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		<p>the amount so paid from such other person or to retain out of any money that may be in his possession or may come to him as the agent of such other person an amount equal to the amount of such payment].”;</p> <p>(c) by the deletion in subsection (2) of paragraphs (d) and (e); and</p> <p>(d) by the deletion of subsection (3).</p>
		Amendment of section 35A
		<p>43. Section 35A of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subsection (6) of the following subsection:</p> <p>“(6) The purchaser must, together with the payment contemplated in subsection (4), submit to the Commissioner a [declaration in the form and containing the information as the Commissioner may prescribe] return.”;</p> <p>(b) by the substitution for subsection (7) of the following subsection:</p> <p>“(7) [If a] A purchaser is personally liable under the circumstances contemplated in section 157 of the Tax Administration Act, for the amount that must be withheld under subsection (1) only if the purchaser knows or should reasonably have known that the seller is not a resident and [fails to withhold any amount as required by subsection (1), that purchaser—</p> <p>(a) is personally liable for the payment of the amount which he or she failed to withhold; and</p> <p>(b)] must pay that amount to the Commissioner not later than the date on which payment should have been made if the amount had in fact been withheld.”;</p> <p>(c) by the substitution for subsection (9) of the following subsection:</p> <p>“(9) If a purchaser fails to pay any amount contemplated in subsection (1) to the Commissioner within the period allowed for payment in terms of subsection (4), that purchaser—</p>

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		<p>(a) is liable for interest at the prescribed rate on any amount outstanding calculated from the day following the last date for payment to the date that the amount is received by the Commissioner; and</p> <p>(b)] must pay a penalty equal to ten per cent of [that] the amount, in addition to any other penalty or charge for which he or she may be liable under this Act.”;</p> <p>(d) by the deletion of subsection (10); and</p> <p>(e) the substitution for subsection (13) of the following subsection:</p> <p>“(13) The [purchaser,] estate agent or conveyancer [, as the case may be, may recover any amount paid in terms of subsection (7) or (12) from the seller] who paid an amount in terms of subsection (12) is deemed to be a withholding agent for purposes of the Tax Administration Act.”.</p>
		Amendment of section 37H
		<p>44. Section 37H of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subsection (21) for the words following paragraph (b) of the following words:</p> <p>“the Commissioner may, notwithstanding the provisions of section [79] 99 of the Tax Administration Act, raise assessments in respect of the company as if such company were not a qualifying company.”;</p> <p>and</p> <p>(b) by the deletion of subsection (22).</p>
		Repeal of section 40
		<p>45. Section 40 of the Income Tax Act, 1962, is hereby repealed.</p>

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		Amendment of section 47C
		<p>46. Section 47C of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:</p> <p>“(2) This section does not apply to any amounts received by or accrued to the taxpayer—</p> <p>(a) from which the full amount of tax has been withheld by a resident in terms of section 47D; or</p> <p>(b) <u>[in respect of which the tax has] which have been recovered from a resident [in his or her personal capacity] who is personally liable for the amount in terms of section 47G(1).”.</u></p>
		Amendment of section 47F
		<p>47. Section 47F of the Income Tax Act, 1962, is hereby amended by the substitution for subsections (1) and (2) of the following subsections:</p> <p>“(1) A taxpayer must, together with the payment contemplated in section 47C(1), submit to the Commissioner a return <u>[in the manner and form and containing the information as may be prescribed by the Commissioner]</u>.</p> <p>(2) A resident who pays to the Commissioner any amount in terms of section 47E, must together with that payment submit to the Commissioner a return <u>[in the manner and form and containing the information as may be prescribed by the Commissioner].”.</u></p>
		Amendment of section 47G
		<p>48. Section 47G of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subsection (1) for the words following paragraph (b) of the following words:</p> <p>“is personally liable for payment of that amount of tax <u>[, which may be recovered from that resident in terms of this Act as if it is a tax due by that resident] in accordance with Part A of Chapter 10 of the Tax Administration Act.</u>”; and</p> <p>(b) by the deletion of subsection (2).</p>

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		Repeal of sections 47H and 47I
		49. Sections 47H and 47I of the Income Tax Act, 1962, are hereby repealed.
		Amendment of section 60
		<p>50. Section 60 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Donations tax shall be paid to the Commissioner [within three months] <u>by the end of the month following the month during which a donation takes effect</u> or such longer period as the Commissioner may allow from the date upon which the donation in question takes effect.”; and</p> <p>(b) by the substitution for subsection (4) of the following subsection:</p> <p>“(4) The payment of the tax in terms of subsection (1) shall be accompanied by a return [in such form as may be prescribed by the Commissioner].”.</p>
		Amendment of section 61
		<p>51. Section 61 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for paragraph (a) of the following paragraph:</p> <p>“(a) any reference in [subsection (1) or (2) of section <i>seventy-four</i>, paragraph (c) or (d) of subsection (1) of section <i>seventy-five</i> or] paragraph (a) or (c) of the definition of ‘representative taxpayer’ in section [one] <u>1</u> to the income of any person or to the gross income received by or accrued to or in favour of any person shall be deemed to include a reference to property disposed of by any person under a donation or to the value of such property, as the context may require.”; and</p> <p>(b) by the deletion of paragraphs (b), (c), (e), (f) and (h).</p>

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		Amendment of section 62
		<p>52. Section 62 of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (4) of the following subsection:</p> <p>“(4) If the Commissioner is of the opinion that the amount shown in any return as the fair market value of any property is less than the fair market value of that property, he or she may fix the fair market value of that property, and the value so fixed is[, subject to the provisions of section 63,] deemed for the purposes of this Part to be the fair market value of such property.”.</p>
		Repeal of section 63
		53. Section 63 of the Income Tax Act, 1962, is hereby repealed.
		Amendment of section 64B
		54. Section 64B of the Income Tax Act, 1962, is hereby amended by the deletion of subsections (9) and (11).
		Amendment of section 64K
		55. Section 64K of the Income Tax Act, 1962, is hereby amended by the deletion of subsections (3), (5), (6), (7) and (8).
		Amendment of section 64L
		<p>56. Section 64L of the Income Tax Act, 1962, is hereby amended by the substitution for the words preceding paragraph (a) of the following words:</p> <p>“<u>[If] Notwithstanding the provisions of Chapter 13 of the Tax Administration Act, if—</u>”.</p>
		Amendment of section 64M
		<p>57. Section 64M of the Income Tax Act, 1962, is hereby amended by the substitution for the words preceding paragraph (a) of the following words:</p> <p>“<u>[If] Notwithstanding the provisions of Chapter 13 of the Tax Administration Act, if—</u>”.</p>
		Amendment of section 64R
		58. Section 64R of the Income Tax Act, 1962, is hereby amended by the deletion of subsections (3), (4) and (5).

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		Repeal of section 65
		59. Section 65 of the Income Tax Act, 1962, is hereby repealed.
		Amendment of section 66
		<p>60. Section 66 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for the heading of the following heading:</p> <p style="padding-left: 40px;">“Notice by Commissioner requiring returns for assessment of [taxes] <u>normal tax</u> under this Act [and manner of furnishing returns and interim returns]”;</p> <p>(b) by the substitution for subsection (1) of the following subsection:</p> <p style="padding-left: 40px;">“(1) The Commissioner must annually give public notice [that all] of the persons who [are personally or in a representative capacity liable to taxation under this Act or who] are required by the Commissioner to furnish returns for the assessment of <u>normal tax</u>, <u>must furnish returns</u> within the period prescribed in that notice[, or such longer period as the Commissioner may allow, for the purposes of assessments in respect of the years of assessment specified in that notice].”;</p> <p>(c) by the deletion of subsections (1A), (2), (3) and (5);</p> <p>(d) by the substitution for subsection (5A) of the following subsection:</p> <p style="padding-left: 40px;">“(5A) Any person who is not in terms of this section required to furnish a return in respect of any year of assessment may for the purpose of having [his] <u>that person's liability for [taxation] normal tax</u> determined on assessment <u>furnish</u> such a return within three years after the end of such year of assessment.”;</p> <p>(e) by the deletion of subsections (6), (7), (7A), (7B), (7C), (7D), (7E), (8), (9), (10) and (11);</p>

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		<p>(f) by the substitution in subsection (13) for the words preceding paragraph (a) of the following words: “(13) The return <u>[of income] for normal tax</u> to be made by any person in respect of any year of assessment shall be a <u>[full and true]</u> return—”;</p> <p>(g) by the deletion in the proviso to subsection (13)(a) of the word “or” at the end of paragraph (b)(ii);</p> <p>(h) by the addition to the proviso to subsection (13)(a) of the following paragraph: “(c) a person ceases to be a resident, a return shall be made for the period commencing on the first day of that year of assessment and ending on the day preceding the date that the person ceases to be a resident; or”;</p> <p>(i) by the addition of the following proviso to subsection (13)(b): “: Provided that where a company ceases to be a resident, a return shall be made for the period commencing on the first day of that financial year and ending on the day preceding the date that the company ceases to be a resident”;</p> <p>(j) by the substitution for subsection (13B) of the following subsection: “(13B) For the purposes of subsections [(13),] (13A)[,] and (13C) <u>[and (14)]</u>, the word ‘income’ must be construed as including any aggregate capital gain or aggregate capital loss.”; and</p> <p>(k) by the deletion of subsections (14) and (15).</p>

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		Amendment of section 67
		<p>61. Section 67 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Every person who at any time becomes liable for any normal tax or who becomes liable to submit any return contemplated in section 66 must[, within 60 days after so becoming a taxpayer,] apply to the Commissioner to be registered as a taxpayer <u>in accordance with Chapter 3 of the Tax Administration Act.</u>”; and</p> <p>(b) by the deletion of subsections (1A) and (2).</p>
		Repeal of sections 67A, 69, 70, 70A, 70B and 71
		<p>62. Sections 67A, 69, 70, 70A, 70B and 71 of the Income Tax Act, 1962, are hereby repealed.</p>
		Amendment of section 72A
		<p>63. Section 72A of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Every resident who on the last day of the foreign tax year of a controlled foreign company or immediately before a foreign company ceases to be a controlled foreign company directly or indirectly, together with any connected person in relation to that resident, holds at least 10 per cent of the participation rights in any controlled foreign company (otherwise than indirectly through a company which is a resident), must submit to the Commissioner [such] a return [as may be prescribed by the Commissioner].”.</p>
		Repeal of sections 73 to 80
		<p>64. Sections 73, 73A, 73B, 73C, 74, 74A, 74B, 74C, 74D, 75, 75A, 75B, 76, 76B, 76C, 76D, 76E, 76F, 76G, 76H, 76L, 76J, 76K, 76L, 76M, 76N, 76O, 76P, 76Q, 76R, 76S, 77, 78, 79, 79A, 79B and 80 of the Income Tax Act, 1962, are hereby repealed.</p>

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		Amendment of section 80B
		<p>65. Section 80B of the Income Tax Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:</p> <p>“(2) Subject to the time limits imposed by [section 79, 79A(2)(a) and 81(2)(b)] <u>sections 99, 100 and 104(5)(b) of the Tax Administration Act</u>, the Commissioner must make compensating adjustments that he or she is satisfied are necessary and appropriate to ensure the consistent treatment of all parties to the impermissible avoidance arrangement.”.</p>
		Repeal of sections 80K and 80M to 89sept
		<p>66. Sections 80K, 80M, 80N, 80O, 80P, 80Q, 80R, 80S, 80T, 81, 82, 83, 83A, 84, 85, 86A, 87, 88, 88A, 88B, 88C, 88D, 88E, 88F, 88G, 88H, 89, 89bis, 89ter, 89quat, 89quin, 89sex and 89sept of the Income Tax Act, 1962, are hereby repealed.</p>
		Amendment of section 90
		<p>67. Section 90 of the Income Tax Act, 1962, is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:</p> <p>“Subject to the provisions of this Act and the <u>Tax Administration Act</u>, any <u>normal</u> tax [(other than donations tax) and any interest payable in terms of section 89(2) or 89quat, shall be] <u>is payable</u>—</p> <p>(a) by any representative taxpayer, liable to assessment or for the payment of such tax or interest under this Act or under any previous Income Tax Act;</p> <p>(c) in respect of any other income and in all other cases,] by the person by whom [the] <u>any taxable</u> income is received or to whom or in whose favour it accrues or who is legally entitled to the receipt thereof”.</p>

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		Amendment of section 91
		<p>68. Section 91 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the deletion of subsections (1) and (2); and</p> <p>(b) by the substitution for subsection (5) of the following subsection:</p> <p>“(5) So much of any interest payable in terms of [section <i>eighty-nine</i>] Chapter 12 of the Tax Administration Act as relates to such portion of any tax as is in terms of subsection (4) recoverable from the assets referred to in that subsection may also be recovered from such assets.”.</p>
		Repeal of sections 91A to 101
		<p>69. Sections 91A, 92, 93, 94, 95, 96, 97, 98, 99, 100 and 101 of the Income Tax Act, 1962, are hereby repealed.</p>
		Amendment of section 102
		<p>70. Section 102 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the deletion of subsection (1);</p> <p>(b) by the substitution for subsection (1A) of the following subsection:</p> <p>“(1A) The Commissioner may refuse to authorise a refund under [subsection (1)] section 190 of the Tax Administration Act, if [that person]—</p> <p>(a) that person has failed to furnish a return [for any year of assessment] as required [by] in terms of this Act, until that person has furnished such return as required; or</p> <p>(b) [has failed to furnish the Commissioner in writing with particulars of that person's banking account or account with a similar institution to enable the Commissioner to transfer a refund, if any, to that account] the refund is claimed by that person after a period of three years after the end of the year of assessment, in the case where</p>

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		<p>that person was not required by any provision of this Act to furnish a return of income for that year of assessment and did not render such a return during the period of three years since the end of that year of assessment.”; and</p> <p>(c) by the deletion of subsections (2), (3) and (4).</p>
		Repeal of section 102A
		71. Section 102A of the Income Tax Act, 1962, is hereby repealed.
		Amendment of section 103
		<p>72. Section 103 of the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subsection (4) of the following subsection:</p> <p>“(4) [Any decision of the Commissioner under subsection (2) shall be subject to objection and appeal, and whenever] <u>If in any objection and appeal proceedings relating [thereto] to a decision under subsection (2)</u> it is proved that the agreement or change in shareholding or members’ interests or trustees or beneficiaries of the trust in question would result in the avoidance or the postponement of liability for payment of any tax, duty or levy imposed by this Act or any previous Income Tax Act or any other law administered by the Commissioner, or in the reduction of the amount thereof, it shall be presumed, until the contrary is proved in the case of any such agreement or change in shareholding or members’ interests or trustees or beneficiaries of such trust, that it has been entered into or effected solely or mainly for the purpose of utilising the assessed loss, balance of assessed loss, capital loss or assessed capital loss in question in order to avoid or postpone such liability or to reduce the amount thereof.”; and</p> <p>(b) by the deletion of subsection (6).</p>

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		Repeal of sections 104, 105, 105A, 106, 107A and 110
		73. Sections 104, 105, 105A, 106, 107A and 110 of the Income Tax Act, 1962, are hereby repealed.
		Amendment of paragraph 13 of First Schedule
		74. Paragraph 13 of the First Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following subparagraph: “(3) Every farmer who desires to claim a deduction in terms of subparagraph (1), shall [with his return of income] for the year of assessment in which he or she sold livestock on account of conditions of drought or stock disease or by reason of his or her participation in a livestock reduction scheme organized by the Government[, or within such period as the Commissioner may allow,] notify the Commissioner accordingly and [furnish] <u>obtain and retain</u> full particulars in regard to the livestock so sold.”.
		Amendment of paragraph 19 of First Schedule
		75. Paragraph 19 of the First Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (3) of the following subparagraph: “(3) Where the taxpayer’s assessment for a relevant period has in terms of section [81(5) of this Act] <u>100 of the Tax Administration Act</u> , become final and conclusive, the Commissioner shall not, merely by reason of the fact that the amount determined under subparagraph (2)(a), as the taxpayer’s annual average taxable income from farming in relation to such period is incorrect, be required to make a further assessment upon the taxpayer for such period in terms of section [79 of this Act] <u>99 of that Act</u> or to authorize a refund under section [102 of this Act] <u>190 of that Act</u> of any tax overpaid in respect of such period, unless it appears that such annual average taxable income from farming should be increased or reduced by at least six hundred rand.”.

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		Amendment of paragraph 20 of First Schedule
		<p>76. Paragraph 20 of the First Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subparagraph (1) for the words preceding item (a) of the following words:</p> <p>“If [any] <u>a</u> taxpayer (other than a company) who derives income from farming operations [submits an application to the Commissioner] <u>makes an election</u> as provided in subparagraph (6) and if so <u>required</u> proves to the satisfaction of the Commissioner—”;</p> <p>(b) by the substitution in subparagraph (6) for item (a) of the following item:</p> <p>“(a) Any taxpayer (other than a company) may], at his option, make written application to the Commissioner] <u>elect</u> for the normal tax payable by [him] <u>the taxpayer</u> to be determined under this paragraph.”; and</p> <p>(c) by the substitution in subparagraph (6)(b) for the words preceding subitem (i) of the following words:</p> <p>“[Any] <u>For purposes of such [application shall be submitted to the Commissioner and shall be accompanied by] election the following records must be obtained and retained[—];</u>”.</p>
		Amendment of paragraph 1 of Fourth Schedule
		<p>77. Paragraph 1 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in the definition of “representative employer” for item (b) of the following item:</p> <p>“(b) in the case of any [divisional council, municipal council, village management board or like authority] <u>municipality</u> or any body corporate or unincorporated (other than a company or a partnership), any manager, secretary, officer or other person responsible for paying remuneration on behalf of such [council, board, authority] <u>municipality</u> or body;”;</p>

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		<p>(b) by the substitution in the definition of “representative employer” for the words following paragraph (d) of the following words:</p> <p>“who <u>[is a resident]</u> resides in <u>the Republic</u>, but nothing in this definition shall be construed as relieving any person from any liability, responsibility or duty imposed upon him <u>or her</u> by this Schedule; and”.</p>
		Amendment of paragraph 2 of Fourth Schedule
		<p>78. Paragraph 2 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the insertion in subparagraph (4) of the following item after item (c):</p> <p>“(cA) <u>any premium paid by an employer of the taxpayer directly or indirectly for the benefit or on behalf of the taxpayer to the extent that the policy of insurance in respect of which the premium is paid covers the taxpayer against the loss of income as a result of illness, injury, disability or unemployment; and</u>”.</p>
		Amendment of paragraph 5 of Fourth Schedule
		<p>79. Paragraph 5 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) Subject to the provisions of subparagraph (6) <u>[any]</u>, if an employer <u>[who fails to deduct or withhold the full amount of employees' tax as provided in paragraph 2 shall be]</u> <u>is</u> personally liable for the payment <u>[to the Commissioner of the amount]</u> of employees' tax under Chapter 10 of the Tax Administration Act, <u>[which he or she fails to deduct or withhold, and]</u> <u>the employer shall [, subject to the provisions of sub-paragraph (2),]</u> pay that amount to the Commissioner not later than the date on which payment should have been made if the employees' tax had in fact been deducted or withheld in terms of paragraph 2.”.</p>

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		Amendment of paragraph 6 of Fourth Schedule
		<p>80. Paragraph 6 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) If an employer fails to pay any amount of employees’ tax for which he or her is liable within the period allowable for payment thereof in terms of paragraph 2 [he shall, in addition to any other penalty or charge for which he may be liable under this Act, pay] SARS must in accordance with Chapter 15 of the Tax Administration Act, impose a penalty equal to ten per cent[.] of such amount.”;</p> <p>and</p> <p>(b) by the deletion of subparagraphs (2), (2A), (2B), (3) and (4).</p>
		Repeal of paragraph 8 of Fourth Schedule
		81. The Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the repeal of paragraph 8.
		Amendment of paragraph 11B of Fourth Schedule
		82. Paragraph 11B of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the deletion of subparagraph (4A).
		Amendment of paragraph 11C of Fourth Schedule
		<p>83. Paragraph 11C of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution for subparagraph (2) of the following subparagraph:</p> <p>“(2) Subject to subparagraph (6), every private company shall on a monthly basis, in respect of every director of that company, pay to the Commissioner an amount determined in accordance with subparagraph (3), which shall for the purposes of [sections 79, 89bis, 89ter, 89quat,] section 90 [, 102 and 102A] of the Act, [and] paragraphs 1, 4, 6, 11[, 12], 13 and 14 and Parts III and IV of this Schedule[,] and Chapters 8, 12 and 13 of the Tax Administration Act, be deemed to be an amount of employees’ tax which was</p>

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		required to be deducted or withheld by the company as an employer in terms of paragraph 2 of this Schedule.”.
		Repeal of paragraph 12 of Fourth Schedule
		84. The Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the repeal of paragraph 12.
		Amendment of paragraph 14 of Fourth Schedule
		<p>85. Paragraph 14 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subparagraph (1) for the words preceding item (a) of the following words:</p> <p>“[Every] <u>In addition to the records required in accordance with Part A of Chapter 4 of the Tax Administration Act, every</u> employer shall in respect of each employee maintain a record showing—”;</p> <p>(b) by the substitution for subparagraph (2) of the following subparagraph:</p> <p>“(2) Every employer shall when making any payment of employees’ tax submit to the Commissioner [such declaration containing such information as the Commissioner may prescribe] a return.”;</p> <p>(c) by the substitution in subparagraph (3) for the words following item (b) of the following words:</p> <p>“or within such longer time as the Commissioner may approve, render to the Commissioner [such] a return [as the Commissioner may prescribe].”;</p> <p>(d) by the deletion of subparagraph (4); and</p> <p>(e) by the substitution for subparagraph (6) of the following subparagraph:</p> <p>“(6) If an employer fails to render to the Commissioner a return referred to in subparagraph (3) within the period prescribed in that subparagraph, <u>the Commissioner may impose under Chapter 15 of the Tax Administration Act on that employer [shall be required to pay] a percentage based penalty</u></p>

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		[equal to] for each month that the employer fails to submit a complete return which in total may not exceed 10 per cent of the total amount of employees' tax deducted or withheld or which should have been deducted or withheld by the employer from the remuneration of employees for the period [relating to the return required in terms of] <u>described in</u> that subparagraph [: Provided that the Commissioner may remit that penalty or portion thereof if he or she is satisfied that the circumstances warrant it. "].
		Amendment of paragraph 15 of Fourth Schedule
		<p>86. Paragraph 15 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) Every person who is an employer shall apply to the Commissioner [in such form as the Commissioner may prescribe] <u>in accordance with Chapter 3 of the Tax Administration Act</u> for registration [as an employer within 14 days after becoming an employer, or within such further period as the Commissioner may approve]: Provided that where no one of such employer's employees is liable for normal tax, the provisions of this paragraph shall not apply to such employer.”;</p> <p>(b) by the deletion of subparagraph (2);</p> <p>(c) by the substitution for subparagraph (3) of the following subparagraph:</p> <p>“(3) Every person who [has applied or is deemed to have applied for registration under subparagraph (1)] <u>is registered as an employer</u> shall within [fourteen] 14 days after [changing his address or] ceasing to be an employer, notify the Commissioner in writing of [his new address or of] the fact of [his] <u>the employer</u> having ceased to be an employer[, as the case may be].”; and</p> <p>(d) by the deletion of subparagraph (4).</p>

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		Repeal of paragraph 16 of Fourth Schedule
		87. Paragraph 16 of the Fourth Schedule to the Income Tax Act, 1962, is hereby repealed.
		Amendment of paragraph 17 of Fourth Schedule
		<p>88. Paragraph 17 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (5) of the following subparagraph:</p> <p>“(5) The Commissioner may from time to time, having regard to the rates of normal tax as fixed by Parliament or foreshadowed by the Minister in his or her budget statement or as varied by the Minister under section 5(3) of this Act, to the rebates applicable in terms of section 6(2) and (3)(a) and section 6quat of this Act and to any other factors having a bearing upon the probable liability of taxpayers for normal tax, prescribe tables for optional use by provisional taxpayers falling within any category specified by the Commissioner, or by provisional taxpayers generally, for the purpose of estimating the liability of such taxpayers for normal tax, and the Commissioner may prescribe the manner in which such tables shall be applied <u>together with the period for which such tables shall remain in force.</u>”;</p> <p>(b) by the deletion of subparagraph (6); and</p> <p>(c) by the substitution for subparagraph (8) of the following subparagraph:</p> <p>“(8) Every person who is a provisional taxpayer shall [within 30 days after the date upon which he becomes a provisional taxpayer.] apply to the Commissioner for registration as a provisional taxpayer <u>in accordance with Chapter 3 of the Tax Administration Act.</u>”.</p>

No. and year	Short title	Extent of amendment or repeal
		Amendment of paragraph 18 of Fourth Schedule
		<p>89. Paragraph 18 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the substitution in subparagraph (1)(d) for the words preceding subitem (i) of the following words:</p> <p>“any natural person [(other than a director of a private company)] who on the last day of the year of assessment will be [over the age of] 65 years <u>or older</u>, if the Commissioner is satisfied that such person’s taxable income for that year—”.</p>
		Amendment of paragraph 19 of Fourth Schedule
		<p>90. Paragraph 19 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subparagraph (1) for item (a) of the following item:</p> <p>“(a) Every provisional taxpayer (other than a company) [or a person contemplated in paragraph 18)] shall, during every period within which provisional tax is or may be payable by [him] <u>that provisional taxpayer</u> as provided in this Part, [or any extension of such period granted in terms of paragraph 25(2).] submit to the Commissioner [, in such form as the Commissioner may prescribe,] (should the Commissioner <u>so require</u>) a return of an estimate of the total taxable income which will be derived by the taxpayer in respect of the year of assessment in respect of which provisional tax is or may be payable by [him] <u>the taxpayer</u>.”;</p>

No. and year	Short title	Extent of amendment or repeal
		<p>(b) by the substitution in subparagraph (1) for item (b) of the following item:</p> <p>“(b) Every company which is a provisional taxpayer shall, during every period within which provisional tax is or may be payable by it as provided in this Part [or any extension of such period granted in terms of paragraph 25(2),] submit to the Commissioner [, in such form as the Commissioner may prescribe,] <u>(should the Commissioner so require)</u> a return of an estimate of the total taxable income which will be derived by the company in respect of the year of assessment in respect of which provisional tax is or may be payable by the company.”;</p> <p>(c) by the substitution in subparagraph (1) for item (c) of the following item:</p> <p>“(c) The amount of any estimate so submitted by a provisional taxpayer (other than a company) during the period referred to in paragraph 21(1)(a) [or any extension of such period granted in terms of paragraph 25(2)], or by a company (as a provisional taxpayer) during the period referred to in paragraph 23(a) [or any extension of such period granted in terms of paragraph 25(2)], shall, unless the Commissioner, having regard to the circumstances of the case, agrees to accept an estimate of a lower amount, not be less than the basic amount applicable to the estimate in question, as contemplated in item (d).”;</p> <p>(d) by the substitution in subparagraph (1) for subsubitem (bb) of item (d)(i) of the following subsubitem:</p> <p>“(bb) [the taxable portion of any lump sum] <u>any amount</u> contemplated in [section 7A(4A) and] paragraph (d) of the definition of ‘gross income’ in section 1; and”;</p>

No. and year	Short title	Extent of amendment or repeal
		<p>(e) by the substitution in subparagraph (1) for the proviso to item (d) of the following proviso:</p> <p>“Provided that, if an estimate under item (a) or (b) must be made— <u>(a) more than 18 months; and</u> <u>(b) in respect of a period that ends more than one year,</u> after the end of the latest preceding year of assessment in relation to such estimate, the basic amount determined in terms of subitem (i) and (ii) shall be increased by an amount equal to eight per cent per annum of that amount, from the end of such year to the end of the year of assessment in respect of which the estimate is made.”;</p> <p>(f) by the substitution in subparagraph (1) for subitem (ii) of item (e) of the following subitem:</p> <p>“(ii) in respect of which a notice of assessment relevant to the estimate has been issued by the Commissioner not less than <u>[60]14</u> days before the date on which the estimate is submitted to the Commissioner; Provided that where the Commissioner has in respect of any estimate required to be made by a provisional taxpayer issued to the taxpayer a return for the payment of provisional tax upon which the Commissioner has indicated the taxpayer’s taxable income for the latest preceding year of assessment, in respect of which a notice of assessment was issued prior to the issue of such return, such <u>[taxable income] year of assessment</u> shall at the option of the taxpayer be deemed to be <u>[the basic amount applicable to such estimate] that latest preceding year of assessment.</u>”;</p>

No. and year	Short title	Extent of amendment or repeal
		<p>(g) by the substitution for subparagraph (2) of the following subparagraph:</p> <p>“(2) If any provisional taxpayer fails to submit any estimate as required by subparagraph (1), the Commissioner may estimate the taxable income which is required to be estimated [, and such estimate shall be final and conclusive].”; and</p> <p>(h) by the substitution for subparagraph (3) of the following subparagraph:</p> <p>“(3) The Commissioner may call upon any provisional taxpayer to justify any estimate made by him or her in terms of subparagraph (1), or to furnish particulars of his or her income and expenditure or any other particulars that may be required, and, if the Commissioner is dissatisfied with the said estimate, he or she may increase the amount thereof to such amount as he or she considers reasonable [, and the estimate as increased shall be final and conclusive].”.</p>
		Amendment of paragraph 20 of Fourth Schedule
		<p>91. Paragraph 20 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for the heading of the following heading:</p> <p>“[ADDITIONAL TAX] PENALTY IN THE EVENT OF TAXABLE INCOME BEING UNDERESTIMATED”;</p> <p>(b) by the substitution in subparagraph (1) for items (a) and (b) of the following items:</p> <p>“(a) more than R1 million and such estimate is less than 80 per cent of the amount of the actual taxable income the Commissioner may, if he or she is not satisfied that the amount of such estimate was seriously calculated with due regard to the factors having a bearing thereon or was not deliberately or negligently understated, subject to the provisions of subparagraph (3), impose, in addition to the normal tax chargeable in</p>

No. and year	Short title	Extent of amendment or repeal
		<p>respect of the taxpayer's taxable income for such year of assessment, a <u>[an amount by way of additional tax] penalty [up] equal</u> to 20 per cent of the difference between the amount of normal tax as calculated in respect of such estimate and the amount of normal tax calculated, at the rates applicable in respect of such year of assessment, in respect of a taxable income equal to 80 per cent of such actual taxable income; and</p> <p>(b) in any other case, less than 90 per cent of the amount of such actual taxable income and is also less than the basic amount applicable to the estimate in question, as contemplated in paragraph 19(1)(d), the taxpayer shall, subject to the provisions of subparagraphs (2) and (3), be liable to pay to the Commissioner, in addition to the normal tax chargeable in respect of his or her taxable income for such year of assessment, a <u>[an amount by way of additional tax] penalty</u> equal to 20 per cent of the difference between the amount of normal tax as calculated in respect of such estimate and the lesser of the following amounts, namely—</p> <p>(i) the amount of normal tax calculated, at the rates applicable in respect of such year of assessment, in respect of a taxable income equal to 90 per cent of such actual taxable income; and</p>

No. and year	Short title	Extent of amendment or repeal
		<p>(ii) the amount of normal tax calculated in respect of a taxable income equal to such basic amount, at the rates applicable in respect of such year of assessment.”;</p> <p>(c) by the substitution for subparagraph (2) of the following subparagraph: “(2) Where the Commissioner is satisfied that the amount of any estimate referred to in subparagraph (1)(b) was seriously calculated with due regard to the factors having a bearing thereon and was not deliberately or negligently understated, or if the Commissioner is partly so satisfied, the Commissioner may in his or her discretion remit the [additional tax] penalty or a part thereof.”; and</p> <p>(d) by the deletion of subparagraph (4).</p>
		Amendment of paragraph 20A of Fourth Schedule
		<p>92. Paragraph 20A of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for the heading of the following heading: “[ADDITIONAL TAX] PENALTY IN THE EVENT OF FAILURE TO SUBMIT AN ESTIMATE OF TAXABLE INCOME TIMEOUSLY”;</p> <p>(b) by the substitution for subparagraph (1) of the following subparagraph: “(1) Subject to the provisions of subparagraphs (2) and (3), where any provisional taxpayer is liable for the payment of normal tax in respect of any amount of taxable income derived by that provisional taxpayer during any year of assessment and the estimate of his or her taxable income for that year required to be submitted by him or her under paragraph 19(1) during the period contemplated in paragraph 21(1)(b), 22(1) or 23(b), as the case may be, was not submitted by him or her on or before the last day of that year [or, if the period</p>

No. and year	Short title	Extent of amendment or repeal
		<p>for the payment of provisional tax due by him or her in respect of such period has under paragraph 25(2) been extended to a date later than the end of such year, on or before such date,) the taxpayer shall, unless the Commissioner has estimated the said taxable income under paragraph 19(2) or has increased the amount thereof under paragraph 19(3), be required to pay to the Commissioner, in addition to the normal tax chargeable in respect of such taxable income, [an amount by way of additional tax] a penalty equal to 20 per cent of the amount by which the normal tax payable by him or her in respect of such taxable income exceeds the sum of any amounts of provisional tax paid by him or her in respect of such taxable income within any period allowed for the payment of such provisional tax under this Part [or within any extension of such period under paragraph 25(2)] and any amounts of employees' tax deducted or withheld from his or her remuneration by his or her employer during such year.”;</p> <p>(c) by the substitution for subparagraph (2) of the following subparagraph: “(2) The Commissioner may, if he or she is satisfied that the provisional taxpayer's failure to submit such an estimate timeously was not due to an intent to evade or postpone the payment of provisional tax or normal tax, remit the whole or any part of the [additional tax] penalty imposed under subparagraph (1).”; and</p> <p>(d) by the deletion of subparagraph (3).</p>

No. and year	Short title	Extent of amendment or repeal
		Amendment of paragraph 23A of Fourth Schedule
		<p>93. Paragraph 23A of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) Any provisional taxpayer may for the purpose of avoiding or reducing his or her liability for any interest which may become payable by him or her in respect of any year of assessment under [section 89^{quat}] Chapter 12 of the Tax Administration Act, elect to make an additional payment of provisional tax in respect of such year.”;</p> <p>and</p> <p>(b) by the deletion of subparagraph (2).</p>
		Amendment of paragraph 25 of Fourth Schedule
		<p>94. Paragraph 25 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) If after the end of any period within which provisional tax is payable in terms of this Schedule the Commissioner has under the provisions of subparagraph (3) of paragraph 19 increased the amount of any estimate of taxable income submitted by any provisional taxpayer during such period, any additional provisional tax payable as a result of the Commissioner having made such increase shall, notwithstanding the provisions of paragraphs 21[, 22] and 23, be payable within such period as the Commissioner may determine.”; and</p> <p>(b) by the deletion of subparagraph (2).</p>
		Amendment of paragraph 27 of Fourth Schedule
		<p>95. Paragraph 27 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution for subparagraph (1) of the following subparagraph:</p> <p>“(1) If any provisional taxpayer fails to pay any amount of provisional tax for which he or she is liable within the period allowed for</p>

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		<p>payment thereof in terms of paragraph 21 or 23, or paragraph 25(1), [or within such extended period as the Commissioner may allow in terms of paragraph 25(2), he or she must, in addition to any other penalty or charge incurred by him or her under this Act, pay to the Commissioner] <u>the Commissioner must, under Chapter 15 of the Tax Administration Act, impose a penalty equal to ten per cent of the amount not paid.</u>"; and</p> <p>(b) by the deletion of subparagraph (2).</p>
		Insertion of paragraph 28A of Fourth Schedule
		<p>96. The Fourth Schedule to the Income Tax Act, 1962, is hereby amended by the insertion of the following paragraph after paragraph 28:</p> <p><u>"28A. Payments by way of employees' tax and provisional tax must, for the purposes of this Act and subject to the provisions of paragraph 28, be regarded as having been made in respect of the taxpayer's liability for tax whether or not the liability has been ascertained or determined at the date of any payment."</u></p>
		Amendment of paragraph 30 of Fourth Schedule
		<p>97. Paragraph 30 of the Fourth Schedule to the Income Tax Act, 1962, is hereby amended—</p> <p>(a) by the substitution in subsection (1) for the words preceding subparagraph (a) of the following words:</p> <p><u>"Any person who wilfully and without just cause—"</u></p> <p>(b) by the deletion in subparagraph (1) of items (c), (d), (e) and (i);</p> <p>(c) by the substitution for item (j) in subparagraph (1) of the following item:</p> <p><u>"(j) [fails or neglects to apply to the Commissioner for registration as an employer as required by subparagraph (1) of] being a registered employer under paragraph 15(1),</u></p>