumber subclause “(3)” to “(4)”.

CLAUSE 67

1. On page 32, in line 34, to omit “form as may be prescribed by the Commissioner,” and to insert “prescribed form”.
2. On page 32, in line 38, to omit “as contemplated” and to substitute “referred to”.

CLAUSE 68

1. On page 33, in line 42, to omit “Subject to this Chapter, a” and to substitute “A”.

CLAUSE 69

1. On page 34, in line 2, to omit “Subject to this Chapter, a” and to substitute “A”.
2. On page 34, in line 11, to omit “any”.
3. On page 34, in line 16, to omit “subject to subsections (3) and (4),”.
4. On page 34, in line 18, to omit “contemplated” and to substitute “for the order referred to”.
5. On page 34, in line 23, after “SARS”, to insert a full stop.
6. On page 34, in line 23, to omit “, and the court may not grant the order unless satisfied that the following circumstances apply:”.
7. On page 34, after line 23, to insert a new subclause:

“(5) The court may not grant the order unless satisfied that the following circumstances apply:”.
8. On page 34, in line 26, to omit “any” and to substitute “an”.
9. On page 34, in line 30, to renumber subclause “(5)” to “(6)”.
10. On page 34, in line 33, to renumber subclause “(6)” to “(7)”.
11. On page 34, in line 33, to omit “to any person,”.
12. On page 34, in line 34, to omit “subsection (2)(a)” and to substitute “subsection (2)(a)(i)”.
13. On page 34, in line 35, to renumber subclause “(7)” to “(8)”.

CLAUSE 70

1. On page 35, in line 30, to renumber paragraph “(i)” to “(a)”.
2. On page 35, in line 31, to renumber paragraph “(ii)” to “(b)”.
3. On page 35, in line 32, to renumber paragraph “(iii)” to “(c)”.
4. On page 35, in line 33, to renumber paragraph “(iv)” to “(d)”.
5. On page 35, in line 34, to renumber paragraph “(v)” to “(e)”.
6. On page 35, in line 35, to omit “items (i) to (iv)” and to substitute “paragraphs (a) to (d)”.

CLAUSE 71

1. On page 35, in line 50, to omit “referred to in subsection (3) or (4)” and to substitute “under this section”.
2. On page 36, in line 1, to omit “an” and to substitute “the”.
3. On page 36, in line 1, to omit “referred to in subparagraph (a)”.

4. On page 36, in line 20, to omit “, which application requires prior notice to SARS of at least 10 business days unless the judge, based on urgency, allows a shorter period.”.
5. On page 36, in line 23, after “(5)”, to insert “SARS must be given prior notice of at least 10 business days of an application under subsection (4) unless the judge, based on urgency, allows a shorter period and”.
6. On page 36, in line 23, to omit “referred to in subsection (4)”.

CLAUSE 72

1. On page 36, to omit lines 27 to 32 and to insert a new clause:

“72. (1) A taxpayer may not refuse to comply with his or her obligations in terms of legislation to complete and file a return or an application on the grounds that to do so might incriminate him or her, and an admission by the taxpayer contained in a return, application, or other document submitted to SARS by a taxpayer is admissible in criminal proceedings against the taxpayer for an offence under a tax Act, unless a competent court directs otherwise.

(2) An admission by the taxpayer of the commission of an offence under a tax Act obtained from a taxpayer under Chapter 5 is not admissible in criminal proceedings against the taxpayer, unless a competent court directs otherwise.”.

CLAUSE 73

1. On page 36, in line 36, to omit “any” and to substitute “an”.
2. On page 36, in line 40, to omit “subject to subsection (2),”.
3. On page 36, in line 45, to omit “any”.

CLAUSE 75

1. On page 37, in line 8, to insert single quotation marks around “application”.
2. On page 37, in line 10, to remove single quotation marks around second word “application”.
3. On page 37, in line 34, to omit “transactions” and to substitute “‘transaction’ ”.
4. On page 37, in line 34, to omit “any” and to substitute “a”.
5. On page 37, in line 40, to omit “schemes” and to substitute “scheme”.

CLAUSE 77

1. On page 37, in line 46, to omit “Subject to section 80,”.

CLAUSE 78

1. On page 38, in line 4, to omit “form and manner that the Commissioner may prescribe” and to insert “prescribed form and manner”.

CLAUSE 79

1. On page 38, in line 24, to omit “Subject to the minimum requirements set forth in subsection (4), an” and to substitute “An”.
2. On page 38, in line 25, to omit “form and manner prescribed by the Commissioner” and to insert “prescribed form and manner”.
3. On page 38, in line 52, to omit “any”.
4. On page 39, in line 9, to omit “by the Commissioner pursuant to” and to substitute “under”.
5. On page 39, in line 16, to omit “co-‘applicant’” and to substitute “co-applicant”.

CLAUSE 81

1. On page 40, in line 14, before “prescribe”, to insert “by public notice”.

CLAUSE 82

1. On page 40, in line 29, to omit “Subject to sections 84, 85 and 86, if” and to substitute “If”.
2. On page 40, in line 34, to omit “any person” and to substitute “a person”.

CLAUSE 85

1. On page 41, in line 15, to omit “ruling” and to substitute “ ‘advance ruling’ ”.

CLAUSE 86

1. On page 41, in line 30, to omit “, subject to the requirements of this section”.
2. On page 41, in line 35, to omit “may” and to substitute “must”.
3. On page 41, in line 35, to omit “effective date of” and to substitute “date”.
4. On page 41, in line 36, to omit “ruling” and to substitute “ ‘advance ruling’ becomes effective”.
5. On page 41, in line 37, to omit “ruling” and to substitute “decision”.

CLAUSE 92

1. On page 43, in line 25, before “assessment”, to omit “any” and to substitute “an”.

CLAUSE 94

1. On page 43, in line 42, to omit “a senior SARS official” and to substitute “the Commissioner”.

2. On page 43, after line 48, to insert a new subclause:

“(3) In proceedings under subsection (2), SARS bears the burden of proving that the making of the jeopardy assessment is reasonable under the circumstances.”.

CLAUSE 99

1. On page 44, in line 50, before “if”, to insert “effective date,”.
2. On page 44, in line 50, to omit “, the effective date”.

CLAUSE 101

1. On page 46, in line 9, to omit “as referred to in” and to substitute “under”.

CLAUSE 104

1. On page 46, in line 41, after “appeal;”, to insert “and”.
2. On page 46, to omit line 42.
3. On page 46, in line 43, to renumber paragraph “(d)” to “(c)”.

CLAUSE 114

1. On page 49, in line 56, to omit “a SARS decision” and to substitute “an assessment or ‘decision’”.

CLAUSE 115

1. On page 50, in line 13, to omit “any” and to substitute “a”.

CLAUSE 118

1. On page 50, in line 29, to omit “Subject to subsections (2), (3), (4) and (5), a” and to substitute “A”.
2. On page 50, in line 33, to omit “a registered” and to substitute “an”.

CLAUSE 123

1. On page 51, in line 46, to omit “Court” and to substitute “tax court”.

CLAUSE 127

1. On page 52, in line 47, to omit “any” and to substitute “a”.

CLAUSE 133

1. On page 53, in line 50, to omit “any” and to substitute “an”.

CLAUSE 146

1. On page 56, in line 43, to omit “personally or a senior SARS official”.

CLAUSE 147

1. On page 57, in line 19, before “format”, to insert “prescribed”.
2. On page 57, in line 19, to omit “prescribed by the Commissioner”.
3. On page 57, to omit lines 27 to 29.
4. On page 57, in line 30, to renumber subclause “(6)” to “(5)”.
5. On page 57, in line 32, to renumber subclause “(7)” to “(6)”.
6. On page 57, to omit lines 35 to 44.

NEW CLAUSE 148

1. On page 57, after line 44, to insert a new clause:

“Finality of settlement agreement

148. (1) The settlement agreement represents the final agreed position between the parties and is in full and final ‘settlement’ of all or the specified aspects of the ‘dispute’ in question between the parties.

(2) SARS must adhere to the terms of the agreement, unless material facts were not disclosed as required by section 147(1) or there was fraud or misrepresentation of the facts.

(3) If the person concerned fails to pay the amount due pursuant to the agreement or otherwise fails to adhere to the agreement, a senior SARS official may—

- (a) regard the agreement as void and proceed with the matter in respect of the original disputed amount; or
- (b) enforce collection of the ‘settlement’ amount under the collection provisions of this Act in full and final ‘settlement’ of the ‘dispute’.”.

CLAUSE 148

1. On page 57, in line 46, to renumber clause “**148.**” to “**149.**”.

CLAUSE 149

1. On page 58, line 2, to renumber clause “**149.**” to “**150.**”.

CLAUSE 150

1. On page 58, to omit lines 11 to 16.

CLAUSE 151

1. On page 58, in lines 24 and 25, to omit “arrangement made with the government of any other country by an agreement entered into in

accordance with a tax Act” and to substitute “international tax agreement”.

CLAUSE 152

1. On page 58, in line 28, to omit “any” and to substitute “a”.

CLAUSE 157

1. On page 59, in line 30, to omit “Any” and to substitute “An”.

CLAUSE 163

1. On page 60, in line 45, to omit “**of assets**”.
2. On page 60, in line 47, before “assets”, to omit “the” and to substitute “any”.
3. On page 60, in line 49, to omit “order or as described in subsection (7)” and to substitute “preservation order”.
4. On page 60, in line 49, before “assets”, to omit “any” and to substitute “the”.
5. On page 60, in line 54, to omit “of assets order described in subsection (1)” and to substitute “order”.
6. On page 61, in line 3, to omit “of assets”.
7. On page 61, in line 5, to omit “from the person by whom is was held”.
8. On page 61, in line 13, before “is”, to insert “for a preservation order”.
9. On page 61, in line 13, to omit “in terms of subsection (1)”.
10. On page 61, in line 21, to omit “of assets”.
11. On page 61, in line 22, to omit “were” and substitute “are”.
12. On page 62, in line 3, to omit “subsection (2) or (11)” and to substitute “this section”.

CLAUSE 164

1. On page 62, in line 7, to omit “chargeable under a tax Act”.
2. On page 62, in line 8, to omit “chargeable under a tax Act”.
3. On page 62, in line 11, to omit “any”.
4. On page 62, in line 26, to omit “any”.
5. On page 62, in line 32, to omit “Tax Board or Court” and to substitute “tax board or court”.
6. On page 62, in line 44, to omit “contemplated” and to substitute “referred to”.
7. On page 62, in line 46, to omit “described” and to substitute “referred to”.

8. On page 63, in line 3, to omit “any” and to substitute “an”.
9. On page 63, in line 4, to omit “any”.

CLAUSE 165

1. On page 63, in line 9, to omit “A taxpayer account referred to in subsection (1)” and to substitute “The taxpayer account”.
2. On page 63, in line 11, to omit “referred to in subsection (1)”.
3. On page 63, in line 11, to omit “tax types and”.
4. On page 63, in line 21, before “account”, to omit “the”.
5. On page 63, in line 21, to omit “any” and to substitute “the”.

CLAUSE 166

1. On page 63, in line 24, to omit “, subject to subsection (3),”.
2. On page 63, in line 32, to omit “determined” and to substitute “prescribed”.
3. On page 63, in line 35, to omit “determined” and to substitute “prescribed”.

CLAUSE 167

1. On page 63, in line 42, to omit “form prescribed by the Commissioner” and to substitute “prescribed form”.
2. On page 63, in line 43, to omit “after a prescribed period”.
3. On page 63, in line 43, after “instalments”, to insert “within the agreed period”.

CLAUSE 177

1. On page 65, in line 46, to omit “Court” and to substitute “court”.

CLAUSE 179

1. On page 66, in line 17, before “notice”, to omit “a” and to substitute “the”.
2. On page 66, in line 20, before the first word “notice”, to omit “a” and to substitute “the”.

CLAUSE 182

1. On page 67, in line 6, to omit “at the time”.
2. On page 67, in line 6, after “paid”, to insert “, at the time of payment”.

CLAUSE 184

1. On page 67, in line 15, before “SARS”, to insert “(1)” after “**184.**”.
2. On page 67, in line 16, after “taxpayer”, to insert “and the person has the same rights and remedies as the taxpayer has against such powers of recovery”.
3. On page 67, after line 16, to insert a new subclause:
 - “(2) SARS must provide a responsible third party with an opportunity to make representations—
 - (a) before the responsible third party is held liable for the tax debt of the taxpayer in terms of section 180, 181, 182 or 183, if this will not place the collection of tax in jeopardy; or
 - (b) as soon as practical after the responsible third party is held liable for the tax debt of the taxpayer in terms of section 180, 181, 182 or 183.”.

CLAUSE 185

1. On page 67, in line 20, to omit “any arrangement made with the government of any other country by an agreement entered into in accordance with a tax Act” and to substitute “an international tax agreement”.
2. On page 67, in line 31, to omit “any” and to substitute “a”.
3. On page 67, in line 33, to omit “form prescribed by the Commissioner” and to substitute “prescribed form”.
4. On page 68, in line 11, to omit “any arrangements referred to in subsection (1),” and to substitute “an international tax agreement”.
5. On page 68, in line 13, to omit “any” and to substitute “a” in both instances.
6. On page 68, in line 13, to omit “and no” and to substitute “including a”.
7. On page 68, in line 14, before “pursuance”, to insert “the other country for the amount in”.
8. On page 68, in line 14, to omit “arrangements in that other country for any such amount” and to substitute “the agreement”.
9. On page 68, in line 15, before “amount”, to omit “any such” and to substitute “the”.
10. On page 68, in line 16, to omit “tax Act” and to substitute “law”.

CLAUSE 187

1. On page 68, in line 50, to omit “when” and to substitute “from which date”.
2. On page 68, in line 51, to omit “and from which date”.
3. On page 69, in line 6, after “penalty”, to insert “referred to in section 210”.
4. On page 69, in line 7, to omit “any” and to substitute “an”.

5. On page 69, in line 8, to omit “and”.
6. On page 69, in line 9, after “penalty”, to insert “referred to in section 214”.
7. On page 69, in line 10, after “paid”, to omit the full-stop and to substitute “; and”.
8. On page 69, after line 10, to insert a new subparagraph:

“(f) an understatement penalty, is the effective date for the tax understated.”.
9. On page 69, after line 12, to insert a new subclause:

“(5) The effective date in relation to a jeopardy assessment is the date for payment specified in the jeopardy assessment.”.
10. On page 69, in line 13, to renumber subclause “(5)” to “(6)”.
11. On page 69, in line 17, to renumber subclause “(6)” to “(7)”.

CLAUSE 188

1. On page 69, in line 25, after “effective date”, to insert “for the first payment of provisional tax”.
2. On page 69, in line 27, after “second”, to insert “payment of”.
3. On page 69, in line 27, after “tax”, to omit “payment”.
4. On page 69, in line 28, after “effective date”, to insert “for the second payment of provisional tax”.
5. On page 69, in line 29, to omit “referred to in section 187(4)(b)” and to substitute “for income tax for the relevant year of assessment”.

CLAUSE 189

1. On page 69, in line 41, to omit “within six months after the last date of that” and to substitute “for the relevant”.
2. On page 69, in line 55, to omit “(i)” and to substitute “(a)”.
3. On page 69, in line 57, to omit “(ii)” and to substitute “(b)”.

CLAUSE 190

1. On page 70, in line 4, to omit “Subject to section 191, a” and to substitute “A”.
2. On page 70, in line 13, to omit “referred to in subsection (2)”.
3. On page 70, in line 18, before “person”, to omit “any” and to substitute “a”.
4. On page 70, in line 18, to omit “was” and to substitute “is”.
5. On page 70, in line 19, to omit “that” and to substitute “the”.

6. On page 70, in line 19, to omit “or which was in excess of the amount due to the person by way of a refund”.
7. On page 70, in line 20, to omit “of the excess must forthwith be repaid” and to substitute “is regarded as tax that is payable”.
8. On page 70, in line 21, to omit “concerned”.
9. On page 70, in line 21, to omit “and is recoverable by SARS under this Act as if it were a tax” and to substitute “from the date on which it is paid to the person”.
10. On page 70, after line 22, to insert a new subclause:

“(6) A decision not to authorise a refund under this section is subject to objection and appeal.”.

CLAUSE 195

1. On page 71, in line 25, to omit “contemplated” and to substitute “described”.

CLAUSE 196

1. On page 71, in line 45, to omit “any” and to substitute “the”.

CLAUSE 197

1. On page 72, in line 9, to omit “any” and to substitute “the”.

CLAUSE 201

1. On page 73, in line 4, before “market”, to insert “fair” .

CLAUSE 208

1. On page 75, in line 13, to omit “a ‘penalty’” and to substitute “a penalty”.

CLAUSE 213

1. On page 77, in line 8, to omit “any” and to substitute “a”.

CLAUSE 214

1. On page 77, in line 23, to omit “Subject to subsection (3), a” and to substitute “A”.
2. On page 77, in line 24, before “date”, to omit “due”.
3. On page 77, in line 29, to omit “any” and to substitute “an”.
4. On page 77 in line 30, to omit “sections” and to substitute “section”.
5. On page 77, in line 30, to omit “, 212(2)”.
6. On page 77, to omit lines 31 to 34.

CLAUSE 215

1. On page 77, in line 37, to omit “form or manner as may be prescribed by the Commissioner” and to substitute “prescribed form and manner”.
2. On page 77, in line 53, to omit “subparagraph” and to substitute “subsection”.
3. On page 78, in line 2, to omit “circumstances” and to substitute “grounds”.

CLAUSE 217

1. On page 78, in line 16, after the semi-colon, to insert “or”.
2. On page 78, in line 18, to omit “; or” and to substitute a comma.
3. On page 78, to omit lines 19 to 21.
4. On page 78, in line 22, to omit “section 210, 212 or 213” and to substitute “section 210 or 212”.
5. On page 78, in line 25, to omit “circumstances” and to substitute “grounds”.
6. On page 78, after line 28, to insert a new subclause:

“(3) In the case of a penalty imposed under section 213, SARS may remit the ‘penalty’, or a portion thereof, if SARS is satisfied that—

- (a) the ‘penalty’ has been imposed in respect of a ‘first incidence’ of the non-compliance described in section 210, 212 or 213, or involved an amount of less than R2 000;
- (b) reasonable grounds for the non-compliance exist; and
- (c) the non-compliance in issue has been remedied.”.

CLAUSE 220

1. On page 79, in line 5, to omit “**Objection and appeal against penalty assessment**” and to substitute “**Objection and appeal against decision not to remit penalty**”.
2. On page 79, to omit lines 6 to 8 and to insert a new clause:

“**220.** A decision by SARS not to remit a ‘penalty’ in whole or in part is subject to objection and appeal under Chapter 9.”.

CLAUSE 221

1. On page 79, in line 20, to omit “lesser of 10” and to substitute “greater of five”.

CLAUSE 222

1. On page 79, in line 37, to omit “any” and to substitute “an”.

CLAUSE 223

1. On page 80, to omit lines 10 to 41, and to substitute the following:

“**223.** (1) The understatement penalty percentage table is as follows:

1 Item	2 Behaviour	3 Standard case	4 If obstruc- tive, or if it is a ‘re- peat case’	5 Voluntary disclosure after noti- fication of audit	6 Voluntary disclosure before notifica- tion of audit
(i)	‘Substantial under- statement’	25%	50%	5%	0%
(ii)	Reasonable care not taken in completing return	50%	75%	25%	0%
(iii)	No reasonable grounds for ‘tax position’ taken	75%	100%	35%	0%
(iv)	Gross negligence	100%	125%	50%	5%
(v)	Intentional tax evasion	150%	200%	75%	10%

2. On page 80, after line 45, to insert a new subclause:

“(3) SARS must remit a ‘penalty’ imposed for a ‘substantial understatement’ if SARS is satisfied that the taxpayer—

(a) made full disclosure of the arrangement, as defined in section 34, that gave rise to the prejudice to SARS or the *fiscus* by no later than the date that the relevant return was due; and

(b) was in possession of an opinion by a registered tax practitioner, as defined in section 239, that—

(i) was issued by no later than the date that the relevant return was due;

(ii) took account of the specific facts and circumstances of the arrangement; and

(iii) confirmed that the taxpayer’s position is more likely than not to be upheld if the matter proceeds to court.”.

CLAUSE 224

1. On page 80, in line 46, to omit “**Payment and recovery of**” and to substitute “**Objection and appeal against decision not to remit**”.
2. On page 80, to omit lines 47 to 50 and to substitute a new clause:

“**224.** A decision by SARS not to remit an understatement penalty is subject to objection and appeal under Chapter 9.”.

CLAUSE 228

1. On page 81, in line 29, after “opinion”, to insert “, as defined in section 75,”.

CLAUSE 230

1. On page 81, in line 48, to omit “format as may be prescribed by the Commissioner” and to substitute “prescribed format”.

CLAUSE 231

1. On page 82, in line 7, to omit “any” and to substitute “an”.
2. On page 82, in line 10, to omit “any” and to substitute “a”.
3. On page 82, in line 13, to omit “or internal review”.

CLAUSE 232

1. On page 82, in line 18, to omit “Any” and to substitute “An”.
2. On page 82, in line 19, to omit “or internal review” .

CLAUSE 244

1. On page 85, in line 51, to omit “Subject to subsection (4), if” and to substitute “If”.

CLAUSE 247

1. On page 86, in line 40, to omit “any” and to substitute “a”.

CLAUSE 250

1. On page 87, in line 8, to omit “or official designation”.
2. On page 87, in line 9, before “SARS official”, to insert “name or official designation of the”.

CLAUSE 251

1. On page 87, in line 18, before “issued”, to insert “having”.

CLAUSE 252

1. On page 87, in line 32, to omit “deemed to have” and to substitute “regarded as having”.
2. On page 87, in line 39, to omit “company’s” and to substitute “company”.
3. On page 87, in line 42, before “last”, to insert “company or public officer’s”.
4. On page 87, in line 42, to omit “of the company or public officer”.
5. On page 87, in line 44, to omit “person’s” and to substitute “company or its public officer’s”.
6. On page 87, in line 44, after “includes”, to insert “the”.

7. On page 87, in line 45, to omit “the person’s”.
8. On page 87, in line 46, to omit “the person’s”.

CLAUSE 255

1. On page 88, in line 23, after “prescribing”, to insert “—”.
2. On page 88, in line 23, before the last “the”, to insert a new paragraph “(a)”.
3. On page 88, in line 25, to omit the full stop and to substitute “; and”.
4. On page 88, after line 25, to insert a new paragraph:

“(b)requirements for an electronic digital signature of a return or communication.”.
5. On page 88, in line 27, to omit “any” and to substitute “a”.

CLAUSE 269

1. On page 91, in line 3, to omit “to have” and to substitute “as having”.
2. On page 91, in line 5, to omit “Court” and to substitute “court”.
3. On page 91, in line 8, to omit “Court” and to substitute “court”.

CLAUSE 270

1. On page 91, in line 36, to omit “Court” and to substitute “court”.
2. On page 92, after line 6, to insert a new subclause:

“(8) Interest arising on or after the commencement date of this Act but before the date prescribed by the Commissioner under section 187(2) must be—

 - (a) calculated in accordance with the relevant tax Act until the date prescribed by the Commissioner; and
 - (b) regarded as interest due under this Act.”.

SCHEDULE 1

SECTION 271

1. In paragraph 1(b) on page 93, in the 20th line, to omit “subsection” and to substitute “definition”.
2. In paragraph 16 on page 99, in the 28th line, after “amended”, to insert “—”.
3. In paragraph 16 on page 99, in the 28th line, before “by the insertion”, to insert a new subparagraph “(a)”.
4. In paragraph 16 on page 99, in the 45th line, at the end of the line, to omit the full-stop and to substitute “; and”.

5. In paragraph 16 on page 99, after the 45th line, to insert a new subparagraph:

“(b) by the insertion of a new subsection (5) after subsection (4):
 “(5) An assessment contemplated in subsection (4)(a) and (b)
 is deemed to be an assessment by way of self-assessment.”.
6. In the heading of paragraph 17 on page 99, in the 46th line, to omit “**section**” and to substitute “**sections 9A and**”.
7. In paragraph 17 on page 99, in the 47th line, to omit “Section” and to substitute “Sections 9A and”.
8. In paragraph 17 on page 99, in the 48th line, to omit “is” and to substitute “are”.
9. In paragraph 19 on page 100, in the 34th line, after “duty”, to underline the comma.
10. In paragraph 23(f) on page 102, after the 31st line, to insert a new subparagraph:

“(g) by the substitution of the words in the definition of “representative taxpayer” preceding paragraph (a) of the following words:
 “representative taxpayer” means a natural person who resides in the Republic and—”;
11. In paragraph 23(g) on page 102, in the 32nd line, to renumber subparagraph “(g)” to “(h)”.
12. In paragraph 23(h) on page 102, in the 54th line, to renumber subparagraph “(h)” to “(i)”.
13. In paragraph 23(i) on page 103, in the 2nd line, to renumber subparagraph “(i)” to “(j)”.
14. In paragraph 23(j) on page 103, in the 8th line, to renumber subparagraph “(j)” to “(k)”.
15. In paragraph 23(k) on page 103, in the 12th line, to renumber subparagraph “(k)” to “(l)”.
16. In paragraph 23(l) on page 103, in the 17th line, to renumber subparagraph “(l)” to “(m)”.
17. In paragraph 23(m) on page 103, in the 25th line, to renumber subparagraph “(m)” to “(n)”.
18. In paragraph 23(n) on page 103, in the 27th line, to renumber subparagraph “(n)” to “(o)”.
19. In paragraph 25(c) on page 104, in the 31st line, to omit “section 9D(10),” and to substitute “[**section 9D,**]”.
20. In paragraph 25(c) on page 104, in the 41st line, before “section 24(2)”, to insert “section 23H(2), section 23K,”.
21. In paragraph 25(c) on page 104, in the 46th line, to omit “**25D],**” and to substitute “**25D,**]”.

22. In paragraph 29 on page 106, in the 23rd line, to omit “in subsection (5) for the words following paragraph (b) but preceding the proviso of the following words” and to substitute “for subsection (5) of the following subsection”.
23. In paragraph 29 on page 106, to omit the 27th line starting with ““the Commissioner” to the 41st line ending with “deduction”.” and to substitute:
- ““(5) Notwithstanding sections **[79 and 81(5)]** 93, 99 or 100 of the Tax Administration Act, an additional or reduced assessment in respect of a year of assessment to give effect to subsections (1) and (1A) may be made within six years from the date of the original assessment in respect of that year.”.”.
24. On page 107, to omit paragraph 31 in the 16th to 31st lines.
25. On pages 107 to 162, to renumber paragraphs 32 to 153 by reducing each paragraph number by one.
26. In heading of paragraph 34 on page 108, in the 2nd line, to omit “**of Act 58 of 1962**”.
27. In paragraph 35 on page 108, in the 10th line, after “amended”, to insert “—”.
28. In paragraph 35 on page 108, in the 10th line, before “by”, to insert a new subparagraph “(a)”.
29. In paragraph 35 on page 108, to omit the 13th line starting with ““(14)” to the 23rd line ending with “Act.”.”, and to substitute:
- “(14) Notwithstanding **[section 4]** Chapter 6 of the Tax Administration Act, the Commissioner may disclose to the Minister of Science and Technology information in relation to research and development as may be required by that Minister for purposes of submitting a report to Parliament in terms of subsection (17).”; and”.
30. In paragraph 35 on page 108, after the 23rd line, to insert a new subparagraph:
- “(b)by the addition after subsection (18) of the following subsection:
“(19) For the purposes of subsection (1), 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 research and development which has been allowed, where approval has been withdrawn in terms of subsection (10).”.”.
31. In paragraph 37 on page 108, after the 45th line, to insert a new subparagraph (a):
- “(a)by the substitution for the words preceding paragraph (a) in subsection (13) of the following words:
“(13) The Commissioner may, notwithstanding the provisions of **[section 4]** Chapter 6 of the Tax Administration Act—”;
32. In paragraph 37 on page 108, in the 46th line, to renumber subparagraph “(a)” to “(b)”.

33. In paragraph 37 on page 109, in the 4th line, before subparagraph (b), to omit “and”.
34. In paragraph 37 on page 109, in the 5th line, to renumber subparagraph “(b)” to “(c)”.
35. In paragraph 37 on page 109, in the 5th line, to omit the full-stop and to substitute “; and”.
36. In paragraph 37 on page 109, after the 5th line, to insert a new paragraph (d):

“(d)by the substitution for subsection (21) of the following subsection:
 “(21) Notwithstanding the provisions of [section 4] Chapter 6 of the Tax Administration Act, the Commissioner must disclose to the Minister of Trade and Industry and the adjudication committee, including any person whose assistance has been obtained by that committee, such information relating to the affairs of any company carrying on an industrial policy project as is necessary to enable the Minister of Trade and Industry and the adjudication committee to perform their functions in terms of this section.”.
37. In paragraph 39 on page 109, in the 15th to 16th lines, after “interest”, to move “]” to after “penalty” and to bold “or penalty”.
38. In paragraph 39 on page 109, in the 20th line, after “1991)”, to move “]” to after “and” and to bold “and”.
39. In paragraph 39 on page 109, in the 20th line, before “any”, to insert “or”.
40. In paragraph 39 on page 109, in the 24th line, after “payable”, to insert “]”.
41. In paragraph 39 on page 109, in the 24th line, to omit “**under any Act administered by the Commissioner**” and to substitute “imposed under any other Act administered by the Commissioner [”.
42. In paragraph 39 on page 109, in the 34th line, to omit “imposed under the Tax Administration Act or the Customs and Excise Act, 1964 (Act No. 91 of 1964)”.
43. In paragraph 44(c) on page 111, in the 36th line, to omit “subection” and to substitute “subsection”.
44. In the heading of paragraph 46 on page 112, in the 29th line, to omit “**sections 37M and**” and to substitute “**section**”.
45. In paragraph 46 on page 112, in the 30th line, to omit “Sections 37M and” and to substitute “Section”.
46. In paragraph 46 on page 112, in the 31st line, to omit “are” and to substitute “is”.
47. In paragraph 78 on page 122, to omit subparagraphs (a) and (b) in the 16th to 31st lines.
48. In paragraph 78(c) on page 122, in the 32nd line, to renumber subparagraph “(c)” to “(a)”.
49. In paragraph 78(d) on page 122, in the 46th line, to renumber subparagraph “(d)” to “(b)”.

50. In paragraph 83 on page 124, in the 18th line to omit “—”.
51. In paragraph 83 on page 124, to omit subparagraph (a) in the 19th to 30th lines.
52. In paragraph 83 on page 124, in the 31st line, to omit “(b)”.
53. In paragraph 90 on page 127, in the 48th line, after “amended”, to omit “—”.
54. In paragraph 90 on page 127, to omit subparagraph (a) in the 49th to 57th lines.
55. In paragraph 90 on page 128, in the 2nd line, to omit “(b)”.
56. In paragraph 90 on page 128, in the 3rd line, after “preceding”, to omit “sub-subitem” and to substitute “subitem”.
57. In paragraph 90 on page 128, in the 12th line, to omit “; and” and to substitute a full-stop.
58. In paragraph 90 on page 128, to omit subparagraph (c) in the 13th to 20th lines.
59. In paragraph 92(a) on page 131, in the 9th line, to omit “UNDERSTATEMENT”.
60. In paragraph 92(b) on page 131, in the 34th line, to omit “an [” and to substitute “a [an”.
61. In paragraph 92(b) on page 131, in the 35th line, to omit “understatement”.
62. In paragraph 92(b) on page 132, in the 6th line, after “assessment,” to omit “an [” and to substitute “a [an”.
63. In paragraph 92(b) on page 132, in the 7th line, to omit “understatement”.
64. In paragraph 92(c) on page 132, in the 42nd line, to omit “understatement”.
65. In paragraph 100(b) on page 136, in the 30th line, to omit “an understatement” and to substitute “a”.
66. In paragraph 100(c) on page 136, in the 42nd line, to omit “an understatement” and to substitute “a”.
67. In paragraph 111(a) on page 139, in the 29th line, to omit “personally” and to substitute “[**personally**]”.
68. In paragraph 111(b) on page 139, in the 34th line, to omit “subsection” and to substitute “subsubsection”.
69. In paragraph 117 on page 142, in the 14th line, after “vendor.”, to omit “; and” and to substitute a full-stop.
70. In paragraph 117 on page 142, in the 45th line, after “services.”, to omit the full-stop and to substitute “; and”.
71. In paragraph 117 on pages 141 to 142, to substitute the contents of subparagraph (a) for that of subparagraph (b), and to substitute the contents of subparagraph (b) for that of subparagraph (a).

72. In paragraph 118(b) on page 144, in the 2nd line, to remove boldface from “**for registration**”.
73. In paragraph 122(b) on page 146, in the 28th line, to omit “and payments” and to substitute “[**and payments**]”.
74. In paragraph 122(b) on page 146, in the 29th line, to omit “(other than by means of a debit order), must furnish the return” and to substitute “[**(other than by means of a debit order), must furnish the return**] is deemed to have made payment”.
75. In paragraph 122(b) on page 146, in the 32nd line, to omit “and make” and to substitute “[**and make**] if the vendor makes”.
76. In paragraph 123 on page 146, in the 46th line, to omit “paragagraph” and to substitute “paragraph”.
77. In paragraph 140(b) on page 156, in the 3rd line, to omit “(c) of” and to substitute “(a)”.
78. In paragraph 141 on page 158, in the 2nd line, to bold the words “**Act and enable the Commissioner to satisfy himself that the vendor has observed such requirements, and]**”.
79. In paragraph 145(a) on page 159, in the 24th line, after “a vendor”, to insert a comma.
80. After paragraph 153 on page 162, after the 52nd line, to insert a new paragraph:

“Amendment of section 12

153. Section 12 of the Skills Development Levies Act, 1999, is hereby amended—

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

“(1) Subject to subsection (2), if any levy remains unpaid after the last day for payment thereof as contemplated in section 6 (2) or 7 (4), the Commissioner must, under Chapter 15 of the Tax Administration Act, impose a penalty of 10 per cent of that unpaid amount [is payable in addition to the interest contemplated in section 11].”;
- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Commissioner or the executive officer of the SETA or approved body, as the case may be, may[, **having due regard to the circumstances of the case,**] remit the penalty or any portion thereof imposed by subsection (1) in accordance with the provisions of Chapter 15 of the Tax Administration Act.”; and
- (c) by the deletion of subsections (3), (4) and (5).”.

81. In paragraph 160 on page 165, in the 14th line, to omit “9(2A)” and to substitute “[**9(2A)**] 9(2)”.
82. In the heading of paragraph 164 on page 166, in the 28th line, to omit “**sections 14 and 17**” and to substitute “**section 14**”.
83. In paragraph 164 on page 166, in the 29th line, omit “Sections 14 and 17” and substitute “Section 14”.
84. In paragraph 164 on page 166, in the 31st line, to omit “are” and to substitute “is”.

85. After paragraph 164 on page 166, after the 31st line, to insert two new paragraphs:

“Amendment of section 15

165. Section 15 of the Unemployment Insurance Contributions Act, 2002, is hereby amended by the addition after subsection (1) of the following subsection:

“(2) An inspector has the same powers afforded to a senior SARS official, a SARS official or SARS under Chapter 5 of the Tax Administration Act.”

Repeal of section 17

166. Section 17 of the Unemployment Insurance Contributions Act, 2002, is hereby repealed.”.

86. On pages 166 to 168, to renumber paragraphs 165 to 170 by increasing each paragraph number by two.
87. In paragraph 170 on page 168, in the 9th line, to omit “Securities” and to substitute “Securities”.
88. After paragraph 170 on page 168, after the 40th line, to insert a new paragraph:

“Amendment of section 3

173. Section 3 of the Securities Transfer Tax Administration Act, 2007, is hereby amended by the deletion of subsection (4) thereof.”.

89. On pages 168 to 169, to renumber paragraphs 171 and 172 by increasing each paragraph number by three.
90. In the heading of paragraph 172 on page 169, in the 4th line, after “6”, to omit the comma and to substitute “and”.
91. In the heading of paragraph 172 on page 169, in the 4th line, to omit “, 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19”.
92. In paragraph 172 on page 169, in the 6th line, after “6”, to omit the comma and to substitute “and”.
93. In paragraph 172 on page 169, in the 6th line, to omit “, 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19”.
94. After paragraph 172 on page 169, after the 9th line, to insert two new paragraphs:

“Amendment of section 8

176. The Securities Transfer Tax Administration Act, 2007, is hereby amended by the substitution for section 8 of the following section:

“8. Interest on overdue payments and penalty on default recoverable from person to whom security is transferred.—(1) In the case of a listed security, a member or participant may recover the amount of [the] interest [referred to in section 5, penalty on default referred to in section 6 or the] or penalty [in the case of evasion referred to in section 7] payable by that member or participant [in terms of this Act] under the Tax Administration Act from the person—
(a) to whom a listed security is transferred; or

(b) who cancels or redeems a listed security, to the extent that the action or inaction of that person resulted in the interest or penalty.

(2) In the case of an unlisted security, the company which issued that security may recover the amount of **[the]** interest **[referred to in section 5, penalty on default referred to in section 6 or the]** or penalty **[in the case of evasion referred to in section 7]** payable by that company **[in terms of this Act]** under the Tax Administration Act from the person to whom that security was transferred, to the extent that the action or inaction of that person resulted in the interest or penalty.”.

Repeal of sections 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19

177. Sections 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19 of the Securities Transfer Tax Administration Act, 2007, are hereby repealed.”.

95. On pages 169 to 171, to renumber paragraphs 173 to 179 by increasing each paragraph number by five.
96. In paragraph 173 on page 169, in the 15th line, to omit “**and penalties**” and to substitute “**[and penalties]**”.
97. After paragraph 179 on page 171, after the 18th line, to insert a new paragraph:

“Amendment of section 5

185. Section 5 of the Mineral and Petroleum Resources Royalty (Administration) Act, 2008, is hereby amended—

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

“A registered person must submit an estimate of the royalty payable in respect of a year of assessment within six months after the first day of that year and must make a payment (together with **[such]** a return for that payment**[as the Commissioner may prescribe]**) equal to one-half of the amount of the royalty so estimated.”; and

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

“A registered person must submit an estimate of the royalty payable in respect of a year of assessment by the last day of that year and submit a payment (together with **[such]** a return for that payment **[as the Commissioner may prescribe]**) equal to the amount of the royalty so estimated less the amount paid as mentioned in subsection (1).”.

98. On pages 171 and 172, to renumber paragraphs 180 to 187 by increasing each paragraph number by six.
99. In heading of paragraph 187 on page 172, in the 40th line, to omit “**Amendment of section 3**” and to substitute “**Repeal of sections 3, 13 and 14**”.
100. In paragraph 187 on page 172, in the 43rd line, to omit “Section 3” and substitute “Sections 3, 13 and 14”.

101. In paragraph 187 on page 172, in the 44th line, to omit “is hereby amended by the deletion in subsection (1) of paragraphs (a) and (b)” and to substitute “are hereby repealed”.
102. On page 172, to omit paragraph 188 in the 47th to 50th lines.
103. On pages 172 and 173, to renumber paragraphs 189 to 191 by increasing each paragraph number by five.

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