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4 June 2024

No. 50750

THE PRESIDENCY

No. 4924

4 June 2024

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

Act No. 12 of 2024: Revenue Laws Amdment Act, 2024

DIE PRESIDENSIE

No. 4924

4 Junie 2024

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

Wet No. 12 van 2024: Wysigingswet op Inkomstewette, 2024







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

Revenue Laws Amendment Act, 2024

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GENERAL EXPLANATORY NOTE:

[]	Words in bold type in square brackets indicate omissions from existing enactments.								
	_		underlined g enactments		a	solid	line	indicate	insertions	ir

(English text signed by the President) (Assented to 31 May 2024)

ACT

To amend the Income Tax Act, 1962, so as to amend certain definitions; to amend certain provisions; and to provide for matters connected therewith.

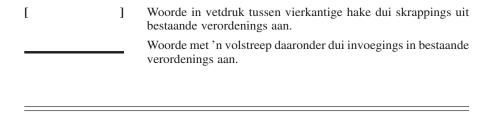
RE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 58 of 1962, as amended by section 3 of Act 90 of 1962, section 1 of Act 6 of 1963, section 4 of Act 72 of 1963, section 4 of Act 90 of 1964, section 5 of Act 88 of 1965, section 5 of Act 55 of 1966, section 5 of Act 76 of 1968, section 6 of Act 89 of 1969, section 6 of Act 52 of 1970, section 4 of Act 88 of 1971, section 4 of Act 90 of 1972, section 4 of Act 65 of 1973, section 4 of Act 85 of 1974, section 4 of Act 69 of 1975, section 4 of Act 103 of 1976, section 4 of Act 113 of 1977, section 3 of Act 101 of 1978, section 3 of Act 104 of 1979, section 2 of Act 104 of 1980, section 2 of Act 96 of 1981, section 3 of Act 91 of 1982, section 2 of Act 94 10 of 1983, section 1 of Act 30 of 1984, section 2 of Act 121 of 1984, section 2 of Act 96 of 1985, section 2 of Act 65 of 1986, section 1 of Act 108 of 1986, section 2 of Act 85 of 1987, section 2 of Act 90 of 1988, section of Act 99 of 1988, Government Notice R780 of 1989, section 2 of Act 70 of 1989, section 2 of Act 101 of 1990, section 2 of Act 129 of 1991, section 2 of Act 141 of 1992, section 2 of Act 113 of 1993, section 2 of Act 21 of 1994, section 2 of Act 21 of 1995, section 2 of Act 36 of 1996, section 2 of Act 28 of 1997, section 19 of Act 30 of 1998, Government Notice 1503 of 1998, section 10 of Act 53 of 1999, section 13 of Act 30 of 2000, section 2 of Act 59 of 2000, section 5 of Act 5 of 2001, section 3 of Act 19 of 2001, section 17 of Act 60 of 2001, section 9 of Act 30 of 2002, section 6 of Act 74 of 2002, section 33 of Act 12 of 2003, 20 section 12 of Act 45 of 2003, section 3 of Act 16 of 2004, section 3 of Act 32 of 2004, section 3 of Act 32 of 2005, section 19 of Act 9 of 2006, section 3 of Act 20 of 2006, section 3 of Act 8 of 2007, section 5 of Act 35 of 2007, section 2 of Act 3 of 2008, section 4 of Act 60 of 2008, section 7 of Act 17 of 2009, section 6 of Act 7 of 2010, section 7 of Act 24 of 2011, section 271 of Act 28 of 2011, read with item 23 of 25 Schedule 1 to that Act, section 2 of Act 22 of 2012, section 4 of Act 31 of 2013, section

Wet No. 12 van 2024

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ALGEMENE VERDUIDELIKENDE NOTA:



(Engelse teks deur die President geteken) (Goedgekeur op 31 Mei 2024)

WET

Tot wysiging van die Inkomstebelastingwet, 1962, ten einde sekere woordomskrywings te wysig; sekere bepalings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 1 van Wet 58 van 1962, soos gewysig deur artikel 3 van Wet 90 van 1962, artikel 1 van Wet 6 van 1963, artikel 4 van Wet 72 van 1963, artikel 4 van Wet 90 van 1964, artikel 5 van Wet 88 van 1965, artikel 5 van Wet 55 van 1966, artikel 5 van Wet 76 van 1968, artikel 6 van Wet 89 van 1969, artikel 6 van Wet 52 van 1970, artikel 4 van Wet 88 van 1971, artikel 4 van Wet 90 van 1972, artikel 4 van Wet 65 van 1973, artikel 4 van Wet 85 van 1974, artikel 4 van Wet 69 van 1975, artikel 4 van Wet 103 van 1976, artikel 4 van Wet 113 van 1977, artikel 3 van Wet 101 van 1978, artikel 3 van Wet 104 van 1979, artikel 2 van Wet 104 van 1980, artikel 2 van Wet 96 van 1981, artikel 3 van Wet 91 van 1982, artikel 2 van Wet 94 van 1983, artikel 1 van Wet 30 van 1984, artikel 2 van Wet 121 van 1984, artikel 2 van Wet 96 van 1985, artikel 2 van Wet 65 van 1986, artikel 1 van Wet 108 van 1986, artikel 2 van Wet 85 van 1987, artikel 2 van Wet 90 van 1988, artikel 1 van Wet 99 van 1988, Goewermentskennisgewing R780 van 1989, artikel 2 van Wet 70 van 15 1989, artikel 2 van Wet 101 van 1990, artikel 2 van Wet 129 van 1991, artikel 2 van Wet 141 van 1992, artikel 2 van Wet 113 van 1993, artikel 2 van Wet 21 van 1994, artikel 2 van Wet 21 van 1995, artikel 2 van Wet 36 van 1996, artikel 2 van Wet 28 van 1997, artikel 19 van Wet 30 van 1998, Goewermentskennisgewing 1503 van 1998, artikel 10 van Wet 53 van 1999, artikel 13 van Wet 30 van 2000, artikel 2 van 20 Wet 59 van 2000, artikel 5 van Wet 5 van 2001, artikel 3 van Wet 19 van 2001, artikel 17 van Wet 60 van 2001, artikel 9 van Wet 30 van 2002, artikel 6 van Wet 74 van 2002, artikel 33 van Wet 12 van 2003, artikel 12 van Wet 45 van 2003, artikel 3 van Wet 16 van 2004, artikel 3 van Wet 32 van 2004, artikel 3 van Wet 32 van 2005, artikel 19 van Wet 9 van 2006, artikel 3 van Wet 20 van 2006, artikel 3 van Wet 8 van 2007, artikel 5 van Wet 35 van 2007, artikel 2 van Wet 3 van 2008, artikel 4 van Wet 60 van 2008, artikel 7 van Wet 17 van 2009, artikel 6 van Wet 7 van 2010, artikel 7 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met item 23 van Bylae 1 by daardie Wet, artikel 2 van Wet 22 van 2012, artikel 4 van Wet 31 van 2013, artikel 1 van Wet 43 van 2014, artikel 3 van Wet 25 van 2015, 30

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1 of Act 43 of 2014, section 3 of Act 25 of 2015, section 5 of Act 15 of 2016, section 2 of Act 17 of 2017, section 1 of Act 23 of 2018, section 34 of Act 34 of 2019, section 2 of Act 23 of 2020, section 4 of Act 20 of 2021, section 1 of Act 20 of 2022 and section 1 of Taxation Laws Amendment Act od 2023

1 of Taxation Laws Amendment Act od 2023 1. (1) Section 1 of the Income Tax Act, 1962, is hereby amended— 5 (a) by the insertion in subsection (1) in the definition of "gross income" after paragraph (eC) of the following paragraph: "(eD) a savings withdrawal benefit;"; (b) by the insertion in subsection (1) after the definition of "JSE Limited Listings 10 Requirements" of the following definition: "'legacy retirement annuity policy' means any policy held by a retirement annuity fund entered into before 1 September 2024 with a pre-universal life or universal life construct, subject to such conditions that the Financial Sector Conduct Authority may determine;"; (c) by the insertion in subsection (1) after the definition of "Medical Schemes 15 Act" of the following definitions: " 'member's interest in the retirement component' includes— (a) any amount allocated to the retirement component as contemplated in the definition of 'retirement component'; 20 (b) any amount credited to the retirement component on or after 1 September 2024; (c) any fund return as defined in section 1 of the Pension Funds Act in relation to amounts contemplated in paragraphs (a) and (b); and (d) reduced proportionally by any amount determined in terms of section 37D of the Pension Funds Act, which amount is deemed to 2.5 be a lump sum benefit contemplated in paragraph 2(1)(b) of the Second Schedule, as determined in terms of the rules of the fund; 'member's interest in the savings component' includes— (a) any amount allocated to the savings component as contemplated in 30 the definition of 'savings component'; (b) any amount credited to the savings component on or after 1 September 2024: (c) any fund return as defined in section 1 of the Pension Funds Act in relation to amounts contemplated in paragraphs (a) and (b); 35 (d) reduced by any amount as contemplated in the definition of 'savings withdrawal benefit'; and (e) reduced proportionally by any amount determined in terms of section 37D of the Pension Funds Act, which amount is deemed to be a lump sum benefit contemplated in paragraph 2(1)(b) of the 40 Second Schedule, as determined in terms of the rules of the fund; 'member's interest in the vested component' includes— (a) the value of the member's interest in the fund that exists immediately prior to 1 September 2024; 45 (b) any amount credited to the member's vested component on or after 1 September 2024; (c) any fund return as defined in section 1 of the Pension Funds Act in relation to amounts contemplated in paragraphs (a) and (b); 50 (d) reduced by any amount as contemplated in paragraph (a) of the definition of 'savings component'; and (e) reduced proportionally by any amount determined in terms of section 37D of the Pension Funds Act, which amount is deemed to be a lump sum benefit contemplated in paragraph 2(1)(b) of the

as determined in terms of the rules of the fund;";

Second Schedule;

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artikel 5 van Wet 15 van 2016, artikel 2 van Wet 17 van 2017, artikel 1 van Wet 23 van 2018, artikel 34 van Wet 34 van 2019, artikel 2 van Wet 23 van 2020, artikel 4 van Wet 20 van 2021, artikel 1 van Wet 20 van 2022 en artikel 1 van Wysigingswet op Belastingwette van 2023

- 1. (1) Artikel 1 van die Inkomstebelastingwet, 1962, word hierby gewysig—
 - (a) deur in subartikel (1) in die omskrywing van "bruto inkomste" na paragraaf (eC) die volgende paragraaf in te voeg:

"(eD) 'n spaaronttrekkingsvoordeel;";

(b) deur in subartikel (1) na die omskrywing van "verteenwoordigende belastingpligtige" die volgende omskrywing in te voeg:

"<u>voorafbestaande uittredingannuïteitspolis</u>' enige polis gehou deur 'n uittredingannuïteitsfonds aangegaan voor 1 September 2024 met 'n pre-universele lewe of universele lewekonsep, behoudens die voorwaardes deur die 'Financial Sector Conduct Authority' bepaal;";

(c) deur in subartikel (1) na die omskrywing van "lewende annuïteit" die 15 volgende omskrywings in te voeg:

" 'lid se belang in die uittreekomponent' ook-

- (a) enige bedrag toegeken aan die uittreekomponent soos beoog in die omskrywing van 'uittreekomponent';
- (b) enige bedrag op of na 1 September 2024 aan die uittreekomponent 20 gekrediteer;
- (c) enige fondsopbrengs soos omskryf in artikel 1 van die Wet op Pensioenfondse met betrekking tot bedrae in paragrawe (a) en (b) beoog; en
- (d) proporsioneel verminder deur enige bedrag ingevolge artikel 37D van die Wet op Pensioenfondse bepaal, welke bedrag geag word 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b) van die Tweede Bylae te wees,

soos ingevolge die reëls van die fonds bepaal;

'lid se belang in die spaarkomponent' ook-

(a) enige bedrag aan die spaarkomponent toegewys soos in die omskrywing van 'spaarkomponent' beoog;

- (b) enige bedrag op of na 1 September 2024 aan die spaarkomponent gekrediteer;
- (c) enige fondsopbrengs soos omskryf in artikel 1 van die Wet op Pensioenfondse met betrekking tot bedrae in paragrawe (a) en (b) beoog;
- (d) verminder deur enige bedrag soos in die omskrywing van 'spaaronttrekkingsvoordeel' beoog; en
- (e) proporsioneel verminder deur enige bedrag ingevolge artikel 37D van die Wet op Pensioenfondse bepaal, welke bedrag geag word 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b) van die Tweede Bylae te wees,

soos ingevolge die reëls van die fonds bepaal;

'lid se belang in die gevestigde komponent' ook-

- (a) die waarde van die lid se belang in die fonds wat onmiddellik voor 1 September 2024 bestaan;
- (b) enige bedrag op of na 1 September 2024 aan die lid se gevestigde komponent gekrediteer;
- (c) enige fondsopbrengs soos omskryf in artikel 1 van die Wet op Pensioenfondse met betrekking tot bedrae in paragrawe (a) en (b) beoog;
- (d) verminder deur enige bedrag soos in paragraaf (a) van die omskrywing van 'spaarkomponent' beoog; en
- (e) proporsioneel verminder deur enige bedrag ingevolge artikel 37D van die Wet op Pensioenfondse bepaal, welke bedrag geag word 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b) van die Tweede Bylae te wees;

soos ingevolge die reëls van die fonds bepaal;";

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- (d) by the substitution in subsection (1) in the definition of "pension fund" for paragraph (i) of the proviso of the following paragraph:
 - that the fund is a permanent fund *bona fide* established for the purpose of providing annuities on retirement date or for the dependants or nominees of deceased employees, or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid or for the purpose of providing any benefit contemplated in the definition of 'savings withdrawal benefit', paragraph 2C of the Second Schedule or section 15A or 15E of the Pension Funds Act; and'';
- (e) by the substitution in subsection (1) in the definition of "pension fund" in subparagraph (dd) of paragraph (ii) of the proviso for the words preceding the proviso of the following words:

"that not more than one-third of the **[total value]** portion of the **[retirement]** member's interest in the vested component may be commuted for a single payment, and that the remainder, calculated together with the member's interest in the retirement component, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the member's total **[value]** interest in the vested component, calculated together with the member's total interest in the retirement component, does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or a retirement annuity 25 fund;";

(f) by the addition in subsection (1) in the definition of "pension fund" of the following further proviso:

": Provided further that the Commissioner may approve or recognise a fund contemplated in—

- (i) paragraph (a), (b), (c) or (d) in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide—
 - (aa) for the creation of the 'savings component', 'retirement component' and 'vested component' as defined in section 1;
 - (bb) that an employee may, prior to his or her retirement date, elect to receive the payment of—
 - (A) an amount from the retirement component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—
 - (AA) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021;
 - (BB) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AAA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002);
 - (BBB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
 - (CC) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of application for that recognition received on or

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- (d) deur in subartikel (1) in die omskrywing van "pensioenfonds" paragraaf (i) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:
 - "(i) dat die fonds 'n permanente fonds is wat *bona fide* ingestel is met die oogmerk om jaargelde op uittreedatum of vir die afhanklikes of benoemdes van oorlede werknemers beskikbaar te stel, of hoofsaaklik met genoemde oogmerk en ook met die oogmerk om ander voordele as jaargelde vir voorgemelde persone beskikbaar te stel of met die oogmerk om enige voordeel beoog in die omskrywing van 'spaaronttrekkingsvoordeel', paragraaf 2C van die Tweede Bylae of artikel 15A of 15E van die Wet op 10 Pensioenfondse te voorsien; en";
- (e) deur in subartikel (1) in die omskrywing van "pensioenfonds" in subparagraaf (dd) van paragraaf (ii) van die voorbehoudsbepaling die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

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

- (f) deur in subartikel (1) by die omskrywing van "pensioenfonds" die volgende verdere voorbehoudsbepaling by te voeg:
 - ": Met dien verstande voorts dat die Kommissaris kan goedkeur of erken 'n fonds beoog in—
 - (i) paragraaf (a), (b), (c) of (d) ten opsigte van enige jaar van aanslag, indien die Kommissaris oortuig is dat die reëls van die fonds voorsiening maak—
 - (aa) vir die skepping van die 'spaarkomponent', 'uittreekomponent' en 'gevestigde komponent' soos in artikel 1 omskryf;
 - (bb) dat 'n werknemer, voor sy of haar uittreedatum, kan kies om die betaling te ontvang van—
 - (A) 'n bedrag uit die uittreekomponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (AA) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021;
 - (BB) die Republiek verlaat het by verstryking van 'n visum verkry met die oog op—
 - (AAA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002);
 - (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling by artikel 11 van die Wet deur die 'Director-General' (Direkteur-generaal), soos in daardie Wet omskryf; of
 - (CC) 'n persoon is wat 'n inwoner is of was wat uit die Republiek emigreer het en daardie emigrasie word deur die Suid-Afrikaanse Reserwebank

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- before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; or
- (B) an amount from the vested component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—(AA) is a person who is not a resident for an uninterrupted period of three years or longer on
 - or after 1 March 2021;
 (BB) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AAA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BBB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
 - (CC) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of application for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for delivery of currency on or before 28 February 2022; or
- (ii) paragraph (a), (b) or (d) in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide that not more than one-third of the employee's retirement interest in the vested component may be commuted for a single payment and that the remainder, calculated together with the employee's interest in the retirement component, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the employee's interest in the vested component calculated together with the employee's interest in the retirement component, does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or retirement annuity fund:":
- (g) by the substitution in subsection (1) in the definition of "pension preservation fund" for item (aa) in paragraph (a)(i) of the proviso of the following item:

 "(aa) resignation, retrenchment or dismissal from employment and who elected to have any lump sum benefit that is payable as a result of the termination transferred to that fund, including lump sums transferred from the member's vested component, savings component and retirement component in the previous fund to the member's vested component, savings component in this fund;";

- erken by die toepassing van valutabeheer ten opsigte van aansoek om daardie erkenning op of voor 28 Februarie 2021 ontvang en op of voor 28 Februarie 2022 deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta goedgekeur; of
- (B) 'n bedrag uit die gevestigde komponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (AA) 'n persoon is wat op of na 1 Maart 2021 nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer;
 - (BB) die Republiek verlaat het by die verval van 'n visum verkry met die oog op—
 - (AAA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
 - (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling by artikel 11 van die Wet deur die 'Director-General' (Direkteur-Generaal), soos in daardie Wet omskryf; of
 - (CC) 'n persoon is wat 'n inwoner is of was wat uit die Republiek emigreer het en daardie emigrasie word deur die Suid-Afrikaanse Reserwebank erken by die toepassing van valutabeheer ten opsigte van aansoek om daardie erkenning op of voor 28 Februarie 2021 ontvang en op of voor 28 Februarie 2022 deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta goedgekeur; of
- paragraaf (a), (b) of (d) ten opsigte van enige jaar van aanslag, indien die Kommissaris oortuig is dat die reëls van die fonds bepaal dat hoogstens een-derde van die werknemer se uittreebelang in die gevestigde komponent deur 'n enkele betaling vervang kan word en dat die restant, tesame met die werknemer se belang in die uittreekomponent bereken, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die werknemer se belang in die gevestigde komponent tesame met die werknemer se belang in die uittreekomponent bereken, nie R165 000 te bowe gaan nie, waar die werkgewer oorlede is of waar die werknemer kies om die uittreebelang aan 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra;";
- (g) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" item (aa) in paragraaf (a)(i) van die voorbehoudsbepaling deur die volgende item te vervang:
 - het om enige enkelbedragvoordeel wat as gevolg van die beëindiging betaalbaar is na daardie fonds te laat oorplaas, met inbegrip van enkelbedrae oorgedra vanaf die lid se gevestigde komponent, spaarkomponent en uittreekomponent in die vorige fonds na die lid se gevestigde komponent, spaarkomponent en uittreekomponent en uittreekomponent in hierdie fonds;";

(h)	by the	subs	stitution in subs	section (1)	n the defini	tion of "	pensio	on prese	rvat	ion
	fund"	for	subparagraph	(ii)(bb) in	paragraph	(a) of	the p	oroviso	of	the
	follow	ing	subparagraph:							

- "(bb) if the member elected to have any lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule transferred to this pension preservation fund and who have made this election while they were members of that other fund, including lump sums transferred from the member's vested component, savings component and retirement component in the previous fund to the member's vested component, savings component and retirement component in this fund;";
- by the substitution in subsection (1) in the definition of "pension preservation fund" for subparagraph (v) in paragraph (a) of the proviso of the following subparagraph:
 - "(v) former members of a pension fund, pension preservation fund, 15 provident fund or provident preservation fund who have elected to have a lump sum benefit contemplated in paragraph 2(1)(c) of the Second Schedule transferred to this pension preservation fund and who have made this election while they were members of that other fund, including lump sums transferred from the member's 20 vested component, savings component and retirement component in the previous fund to the member's vested component, savings component and retirement component in this fund;";
- by the substitution in subsection (1) in the definition of "pension preservation fund" for paragraph (b) of the proviso of the words preceding subparagraph (i) 25 of the following paragraph:
 - payments or transfers to the fund in respect of a member are limited to any amount allocated to the vested component, savings component or retirement component or an amount contemplated in paragraph 2(1)(a)(ii), (b) or (c) of the Second Schedule or any 30 unclaimed benefit as defined in the Pension Funds Act that is paid or transferred to the fund by-";
- (k) by the substitution in subsection (1) in the definition of "pension preservation fund" for subparagraph (i) of paragraph (c) of the proviso of the following subparagraph:
 - this paragraph applies separately to each payment or transfer to the [fund contemplated in paragraph (b)] vested component or an amount in paragraph 2(1)(a)(ii), (b) or (c) of the Second Schedule or any unclaimed benefit as defined in the Pension Funds Act that is paid or transferred to the fund;";
- by the substitution in subsection (1) in the definition of "pension preservation fund" for subparagraph (ii) of paragraph (c) of the proviso of the following subparagraph:
 - a member shall, prior to his or her retirement date, be entitled to "(ii) the payment of-
 - (aa) a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule where a member-
 - [(aa)(A)] (a) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve 50 Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the 55 delivery of the currency on or before 28 February 2022; or
 - [(B)] (b) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021; or

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- (h) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" item(bb) in paragraaf (a)(ii) van die voorbehoudsbepaling deur die volgende itemte vervang:
 - "(bb) indien die lid gekies het om enige enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae na hierdie 5 pensioenbewaringsfonds te laat oordra en wat hierdie keuse uitgeoefen het terwyl hulle lede van daardie ander fonds was, met inbegrip van enkelbedrae oorgedra vanaf die lid se gevestigde komponent, spaarkomponent en uittreekomponent in die vorige fonds na die lid se gevestigde komponent, spaarkomponent en uittreekomponent in hierdie fonds;";
- (i) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" subparagraaf (v) in paragraaf (a) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - "(v) voormalige lede van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds wat gekies het om 'n enkelbedragvoordeel beoog in paragraaf 2(1)(c) van die Tweede Bylae na hierdie pensioenbewaringsfonds te laat oordra en wat hierdie keuse uitgeoefen het terwyl hulle lede van daardie ander fonds was, met inbegrip van enkelbedrae oorgedra vanaf die lid se gevestigde komponent in die vorige fonds na die lid se gevestigde komponent, spaarkomponent en uittreekomponent in hierdie fonds;";
- (j) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" in paragraaf (b) van die voorbehoudsbepaling die woorde wat subparagraaf (i) 25 voorafgaan deur die volgende woorde te vervang:
 - "(b) betalings of oordragte aan die fonds met betrekking tot 'n lid beperk word tot 'n bedrag toegewys aan die gevestigde komponent, spaarkomponent of uittreekomponent of 'n bedrag beoog in paragraaf 2(1)(a)(ii), (b) of (c) van die Tweede Bylae of 'n onopgeëiste voordeel soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgedra word deur—":
- (k) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" subparagraaf (i) van paragraaf (c) van die voorbehoudsbepaling deur die 35 volgende subparagraaf te vervang:
 - "(i) hierdie paragraaf afsonderlik van toepassing is op elke betaling of oordrag aan die [fonds in paragraaf (b) beoog] gevestigde komponent of 'n bedrag in paragraaf 2(1)(a)(ii), (b) of (c) van die Tweede Bylae of enige onopgeëiste voordeel soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgedra word;";
- (1) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" subparagraaf (ii) van paragraaf (c) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - (ii) 'n lid, voor sy of haar aftreedatum, geregtig is op die betaling
 - (<u>aa)</u> 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae waar 'n lid—
 - [(aa)(A)] (a) 'n persoon is wat 'n inwoner is of was wat 50 emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en 55 goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta op of voor 28 Februarie 2022; of
 - [(B)] (b) 'n persoon is wat nie 'n inwoner is nie vir 'n 60 ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021: of

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- [(bb)] $\underline{(c)}$ departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of that Act by the Director-General, as defined in that Act; and
- (bb) an amount from the retirement component and vested component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—
 - (A) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021;
 - (B) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
 - (C) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of application for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; and";
- (*m*) by the substitution in subsection (1) in the definition of "pension preservation fund" for subparagraph (iii) of paragraph (*c*) of the proviso of the following subparagraph:
 - "(iii) a member who has transferred a retirement interest in terms of paragraph 2(1)(c) of the Second Schedule to this fund shall not be entitled to payment of a withdrawal benefit as contemplated in paragraph 2(1)(b)(ii) of the Second Schedule in respect of that transferred amount, except to the extent that it is an amount 45 contemplated in subparagraph (ii) or a savings withdrawal benefit; and";
- (n) by the substitution in subsection (1) in paragraph (e) of the proviso to the definition of "pension preservation fund" for the words preceding the proviso to that paragaph of the following words:

"not more than one-third of the **[total value]** <u>portion</u> of the retirement interest <u>in the vested component</u> may be commuted for a single payment, and that the remainder, <u>calculated together with the member's interest in the retirement component</u>, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a 55

- [(bb)] (c) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
 - (BB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik 10 ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos omskryf in daardie Wet; en 15
- (bb) 'n bedrag uit die uittreekomponent en gevestigde komponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (A) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021;
 - (B) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
 - (BB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos omskryf in daardie Wet; of
 - (C) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoek vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta voor of op 28 Februarie 2022; en"; 40
- (m) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" subparagraaf (iii) van paragraaf (c) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - "(iii) 'n lid wat 'n aftreevoordeel oorgedra het ingevolge paragraaf 2(1)(c) van die Tweede Bylae na hierdie fonds nie geregtig is op die betaling van 'n onttrekkingsvoordeel nie soos beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae ten opsigte van daardie bedrag oorgedra, behalwe tot die mate wat dit 'n bedrag in subparagraaf (ii) beoog of 'n spaaronttrekkingsvoordeel, is; en";
- (n) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" in paragraaf (e) van die voorbehoudsbepaling die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 - "dat hoogstens een-derde van die **[totale waarde]** gedeelte van die uittreebelang in die gevestigde komponent deur 'n enkele betaling 55 vervang kan word en dat die restant, tesame met die lid se belang in die uittreekomponent bereken, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n

combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the member's total [value] interest in their vested component, calculated together with the member's total interest in their retirement component does not exceed R165 000, where the member is deceased or where the member elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or a retirement annuity fund:";

- (*o*) by the addition in subsection (1) in the definition of "pension preservation fund" of the following further proviso:
 - ": Provided further that the Commissioner may approve a fund in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide for the creation of the 'savings component', 'retirement component' and 'vested component' as defined in section 1;";
- (p) by the substitution in subsection (1) in the definition of "provident fund" for 15 paragraph (i) of the proviso of the following paragraph:
 - '(i) that the fund is a permanent fund *bona fide* established solely for the purpose of providing benefits for employees on retirement date or solely for the purpose of providing [benefits] annuities for the dependants or nominees of deceased employees or deceased former employees or solely for a combination of such purposes or mainly for the said purpose and also for the purpose of providing benefits other than annuities for the persons aforesaid or for the purpose of providing any benefit contemplated in the definition of 'savings withdrawal benefit', paragraph 2C of the Second 25 Schedule or section 15A or 15E of the Pension Funds Act; and";
- (q) by the substitution in subsection (1) in the definition of "provident fund" in subparagraph (dd) of paragraph (ii) of the proviso for the words preceding the proviso of the following words:
 - "that not more than one-third of the **[total value]** portion of the retirement interest that exists in an employee's interest may be commuted for a single payment, and that the remainder <u>calculated</u> together with the employee's interest in the retirement component must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying 35 the annuity) or a combination of types of annuities except where two-thirds of the **[total value]** employee's retirement interest in the vested component, calculated together with the employee's interest in the retirement component, does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or a retirement annuity fund;":
- (r) by the addition in subsection (1) in the definition of "provident fund" of the following further proviso:
 - ": Provided further that the Commissioner may approve or recognise a fund contemplated in—
 - (i) paragraph (a), (b) (c) or (d) in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide—
 - (aa) for the creation of the 'savings component', 'retirement component' and 'vested component' as defined in section 1;
 - (bb) that an employee shall, prior to his or her retirement date, be entitled to the payment of an amount from the retirement component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—

kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die <u>lid se</u> totale [waarde] <u>belang in hul gevestigde komponent, tesame met die lid se totale belang in hul uittreekomponent <u>bereken</u> nie R165 000 te bowe gaan nie, waar die lid oorlede is of waar die lid kies om die uittreebelang na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds oor te dra:";</u>

- (o) deur in subartikel (1) in die omskrywing van "pensioenbewaringsfonds" die volgende verdere voorbehoudsbepaling by te voeg:
 - ": Met dien verstande voorts dat die Kommissaris 'n fonds ten opsigte van enige jaar van aanslag kan goedkeur, indien die Kommissaris oortuig is dat die reëls van die fonds voorsiening maak vir die skepping van die 'spaarkomponent', 'uittreekomponent' en 'gevestigde komponent' soos in artikel 1 omskryf;";
- (p) deur in subartikel (1) in die omskrywing van "voorsorgfonds" paragraaf (i) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:
 - "(i) dat die fonds 'n permanente fonds is wat *bona fide* ingestel is uitsluitlik met die oogmerk om vir werknemers op uittreedatum voordele beskikbaar te stel of uitsluitlik met die oogmerk om vir die afhanklikes of benoemdes van oorlede werknemers of oorlede voormalige werknemers [voordele] annuïteite beskikbaar te stel of uitsluitlik met 'n kombinasie van genoemde oogmerke of hoofsaaklik vir genoemde oogmerk en ook met die oogmerk om ander voordele as annuïteite vir die voorgenoemde persone beskikbaar te stel of met die oogmerk om enige voordeel beoog in die omskrywing van 'spaaronttrekkingsvoordeel', paragraaf 2C van die Tweede Bylae of artikel 15A of 15E van die Wet op Pensioenfondse te voorsien; en'";
- (q) deur in subartikel (1) in die omskrywing van "voorsorgfonds" in subparagraaf (dd) van paragraaf (ii) van die voorbehoudsbepaling die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te 30 vervang:

"dat hoogstens een-derde van die [totale waarde] gedeelte van die uittreebelang wat in 'n werknemer se belang bestaan deur 'n enkele betaling vervang kan word en dat die restant, tesame met die werknemer se belang in die uittreekomponent bereken, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die [totale waarde] werknemer se uittreebelang in die gevestigde komponent, tesame met die werknemer se belang in die uittreekomponent bereken, nie R165 000 te bowe gaan nie, waar die werknemer oorlede is of waar die werknemer kies om die uittreebelang na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds oor te dra:";

- (r) deur in subartikel (1) in die omskrywing van "voorsorgfonds" die volgende 45 verdere voorbehoudsbepaling by te voeg:
 - ": Met dien verstande voorts dat die Kommissaris kan goedkeur of erken 'n fonds beoog in—
 - (i) paragraaf (a), (b) (c) of (d) ten opsigte van enige jaar van aanslag, indien die Kommissaris oortuig is dat die reëls van die fonds voorsiening maak—
 - (aa) vir die skepping van die 'spaarkomponent', 'uittreekomponent' en 'gevestigde komponent' soos in artikel 1 omskryf;
 - (bb) dat 'n werknemer, voor sy of haar uittreedatum, geregtig is op die betaling van 'n bedrag uit die uittreekomponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—

- (AA) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021; or
- (BB) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AAA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BBB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
- (ii) paragraph (a), (b) or (c) in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide that not more than one-third of an employee's interest in the vested component may be commuted for a single payment and that the remainder, calculated together with the member's interest in the retirement component, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the employee's interest in the vested component, calculated together with the employee's interest in the retirement component, does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident fund or retirement annuity fund,";
- (s) by the substitution in subsection (1) in the definition of "provident 30 preservation fund" for item (aa) of paragraph (a)(i) of the proviso of the following item:
 - "(aa) resignation, retrenchment or dismissal from employment and who elected to have any lump sum benefit that is payable as a result of the termination transferred to that fund, including lump sums transferred from the member's vested component, savings component and retirement component in the previous fund to the member's savings component and retirement component in this fund;";
- (t) by the substitution in subsection (1) in the definition of "provident 40 preservation fund" for item (bb) of paragraph (a)(ii) of the proviso of the following item:
 - "(bb) if the member elected to have any lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule transferred to [that] this provident preservation fund and who made this election while they were members of that other fund, including lump sums transferred from the member's vested component, savings component and retirement component in the previous fund to the member's savings component and retirement component in this fund;";
- (*u*) by the substitution in subsection (1) in the definition of "provident preservation fund" for subparagraph (*v*) of paragraph (*a*) of the proviso of the following subparagraph:
 - former members of a pension fund, pension preservation fund, provident fund or provident preservation fund who have elected to have a lump sum benefit contemplated in paragraph 2(1)(c) of the Second Schedule transferred to this provident preservation fund and who made the election while they were members of that other fund, including lump sums transferred from the member's vested component, savings component and retirement component in the previous fund to the member's savings component and retirement component component in this fund; or";

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- (AA) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021; of
- (BB) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AAA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002): of
 - (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteurgeneraal), soos omskryf in daardie Wet; of
- (ii) paragraaf (a), (b) of (c) ten opsigte van enige jaar van aanslag, indien die Kommissaris oortuig is dat die reëls van die fonds bepaal dat hoogstens een-derde van 'n werknemer se belang in die gevestigde komponent deur 'n enkele betaling vervang kan word en dat die restant, tesame met die werknemer se belang in die uittreekomponent bereken, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die werknemer se belang in die gevestigde komponent, tesame met die werknemer se belang in die uittreekomponent bereken, nie R165 000 te bowe gaan nie, waar die werknemer oorlede is of waar die werknemer kies om die uittreebelang na 'n pensioenbewaringsfonds, voorsorgfonds of uittredingannuïteitsfonds oor te dra;'";
- (s) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" item (aa) van paragraaf (a)(i) van die voorbehoudsbepaling deur die volgende item te vervang:
 - "(aa) bedanking, uitdiensstelling of afdanking uit diens en wat gekies het om enige enkelbedragvoordeel wat as gevolg van die beëindiging betaalbaar is na daardie fonds te laat oorplaas, met inbegrip van enkelbedrae oorgedra van die lid se gevestigde komponent, spaarkomponent en uittreekomponent in die vorige fonds na die lid se spaarkomponent en uittreekomponent in hierdie fonds;";
- (t) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" item (bb) van paragraaf (a)(ii) van die voorbehoudsbepaling deur die volgende item te vervang:
 - "(bb) indien die lid gekies het om 'n voordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae na [daardie fonds] hierdie voorsorgbewaringsfonds te laat oordra en wat hierdie keuse uitgeoefen het terwyl hulle lede van daardie ander fonds was, met inbegrip van enkelbedrae oorgedra van die lid se gevestigde komponent, spaarkomponent en uittreekomponent in die vorige fonds na die lid se spaarkomponent en uittreekomponent in hierdie fonds;";
- (u) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" subparagraaf (v) van paragraaf (a) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - '(v) voormalige lede van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds of voorsorgbewaringsfonds wat gekies het om 'n enkelbedragvoordeel beoog in paragraaf 2(1)(c) van die Tweede Bylae te laat oordra na hierdie voorsorgbewaringsfonds en wat die keuse uitgeoefen het terwyl hulle lede van daardie ander fonds was, met inbegrip van enkelbedrae oorgedra van die lid se gevestigde komponent, spaarkomponent en uittreekomponent in die vorige fonds na die lid se spaarkomponent en uittreekomponent in hierdie fonds; of";

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- (v) by the substitution in subsection (1) in the definition of "provident preservation fund" for the words preceding subparagraph (i) of paragraph (b) of the proviso of the following words:
 - "payments or transfers to the fund in respect of a member are limited to any amount allocated to the vested component, savings component or retirement component or an amount contemplated in paragraph 2(1)(a)(ii), (b) or (c) of the Second Schedule or any unclaimed benefit as defined in the Pension Funds Act that is paid or transferred to the fund by—":
- (w) by the substitution in subsection (1) in the definition of "provident 10 preservation fund" for subparagraph (i) of paragraph (c) of the proviso of the following subparagraph:
 - this paragraph applies separately to each payment or transfer to the [fund contemplated in paragraph (b)] vested component or an amount contemplated in paragraph 2(1)(a)(ii), (b) or (c) of the Second Schedule or any 'unclaimed benefit' as defined in the Pension Funds Act that is paid or transferred to the fund;";
- (x) by the substitution in subsection (1) in the definition of "provident preservation fund" for subparagraph (ii) of paragraph (c) of the proviso of the following subparagraph:
 - "(ii) a member shall, prior to his or her retirement date, be entitled to the payment of—
 - (<u>aa</u>) a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule where a member—
 - [(aa)] (a) is a person who is or was a resident who 25 emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the 30 South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of the currency on or before 28 February 2022; [or]
 - (b) is a person who is not a resident for an uninterrupted period of three years or longer on 35 or after 1 March 2021; or
 - [(bb)] (c) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of 40 the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 45 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act[.]; [and]
 - (bb) an amount from the retirement component or vested component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—
 - (A) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021;
 - (B) departed from the Republic at the expiry of a visa obtained for the purposes of—

- (v) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" die woorde wat subparagraaf (i) van paragraaf (b) van die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 - "betalings of oordragte ten opsigte van 'n lid aan die fonds beperk word tot 'n bedrag toegewys aan die gevestigde komponent, spaarkomponent of uittreekomponent of 'n bedrag beoog in paragraaf 2(1)(a)(ii), (b) of (c) van die Tweede Bylae of 'n onopgeëiste voordeel soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgeplaas word deur—":
- (w) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" 10 subparagraaf (i) van paragraaf (c) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - "(i) hierdie paragraaf afsonderlik van toepassing is op elke betaling of oordrag aan die **[fonds in paragraaf (b) beoog]** gevestigde komponent of 'n bedrag beoog in paragraaf 2(1)(a)(ii), (b) of (c) van die Tweede Bylae of enige 'onopgeëiste voordeel' soos omskryf in die Wet op Pensioenfondse wat aan die fonds betaal of oorgedra word;";
- (x) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" subparagraaf (ii) van paragraaf (c) van die voorbehoudsbepaling deur die volgende subparagraaf te vervang:
 - "(ii) 'n lid, voor sy of haar aftreedatum, geregtig is op die betaling van—
 - (<u>aa</u>) 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae waar 'n lid—
 - [(aa)] (a) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta op of voor 28 Februarie 2022; [of]
 - (b) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021; of
 - [(bb)] (c) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
 - (BB) 'n besoek soos beoog in paragraaf (b) van 45 die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van 50 daardie Wet deur die 'Director-General' (Direkteur-generaal), soos omskryf in daardie Wet; [en]
 - (bb) 'n bedrag uit die uittreekomponent of gevestigde komponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (A) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021;
 - (B) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—

- (AA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
- (BB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
- (C) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of application for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; and";
- (y) by the substitution in subsection (1) in the definition of "provident preservation fund" for paragraph (iii) of the proviso to paragraph (c) of the proviso of the following paragraph:
 - "(iii) a member who has transferred a retirement interest in terms of paragraph 2(1)(c) of the Second Schedule to this fund shall not be entitled to payment of a withdrawal benefit as contemplated in paragraph 2(1)(b)(ii) of the Second Schedule in respect of that transferred amount, except to the extent that it is an amount 25 contemplated in subparagraph (ii) or a savings withdrawal benefit; and";
- (z) by the substitution in subsection (1) in the definition of "provident preservation fund" in paragraph (e) of the proviso for the words preceding the proviso of the following words:

"[that] not more than one-third of the [total value] portion of the [retirement] member's interest in the vested component immediately prior to 1 September 2024 may be commuted for a single payment, and that the remainder, calculated together with the member's interest in the retirement component, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where two-thirds of the [total value] member's total interest in their vested component, calculated together with the member's total interest in their retirement component, does not exceed R165 000, where the member is deceased or where the member elects to transfer the retirement interest to a pension preservation fund, a provident preservation fund or a retirement annuity fund: ";

- (zA) by the addition in subsection (1) in the definition of "provident preservation" fund" of the following further proviso:
 - ": Provided further that the Commissioner may approve a fund in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide for the creation of the 'savings component', 'retirement component' and 'vested component' as defined in section
- (zB) by the substitution in subsection (1) in the definition of "retirement annuity fund" for paragraph (a) of the proviso of the following paragraph:
 - "(a) that the fund is a permanent fund bona fide established for the sole purpose of providing life annuities for the members of the fund or annuities for the dependants or nominees of deceased members or 55 for the purpose of providing any benefit contemplated in the 'savings withdrawal benefit' in section 1; and";

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- (AA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
- (BB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteurgeneraal), soos omskryf in daardie Wet; of
- (C) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoek vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta voor of op 28 Februarie 2022; en";
- (y) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" 20 paragraaf (iii) van die voorbehoudsbepaling by paragraaf (c) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:
 - "(iii) 'n lid wat 'n aftreevoordeel oorgedra het ingevolge paragraaf 2(1)(c) van die Tweede Bylae na hierdie fonds is nie geregtig op die betaling van 'n onttrekkingsvoordeel nie soos beoog in 25 paragraaf 2(1)(b)(ii) van die Tweede Bylae ten opsigte van daardie bedrag oorgedra, behalwe tot die mate wat dit 'n bedrag beoog in subparagraaf (ii) of 'n spaaronttrekkingsvoordeel is; en":
- (z) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" in 30 paragraaf (e) van die voorbehoudsbepaling die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 - "[dat] hoogstens een-derde van die [totale waarde] gedeelte van die [uittreebelang] lid se belang in die gevestigde komponent onmiddellik voor 1 September 2024 deur 'n enkele betaling vervang kan word en dat die restant, tesame met die lid se belang in die uittreekomponent bereken, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal moet word, behalwe waar twee-derdes van die [totale waarde] lid se totale belang in hul uittreekomponent bereken, nie R165 000 te bowe gaan nie [of], waar die [werknemer] lid oorlede is of waar die lid kies om die uittreebelang na 'n pensioenbewaringsfonds, 'n voorsorgbewaringsfonds of 'n uittredingannuïteitsfonds oor te dra: ";
- (zA) deur in subartikel (1) in die omskrywing van "voorsorgbewaringsfonds" die volgende verdere voorbehoudsbepaling by te voeg:
 - ": Met dien verstande voorts dat die Kommissaris 'n fonds ten opsigte van enige jaar van aanslag kan goedkeur, indien die Kommissaris oortuig is dat die reëls van die fonds voorsiening maak vir die skepping van die 'spaarkomponent', 'uittreekomponent' en 'gevestigde komponent' soos in artikel 1 omskryf;";
- (zB) deur in subartikel (1) in die omskrywing van "uittredingannuïteitsfonds" paragraaf (a) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:
 - "(a) dat die fonds 'n permanente fonds is wat *bona fide* ingestel is uitsluitlik met die oogmerk om lyfrentes vir lede van die fonds of jaargelde vir die afhanklikes of benoemdes van oorlede lede beskikbaar te stel of met die oogmerk om enige voordeel beoog in die 'spaaronttrekkingsvoordeel' in artikel 1 beskikbaar te stel; en";

- (zC) by the substitution in subsection (1) of the definition of "retirement annuity fund" for subparagraph (ii) of paragraph (b) of the proviso for the words preceding the proviso of the following words:
 - "that not more than one-third of the [total value of the retirement] member's interest in the vested component may be commuted for a single payment, and that the remainder, calculated together with the total value of the member's share standing to the credit of the retirement component, must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities 10 except where two-thirds of the total value of the member's interest in the vested component plus the member's interest in the retirement component does not exceed R165 000, or where the member is deceased or where the member elects to transfer the vested component to a retirement annuity fund: ";
- (zD) by the substitution in subsection (1) in the definition of "retirement annuity fund" for item (dd) of paragraph (b)(x) of the proviso of the following item: "(dd) the payment of—
 - (A) a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule where that member-
 - [(A)](AA) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 25 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022; [or]
 - (BB) is a person who is not a resident for an uninter- 30 rupted period of three years or longer on or after 1 March 2021; or
 - [(B)](CC) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AAA) working as contemplated in paragraph (i) of 35 the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BBB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the 40 Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in section 1 of 45 that Act:
 - (B) an amount from the retirement component and vested component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member-
 - (AA) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March
 - (BB) departed from the Republic at the expiry of a visa obtained for the purposes of-(AAA) working as contemplated in paragraph (i) of
 - 55 the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002);

- (zC) deur in subartikel (1) van die omskrywing van "uittredingannuïteitsfonds" subparagraaf (ii) van paragraaf (b) van die voorbehoudsbepaling die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
 - "'dat hoogstens een-derde van die [totale waarde van die uittreebelang] lid se belang in die gevestigde komponent deur 'n enkele betaling vervang kan word en dat die restant, bereken tesame met die totale waarde van die lid se aandeel wat tot die krediet van die uittreekomponent staan, in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteit (met inbegrip van 'n lokombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes annuïteite betaal moet word, behalwe waar twee-derdes van die totale waarde van die lid se belang in die gevestigde komponent plus die lid se belang in die uittreekomponent nie R165 000 te bowe gaan nie of waar die [werknemer] lid oorlede is of waar die lid kies om die 15 gevestigde komponent na 'n uittredingannuïteitsfonds oor te dra:'';
- (zD) deur in subartikel (1) in die omskrywing van "uittredingannuïteitsfonds" item (dd) van paragraaf (b)(x) van die voorbehoudsbepaling deur die volgende item te vervang:

"(dd) op die betaling van—

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- $\underline{(\mathbf{A})}$ 'n enkelbedragvoordeel beoog in paragraaf $2(1)(b)(\mathrm{ii})$ van die Tweede Bylae waar daardie lid—
 - [(A)] (AA)'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse 25 Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in 30 buitelandse valuta vir die lewering van valuta op of voor 28 Februarie 2022; [of]
 - (BB) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021; of

[(B)](<u>CC</u>) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—

- (<u>AAA</u>) werk soos beoog in paragraaf (*i*) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 40 13 van 2002); of
- (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge 45 paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos beoog in artikel 1 van daardie Wet;
- (B) 'n bedrag van die uittreekomponent en gevestigde komponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (AA) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021;
 - (BB) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AAA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of

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(BBB) a visit as contemplated in paragraph (b) of the
definition of 'visa' in section 1 of the Immi-
gration Act, 2002 (Act No. 13 of 2002), issued
in terms of paragraph (b) of the proviso to
section 11 of the Act by the Director-General,
as defined in that Act: or

- (CC) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022;
- (C) an amount from the vested component, deemed to be paid as a lump sum benefit contemplated in paragraph 2(1)(b)(ii) of the Second Schedule, where a member—
 - (AA) is a person who is not a resident for an uninterrupted period of three years or longer on or after 1 March 2021:
 - (BB) departed from the Republic at the expiry of a visa obtained for the purposes of—
 - (AAA) working as contemplated in paragraph (i) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002); or
 - (BBB) a visit as contemplated in paragraph (b) of the definition of 'visa' in section 1 of the Immigration Act, 2002 (Act No. 13 of 2002), issued in terms of paragraph (b) of the proviso to section 11 of the Act by the Director-General, as defined in that Act; or
 - (CC) is a person who is or was a resident who emigrated from the Republic and that emigration is recognised by the South African Reserve Bank for purposes of exchange control in respect of applications for that recognition received on or before 28 February 2021 and approved by the South African Reserve Bank or an authorised dealer in foreign exchange for the delivery of currency on or before 28 February 2022;";
- (zE) by the addition in subsection (1) in the definition of "retirement annuity fund" of the following further proviso:
 - ": Provided further that the Commissioner may approve a fund in respect of any year of assessment, if the Commissioner is satisfied that the rules of the fund provide for the creation of the 'savings component', 'retirement component' and 'vested component' as defined in section 1;";
- (zF) by the insertion in subsection (1) after the definition of "retirement annuity fund" of the following definition:
 - " "retirement component" means a component established in terms of the rules of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund for a person who is a member of that fund: Provided that the rules of the fund provide that—

- (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos omskryf in daardie Wet: of
- (CC) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta op of voor 28 Februarie 2022; of
- (C) 'n bedrag van die gevestigde komponent, geag betaal te word as 'n enkelbedragvoordeel beoog in paragraaf 2(1)(b)(ii) van die Tweede Bylae, waar 'n lid—
 - (AA) 'n persoon is wat nie 'n inwoner is nie vir 'n ononderbroke tydperk van drie jaar of langer op of na 1 Maart 2021:
 - (BB) uit die Republiek vertrek het by die verstryking van 'n visum verkry vir die doeleindes van—
 - (AAA) werk soos beoog in paragraaf (i) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002); of
 - (BBB) 'n besoek soos beoog in paragraaf (b) van die omskrywing van 'visa' (visum) in artikel 1 van die 'Immigration Act, 2002' (Wet No. 13 van 2002), uitgereik ingevolge paragraaf (b) van die voorbehoudsbepaling tot artikel 11 van daardie Wet deur die 'Director-General' (Direkteur-generaal), soos omskryf in daardie Wet; of
 - (CC) 'n persoon is wat 'n inwoner is of was wat emigreer het uit die Republiek en daardie emigrasie erken word deur die Suid-Afrikaanse Reserwebank vir doeleindes van valutabeheer ten opsigte van aansoeke vir daardie erkenning ontvang voor of op 28 Februarie 2021 en goedgekeur deur die Suid-Afrikaanse Reserwebank of 'n gemagtigde handelaar in buitelandse valuta vir die lewering van valuta op of voor 28 Februarie 45 2022;";
- (zE) deur in subartikel (1) by die omskrywing van "uittredingannuïteitsfonds" die volgende verdere voorbehoudsbepaling by te voeg:
 - ": Met dien verstande voorts dat die Kommissaris 'n fonds ten opsigte van enige jaar van aanslag kan goedkeur, indien die Kommissaris oortuig is dat die reëls van die fonds voorsiening maak vir die skepping van die 'spaarkomponent', 'uittreekomponent' en 'gevestigde komponent' soos in artikel 1 omskryf;";
- (zF) deur in subartikel (1) na die omskrywing van "uittredingannuïteitsfonds" die volgende omskrywing in te voeg:
 - "**"uittreekomponent"** 'n komponent opgerig ingevolge die reëls van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds vir 'n persoon wat 'n lid van daardie fonds is: Met dien verstande dat die reëls van die fonds bepaal dat—

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- (a) two-thirds of the total retirement contributions to a pension fund, provident fund or retirement annuity fund by or on behalf of that member on or after 1 September 2024 is allocated to this component: Provided that—
 - (i) in determining the value of the contributions to this component an amount of charges and risk premiums deductible against such contributions must not be taken into account;
 - (ii) in the case of funds with a defined benefit funding structure, the total value attributed to this component on or after 1 September 2024 is to be determined with reference to two-thirds of the member's 'pensionable service' as contemplated in the rules of that fund on or after 1 September 2024; and
 - (iii) a fund with a defined benefit structure that is unable to allocate contributions as contemplated in paragraph (ii) may allocate contributions utilising a reasonable method of allocation as approved by the Financial Sector Conduct Authority;
- (b) payments or transfers from a similar component to a pension preservation fund or provident preservation fund by or on behalf that member on or after 1 September 2024 is allocated to this component;
- (c) any amounts transferred from a similar component of any other pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund on or after 1 September 2024 is allocated to this component; and
- (d) the total value of the member's interest in the retirement component must be paid in the form of an annuity (including a living annuity), a combination of annuities (including a combination of methods of paying the annuity) or a combination of types of annuities except where the member's interest in the retirement component calculated together with two-thirds of the member's interest in the vested component does not exceed R165 000, where the employee is deceased or where the employee elects to transfer the retirement interest to a pension preservation fund, provident preservation fund or a retirement annuity fund: Provided that this provision shall not apply to a 'legacy retirement annuity policy' as defined in section 1 (that has been exempted from this provision, subject to the conditions that may be required by the Financial Sector Conduct Authority), a 'beneficiary fund', 'unclaimed benefit fund' and 'pensioner' as defined in section 1 of the Pension Funds Act, and any person who is or was a member of a provident fund or provident preservation fund and who was 55 years of age or older on 1 March 2021, unless such person has elected to contribute to the retirement component: Provided further that in determining the value of the member's interest in the retirement component calculated together with two-thirds of the member's interest in the vested component an amount calculated as follows must not be taken into account:
 - (i) In the case of a person who is or was a member of a provident fund or provident preservation fund and who was 55 years of age or older on 1 March 2021 who has elected to contribute to the retirement component,
 - (aa) two-thirds of the members contribution to the vested component in a provident fund or transfers to the vested component in a provident preservation fund on or after 1 September 2024;
 - (bb) with the addition of any other amount credited to the member's individual account or minimum individual reserve of the vested component in the provident fund or provident preservation fund on or after 1 September 2024; and

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- (a) twee-derdes van die totale uittreebydraes tot 'n pensioenfonds, voorsorgfonds of uittredingannuïteitsfonds deur of ten behoewe van daardie lid op of na 1 September 2024 aan hierdie komponent toegewys word: Met dien verstande dat—
 - (i) by die bepaling van die waarde van die bydraes aan hierdie komponent 'n bedrag van kostes en risikopremies aftrekbaar teen sodanige bydraes nie in berekening gebring word nie;
 - (ii) in die geval van fondse met 'n omskrewe-voordeel befondsingstruktuur, word die totale waarde aan hierdie komponent toegewys op of na 1 September 2024 met verwysing na twee-derdes van die lid se 'pensioendraende diens' soos beoog in die reëls van daardie fonds op of na 1 September 2024 bepaal; en
 - (iii) 'n fonds met 'n omskrewe-voordeel struktuur wat nie in staat is om bydraes toe te wys soos in paragraaf (ii) beoog nie, bydraes kan toewys deur gebruik van 'n redelike metode van toewysing soos deur die 'Financial Sector Conduct Authority' goedgekeur;
- (b) betalings of oordragte van 'n soortgelyke komponent na 'n pensioenbewaringsfonds of voorsorgbewaringsfonds deur of ten behoewe van daardie lid op of na 1 September 2024 aan hierdie komponent toegewys word;
- (c) enige bedrae oorgedra van 'n soortgelyke komponent van enige ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds op of na 1 September 2024 aan hierdie komponent toegewys word; en
- die totale waarde van die lid se belang in die uittreekomponent in die vorm van 'n annuïteit (met inbegrip van 'n lewende annuïteit), 'n kombinasie van annuïteite (met inbegrip van 'n kombinasie van metodes om die annuïteit te betaal) of 'n kombinasie van tipes van annuïteite betaal word, behalwe waar die lid se belang in die uittreekomponent, tesame met twee-derdes van die lid se belang in die gevestigde komponent bereken, nie R165 000 te bowe gaan nie, waar die werknemer oorlede is of waar die werknemer kies om die uittreebelang na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra: Met dien verstande dat hierdie bepaling nie van toepassing is nie op 'n 'voorafbestaande uittredingannuïteitspolis' soos in artikel 1 omskryf (wat van hierdie bepaling vrygestel is, onderhewig aan die voorwaardes wat deur die 'Financial Sector Conduct Authority' vereis kan word), 'n 'begunstigdefonds', 'onopgeëiste-voordeelfonds' en 'pensioentrekker' soos in artikel 1 van die Wet op Pensioenfondse omskryf, en enige persoon wat 'n lid is of was van 'n voorsorgfonds of voorsorgbewaringsfonds en wat 55 jaar oud of ouer was op 1 Maart 2021, tensy sodanige persoon gekies het om tot die uittreekomponent by te dra: Met dien verstande voorts dat by bepaling van die waarde van die lid se belang in die uittreekomponent, tesame met twee-derdes van die lid se belang in die gevestigde komponent bereken, 'n bedrag soos volg bereken nie in berekening gebring moet word nie:
 - (i) In die geval van 'n persoon wat 'n lid is of was van 'n voorsorgfonds of voorsorgbewaringsfonds en wat 55 jaar oud of ouer was op 1 Maart 2021 wat gekies het om tot die uittreekomponent by te dra,
 - (aa) twee-derdes van die lid se bydrae tot die gevestigde komponent in 'n voorsorgfonds of oordragte na die gevestigde komponent in 'n voorsorgbewaringsfonds op of na 1 September 2024;
 - (bb) met byvoeging van enige ander bedrag gekrediteer tot die lid se individuele rekening of minimum individuele reserwe van die gevestigde komponent in die voorsorgfonds of voorsorgbewaringsfonds op of na 1 September 2024; en

- (cc) any fund return, as defined in the Pension Funds Act, in relation to the contribution or transfers contemplated in item (aa) or amounts credited contemplated in item (bb);";
- (zG) by the substitution in subsection (1) for the definition of "retirement interest" 5 of the following definition:
 - " 'retirement interest' means_
 - (a) in relation to any period prior to 1 September 2024, a member's share of the value of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund as determined in terms of the rules of the fund on the date on which he or she elects to retire or transfer to a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; or
 - (b) in relation to any period commencing on 1 September 2024, a member's share of the value of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund as determined in terms of the rules of the fund comprising the member's interest in the savings component, member's interest in the retirement component and member's interest in the vested component, on the date on which he or she elects to retire or transfer to a pension preservation fund, provident preservation fund or retirement annuity fund as contemplated in paragraph 2(1)(c) of the Second Schedule or transfer to a pension fund, provident preservation fund or retirement annuity fund as contemplated in paragraph 2(1)(d) of the Second Schedule;";

- (zH) by the insertion in subsection (1) after the definition of "return of capital" of the following definitions:
 - "'savings component' means a component established in terms of the rules of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund for a person who is a member of that fund: Provided that the rules of the fund provide that—
 - (a) a one-off amount of 10 per cent of the total value of the vested component as at 31 August 2024, as contemplated in paragraph (a) of the definition of 'vested component', limited to R30 000, is allocated to this component on or after 1 September 2024: Provided further that
 - (i) the amount may be determined on or after 1 September 2024, and the allocation must be backdated to that date; and
 - (ii) in the case of any person who is or was a member of a provident fund or provident preservation fund and who is or was 54 years of age or younger on 1 March 2021, the one-off amount is to be calculated proportionally from that member's retirement interest in that provident fund or provident preservation fund on 28 February 2021 and the increase in the value up to and including 31 August 2024 from that fund;
 - (b) one-third of the total retirement contributions to a pension fund, provident fund or retirement annuity fund by or on behalf of that member on or after 1 September 2024 is allocated to this component: Provided that—
 - (i) in determining the value of the contributions to this component an amount of charges and risk premiums deductible against such contributions must not be taken into account;
 - (ii) in the case of funds with a defined benefit funding structure, the total value attributed to this component on or after 1 September 2024 is to be determined with reference to one-third of the member's 'pensionable service' as contemplated in the rules of that fund on or after 1 September 2024; and

- (cc) enige fondsopbrengs, soos in die Wet op Pensioenfondse omskryf, met betrekking tot die bydrae of oordragte in item (aa) beoog of bedrae gekrediteer in item (bb) beoog;";
- (zG) deur in subartikel (1) die omskrywing van "uittreebelang" deur die volgende omskrywing te vervang:

" 'uittreebelang'-

- (a) met betrekking tot enige tydperk voor 1 September 2024, 'n lid se aandeel van die waarde van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds soos bepaal ingevolge die reëls van die fonds op die datum waarop hy of sy kies om af te tree of om dit na 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra; of
- (b) met betrekking tot enige tydperk wat op 1 September 2024 begin, 'n lid se aandeel in die waarde van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds uittredingannuïteitsfonds soos bepaal ingevolge die reëls van die fonds wat die lid se belang in die spaarkomponent, lid se belang in die uittreekomponent en lid se belang in die gevestigde komponent bevat, op die datum waarop hy of sy kies om af te tree of na 'n pensioenbewaringsfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra soos in paragraaf 2(1)(c) van die Tweede Bylae beoog of na 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra soos in paragraaf 2(1)(d) van die Tweede Bylae beoog;";
- (zH) deur in subartikel (1) na die omskrywing van "slytasiebate" die volgende omskrywings in te voeg:
 - "'spaarkomponent' 'n komponent ingestel ingevolge die reëls van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds vir 'n persoon wat 'n lid van daardie fonds is: Met dien verstande dat die reëls van die fonds bepaal dat—
 - (a) 'n eenmalige bedrag van 10 persent van die totale waarde van die gevestigde komponent soos op 31 Augustus 2024, soos beoog in paragraaf (a) van die omskrywing van 'gevestigde komponent', beperk tot R30 000, op of na 1 September 2024 aan hierdie komponent toegewys word: Met dien verstande voorts dat—
 - (i) die bedrag op of na 1 September 2024 bepaal kan word, en die toewysing moet na daardie datum teruggedateer word;
 - (ii) in die geval van enige persoon wat 'n lid is of was van 'n voorsorgfonds of voorsorgbewaringsfonds en wat op 1 Maart 2021, 54 jaar oud of jonger is of was, die eenmalige bedrag proporsioneel bereken word vanaf daardie lid se uittreebelang in daardie voorsorgfonds of voorsorgbewaringsfonds op 28 Februarie 2021 en die toename in die waarde uit daardie fonds tot en met 31 Augustus 2024;
 - (b) een-derde van die totale uittreebydraes aan 'n pensioenfonds, voorsorgfonds of uittredingannuïteitsfonds deur of ten behoewe van daardie lid op of na 1 September 2024 aan hierdie komponent toegewys word: Met dien verstande dat—
 - (i) by die bepaling van die waarde van die bydraes tot hierdie komponent 'n bedrag aan kostes en risikopremies aftrekbaar teen sodanige bydraes nie in berekening gebring moet word nie;
 - (ii) in die geval van fondse met 'n omskrewe-voordeel befondsingstruktuur, die totale waarde op of na 1 September 2024 aan hierdie komponent toegeskryf, bepaal word met verwysing na een-derde van die lid se 'pensioendraende diens' soos beoog in die reëls van daardie fonds op of na 1 September 2024; en

- (iii) a fund with a defined benefit structure that is unable to allocate contributions as contemplated in subparagraph
 (ii) may allocate contributions utilising a reasonable method of allocation as approved by the Financial Sector Conduct Authority;
- (c) payments or transfers from a similar component to a pension preservation fund or provident preservation fund by or on behalf of that member on or after 1 September 2024 is allocated to this component;
- (d) any amounts transferred from a similar component of any other pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund on or after 1 September 2024 are allocated to this component if the member's total interest in that fund is transferred in terms of the rules of the fund:
- (e) the member may elect to allocate the value of the member's interest in this component into the member's retirement component in that fund:
- (f) the member's interest in this component or portion thereof may be paid in the form of a savings withdrawal benefit; and
- (g) on the death of the member or former member, or on retirement of the member, the member's interest in this component may on election of the member or nominee be—
 - (i) on the death of the member paid to a nominee or dependant of the deceased member or former member; or
 - (ii) on retirement, to the retired member and is deemed to be a lump sum benefit contemplated in paragraph 2(1)(a) of the Second Schedule and in the absence of a nominee or dependant, to the deceased's estate as a lump sum benefit contemplated in paragraph 2(1)(a) of the Second Schedule:

Provided further that this definition shall not apply to a 'legacy retirement annuity policy' as defined in section 1, that has been approved for exemption by the Financial Sector Conduct Authority, a 'beneficiary fund', 'unclaimed benefit fund' and 'pensioner' as defined in section 1 of the Pension Funds Act, and any person who is or was a member of a provident fund or provident preservation fund and who is or was 55 years of age or older on 1 March 2021, unless such person has elected to contribute to the 'savings component';

- "savings withdrawal benefit" means a portion of the member's share of the value in a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund that the member has elected to withdraw from the portion of his or her share allocated to the savings component provided by that fund before termination of membership of the fund: Provided that—
- (a) the member's right is limited to one withdrawal during a year of assessment;
- (b) where a member has multiple contracts in the same fund, one withdrawal during a year of assessment may be made from each of the contracts; and
- (c) the value of each withdrawal, before taking into account any charges or transaction costs, may not be less than R2 000: Provided that where a member terminates their membership in their respective funds within any year of assessment and such member has made a withdrawal from that fund as contemplated in paragraphs (a) or (b) and the value of the member's interest in the savings component is less than R2 000, such member may be allowed a second withdrawal of the total balance in the savings component;";

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- (iii) 'n fonds met 'n omskrewe-voordeel struktuur wat nie in staat is om bydraes toe te wys soos in subparagraaf (ii) beoog nie, kan bydraes toewys deur gebruik van 'n redelike metode van toewysing soos deur die 'Financial Sector Conduct Authority' goedgekeur;
- betalings of oordragte van 'n soortgelyke komponent op of na 1 September 2024 na 'n pensioenbewaringsfonds of voorsorgbewaringsfonds deur of ten behoewe van daardie lid aan hierdie komponent toegewys word;
- (d) enige bedrae oorgedra van 'n soortgelyke komponent van enige 10 ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds op of na 1 September 2024 aan hierdie komponent toegewys word indien die lid se totale belang in daardie fonds ingevolge die reëls van die fonds oorgedra word;
- (e) die lid kan kies om die waarde van die lid se belang in hierdie komponent aan die lid se uittreekomponent in daardie fonds toe te wys;
- die lid se belang in hierdie komponent of gedeelte daarvan in die vorm van 'n spaaronttrekkingsvoordeel betaal kan word; en
- by die afsterwe van die lid of voormalige lid, of by aftrede van die lid, die lid se belang in hierdie komponent by keuse van die lid of
 - (i) by die afsterwe van die lid aan 'n benoemde of afhanklike van die afgestorwe lid of voormalige lid betaal kan word; of
 - (ii) by aftrede, aan die afgetrede lid en geag word 'n enkelbedragvoordeel beoog in paragraaf 2(1)(a) van die Tweede Bylae te wees en in die afwesigheid van 'n benoemde of afhanklike, aan die gestorwene se boedel as 'n enkelbedragvoordeel in paragraaf 2(1)(a) van die Tweede Bylae beoog:

Met dien verstande voorts dat hierdie omskrywing nie van toepassing is nie op 'n 'voorafbestaande uittredingannuïteitspolis' soos in artikel 1 omskryf, wat deur die 'Financial Sector Conduct Authority' vir vrystelling goedgekeur is, 'n 'begunstigde fonds', 'onopgeëistevoordeelfonds' en 'pensioentrekker' soos in artikel 1 van die Wet op Pensioenfondse omskryf, en enige persoon wat 'n lid van 'n voorsorgfonds of voorsorgbewaringsfonds is of was en wat op 1 Maart 2021, 55 jaar oud of ouer is of was, tensy sodanige persoon gekies het om tot die 'spaarkomponent' by te dra;

"spaaronttrekkingsvoordeel" 'n gedeelte van die lid se aandeel van die waarde in 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds wat die lid gekies het om te onttrek uit die gedeelte van sy of haar aandeel toegewys aan die spaarkomponent deur daardie fonds voorsien voor beëindiging van lidmaatskap van die fonds: Met dien verstande dat-

- (a) die lid se reg tot een onttrekking gedurende 'n jaar van aanslag beperk word;
- (b) waar 'n lid veelvuldige kontrakte in dieselfde fonds het, een onttrekking gedurende 'n jaar van aanslag uit elk van die kontrakte gemaak kan word; en
- (c) die waarde van elke onttrekking, voordat enige kostes of transaksiekoste in berekening gebring word, nie minder as R2 000 mag wees nie: Met dien verstande dat waar 'n lid hul lidmaatskap in hul onderskeie fondse binne enige jaar van aanslag beëindig en so 'n lid 'n onttrekking uit daardie fonds gemaak het soos in paragrawe (a) of (b) beoog en die waarde van die lid se belang in die spaarkomponent minder as R2 000 is, mag so 'n lid 'n tweede onttrekking van die totale saldo in die spaarkomponent toegelaat word;";

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- (zI) by the insertion in subsection (1) after the definition of "this Act" of the following definition:
 - "'total retirement contribution' means any amount contributed to any pension fund, provident fund or retirement annuity fund in terms of the rules of that fund on or after 1 September 2024 by a person who is a member of that fund or any other person on behalf of that member, excluding any charges or premiums thereon;"; and
- (zJ) by the insertion in subsection (1) after the definition of "Value-Added Tax Act" of the following definition:
 - "'vested component' means a component established in terms of the rules of a pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund for a person who is a member of that fund: Provided that the rules of the fund provide that
 - (a) the member's interest in this component, after taking into account the allocation of the amount contemplated in paragraph (a) of the definition of 'savings component', is subject to and must be paid in accordance with the rules of the fund that exist immediately prior to 1 September 2024;
 - (b) no contributions may be made to this component on or after 1 September 2024, except in the case of a person who was a member of a provident fund and is still a member of the same provident fund and who was 55 years of age or older on 1 March 2021: Provided that where the above-mentioned member has elected to make contributions to this component on or after 1 September 2024, that member may not be allowed to make contributions to the savings component or the retirement component;
 - (c) the member may, in accordance with the rules of the fund that exist immediately prior to 1 September 2024, elect to transfer the value of this component into the member's vested component of another pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund;
 - (d) the member may elect to transfer the value of this component into the member's retirement component of another pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; and
 - (e) the member may elect to transfer the value of this component into the member's retirement component of the pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund;".
- (2) Subsection (1) comes into operation on 1 September 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of section 10C of Act 58 of 1962, as inserted by section 21 of Act 22 of 2012 and amended by section 26 of Act 31 of 2013, section 16 of Act 43 of 2014, section 18 of Act 17 of 2017, section 24 of Act 23 of 2018, section 14 of Act 34 of 2019 45 and section 12 of Act 23 of 2020

- 2. (1) Section 10C of the Income Tax Act, 1962, is hereby amended—
 - (a) by the substitution in subsection (1) in the definition of "qualifying annuity" for paragraph (d) of the following paragraph:
 - "(d) as contemplated in paragraph (ii)(dd) of the proviso to the definition 50 of 'provident fund' in section 1(1); [or]";
 - (b) by the substitution in subsection (1) in the definition of "qualifying annuity" for paragraph (e) of the following paragraph:
 - "(e) as contemplated in paragraph (e) of the definition of 'provident
 - preservation fund' in section 1(1)[.]; or"; and
 (c) by the addition in subsection (1) in the definition of "qualifying annuity" after paragraph (e) of the following paragraphs:
 - " $\frac{f}{f}$ as contemplated in paragraph (ii) of the further proviso to the definition of 'pension fund' in section 1(1);
 - (g) as contemplated in paragraph (d) of the definition of 'retirement component' in section 1(1); or

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- (zI) deur in subartikel (1) na die omskrywing van "totale kapitaalwins" die volgende omskrywing in te voeg:
 - "'totale uittreebydrae' enige bedrag bygedra tot 'n pensioenfonds, voorsorgfonds of uittredingannuïteitsfonds ingevolge die reëls van daardie fonds op of na 1 September 2024 deur 'n persoon wat 'n lid van daardie fonds is of enige ander persoon ten behoewe van daardie lid, uitgesonderd enige kostes of premies daarop;"; en
- (zJ) deur in subartikel (1) na die omskrywing van "genoteerde maatskappy" die volgende omskrywing in te voeg:
 - " 'gevestigde komponent' 'n komponent ingestel ingevolge die reëls van 'n pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds vir 'n persoon wat 'n lid van daardie fonds is: Met dien verstande dat die reëls van die fonds bepaal
 - (a) die lid se belang in hierdie komponent, nadat die toewysing van die bedrag in paragraaf (a) van die omskrywing van 'spaarkomponent' beoog in berekening gebring is, onderhewig is aan en betaal moet word ooreenkomstig die reëls van die fonds wat onmiddellik voor 1 September 2024 bestaan;
 - (b) geen bydraes op of na 1 September 2024 aan hierdie komponent gemaak mag word nie, behalwe in die geval van 'n persoon wat 'n lid van 'n voorsorgfonds was en steeds 'n lid van dieselfde voorsorgfonds is en wat op 1 Maart 2021, 55 jaar oud of ouer was: Met dien verstande dat waar die bogenoemde lid gekies het om op of na 1 September 2024 bydraes tot hierdie komponent te maak, daardie lid nie toegelaat mag word om bydraes tot die spaarkomponent of die uittreekomponent te maak nie;
 - (c) die lid, ooreenkomstig die reëls van die fonds wat onmiddellik voor 1 September 2024 bestaan, kan kies om die waarde van hierdie komponent na die lid se gevestigde komponent van 'n ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra;
 - (d) die lid kan kies om die waarde van hierdie komponent na die lid se uittreekomponent van 'n ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra; en
 - (e) die lid kan kies om die waarde van hierdie komponent na die lid se uittreekomponent van die pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds oor te dra;".
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van artikel 10C van Wet 58 van 1962, soos ingevoeg deur artikel 21 van Wet 22 van 2012 en gewysig deur artikel 26 van Wet 31 van 2013, artikel 16 van Wet 43 van 2014, artikel 18 van Wet 17 van 2017, artikel 24 van Wet 23 van 2018, 45 artikel 14 van Wet 34 van 2019 en artikel 12 van Wet 23 van 2020

- 2. (1) Artikel 10C van die Inkomstebelastingwet, 1962, word hierby gewysig—
 - (a) deur in subartikel (1) in die omskrywing van "kwalifiserende annuïteit" paragraaf (d) deur die volgende paragraaf te vervang:
 - "(d) soos beoog in paragraaf (ii)(dd) van die voorbehoudsbepaling tot 50 die omskrywing van 'voorsorgfonds' in artikel 1(1); [of]";
 - (b) deur in subartikel (1) in die omskrywing van "kwalifiserende annuïteit" paragraaf (e) deur die volgende paragraaf te vervang:
 - "(e) soos beoog in paragraaf (e) van die omskrywing van 'voorsorgbewaringsfonds' in artikel 1(1)[.]; of"; en 55
 - (c) deur in subartikel (1) by die omskrywing van "kwalifiserende annuïteit" na paragraaf (e) die volgende paragrawe by te voeg:
 - "(f) soos beoog in paragraaf (ii) van die verdere voorbehoud by die omskrywing van 'pensioenfonds' in artikel 1(1);
 - (g) soos beoog in paragraaf (d) van die omskrywing van (uittreekomponent' in artikel 1(1); of

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- (h) as contemplated in paragraph (ii) of the further proviso to the definition of 'provident fund' in section 1(1)."
- (2) Subsection (1) comes into operation on 1 September 2024 and applies in respect of years of assessment commencing on or after that date.

Amendment of paragraph 2 of Second Schedule to Act 58 of 1962, as substituted by 5 section 57 of Act 17 of 2009 and amended by section 80 of Act 7 of 2010, section 92 of Act 22 of 2012, section 62 of Act 17 of 2017 and section 48 of Act 34 of 2019

- 3. (1) Paragraph 2 (1) of the Second Schedule to the Income Tax Act, 1962, is hereby amended-
 - (a) by the substitution in item (b) for the words following subitem (ii) of the 10 following words:
 - "less any deduction permitted under paragraph 6; [and]";
 - (b) by the substitution for item (c) of the following item:
 - "(c) any amount transferred for the benefit of that person on or after normal retirement age, as defined in the rules of the fund, but before 15 retirement date, less any deductions permitted under the provisions of paragraph 6A[.]; and"; and
 - (c) by the addition after item (c) of the following item:
 - "(d) any amount transferred for the benefit of that person within the same fund as contemplated in paragraph 6B(a), $\overline{6B}(b)$ or 6B(f) and any amount transferred on termination of membership in that fund or as contemplated in paragraph 2(1)(b)(iA) to another fund for the benefit of that person as contemplated in paragraph 6B(c), 6B(d), or 6B(e), less any deductions permitted under the provisions of paragraph 6B."

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

Addition of paragraph 6B to Second Schedule to Act 58 of 1962

4. (1) The Second Schedule to the Income Tax Act, 1962, is hereby amended by the addition after paragraph 6A of the following paragraph:

"TRANSFER BETWEEN THE COMPONENTS OF THE RETIREMENT SYSTEM: DEDUCTIONS

- **6B.** The deduction to be allowed from an amount contemplated in paragraph 2(1)(d) is equal to so much of that amount as is transferred for the benefit of a person from the-
- (a) savings component into the member's retirement component in that same fund:
- (b) vested component into the member's retirement component in that
- (c) savings component in that fund into the member's or former spouse of that member's savings component or member's or former spouse of that member's retirement component in another pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund;
- (d) vested component in that fund into the member's or former spouse of that member's vested component or member's or former spouse of that member's retirement component in another pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund;
- (e) retirement component into the member's or former spouse of that member's retirement component of another pension fund, pension preservation fund, provident fund, provident preservation fund or retirement annuity fund; and
- (f) vested component into the member's savings component in that same fund for purposes of the allocation as contemplated in paragraph (a) of the 'savings component' definition:

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- (h) soos beoog in paragraaf (ii) van die verdere voorbehoud by die omskrywing van 'voorsorgfonds' in artikel 1(1).".
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 2 van Tweede Bylae by Wet 58 van 1962, soos vervang deur artikel 57 van Wet 17 van 2009 en gewysig deur artikel 80 van Wet 7 van 2010, artikel 92 van Wet 22 van 2012, artikel 62 van Wet 17 van 2017 en artikel 48 van Wet 34 van 2019

- **3.** (1) Paragraaf 2(1) van die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig—
 - (a) deur in item (b) die woorde wat op subitem (ii) volg deur die volgende woorde te vervang:

"verminder met enige aftrekking kragtens paragraaf 6 toegelaat; [en]";

- (b) deur item (c) deur die volgende item te vervang:
 - "(c) enige bedrag oorgedra ten gunste van daardie persoon op of na 15 normale uittree-ouderdom, soos omskryf in die reëls van die fonds, maar voor uittreedatum, verminder deur enige aftrekkings toegelaat kragtens die bepalings van paragraaf 6A[.]; en"; en
- (c) deur na item (c) die volgende item by te voeg:
 - "(d) enige bedrag oorgedra ten gunste van daardie persoon binne 20 dieselfde fonds soos beoog in paragraaf 6B(a), 6B(b) of 6B(f) en enige bedrag oorgedra by beëindiging van lidmaatskap in daardie fonds of soos beoog in paragraaf 2(1)(b)(iA) aan 'n ander fonds ten gunste van daardie persoon soos beoog in paragraaf 6B(c), 6B(d), of 6B(e), minus enige aftrekkings toegelaat kragtens die bepalings van 25 paragraaf 6B."
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Byvoeging van paragraaf 6B by Tweede Bylae by Wet 58 van 1962

4. (1) Die Tweede Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig 30 deur na paragraaf 6A die volgende paragraaf by te voeg:

"OORDRAG TUSSEN KOMPONENTE VAN AFTREESTELSEL: AFTREKKINGS

- **6B.** Die aftrekking toegelaat te word van 'n bedrag beoog in paragraaf 2(1)(d) is gelyk aan soveel van daardie bedrag wat oorgedra word ten gunste van 'n persoon van die—
- (a) spaarkomponent na die lid se uittreekomponent in daardie selfde fonds;
- (b) gevestigde komponent na die lid se uittreekomponent in daardie selfde fonds; 40
- (c) spaarkomponent in daardie fonds na die lid of voormalige gade van daardie lid se spaarkomponent of lid of voormalige gade van daardie lid se uittreekomponent in 'n ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds;
- (d) gevestigde komponent in daardie fonds na die lid of voormalige gade van daardie lid se gevestigde komponent of lid of voormalige gade van daardie lid se uittreekomponent in 'n ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds;
- (e) uittreekomponent na die lid of voormalige gade van daardie lid se uittreekomponent van 'n ander pensioenfonds, pensioenbewaringsfonds, voorsorgfonds, voorsorgbewaringsfonds of uittredingannuïteitsfonds; en
- (f) gevestigde komponent na die lid se spaarkomponent in daardie selfde fonds vir doeleindes van die toewysing soos in paragraaf (a) van die omskrywing van 'spaarkomponent' beoog:

Provided that any transfers contemplated under item (c), (d) or (e) are only permissible on termination of membership in the transferor fund or as contemplated in paragraph 2(1)(b)(iA): Provided further that any transfers contemplated under item (c), (d) or (e) are only permissible if all the remaining components are transferred into the same transferee fund.".

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

Amendment of paragraph 1 of Fourth Schedule to Act 58 of 1962, as amended by section 22 of Act 72 of 1963, section 44 of Act 89 of 1969, section 24 of Act 52 of 1970, section 37 of Act 88 of 1971, section 47 of Act 85 of 1974, section 6 of Act 30 of 1984, section 38 of Act 121 of 1984, section 20 of Act 70 of 1989, section 44 of Act 101 of 1990, section 44 of Act 129 of 1991, section 33 of Act 141 of 1992, section 48 of Act 113 of 1993, section 16 of Act 140 of 1993, section 37 of Act 21 of 1995, section 34 of Act 36 of 1996, section 44 of Act 28 of 1997, section 52 of Act 30 of 1998, section 52 of Act 30 of 2000, section 53 of Act 59 of 2000, section 19 of Act 19 of 2001, section 15 32 of Act 30 of 2002, section 46 of Act 32 of 2004, section 49 of Act 31 of 2005, section 28 of Act 9 of 2006, section 39 of Act 20 of 2006, section 54 of Act 8 of 2007, section 64 of Act 35 of 2007, section 43 of Act 3 of 2008, section 66 of Act 60 of 2008, section 17 of Act 18 of 2009, section 18 of Act 8 of 2010, section 93 of Act 24 of 2011, section 271 of Act 28 of 2011, read with paragraph 77 of Schedule 1, section 7 of Act 44 of 20 2014, section 6 of Act 23 of 2015, section 5 of Act 16 of 2016, section 8 of Act 13 of 2017, section 4 of Act 22 of 2018, section 6 of Act 24 of 2020 and section 36 of Act 20 of 2021

5. (1) The Fourth Schedule to the Income Tax Act, 1962, in the definition of "remuneration" in paragraph 1 is hereby amended by the substitution for paragraph (a) 25 of the following paragraph:

"(a) any amount referred to in paragraph (a), (c), (cA), (cB), (d), (e), (eA), (eD) or (f) of the definition of 'gross income' in section 1 of this Act;".

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

Amendment of paragraph 2 of Fourth Schedule to Act 58 of 1962, as inserted by section 19 of Act 6 of 1963 and amended by section 23 of Act 72 of 1963, section 29 of Act 55 of 1966, section 38 of Act 88 of 1971, section 48 of Act 85 of 1974, section 28 of Act 113 of 1977, section 40 of Act 90 of 1988, section 21 of Act 70 of 1989, section 45 of Act 101 of 1990, section 45 of Act 129 of 1991, section 38 of Act 21 of 35 1995, section 45 of Act 28 of 1997, section 53 of Act 30 of 2000, section 54 of Act 59 of 2000, section 20 of Act 19 of 2001, section 21 of Act 16 of 2004, section 50 of Act 31 of 2005, section 40 of Act 20 of 2006, section 55 of Act 8 of 2007, section 65 of Act 35 of 2007, section 20 of Act 4 of 2008, section 67 of Act 60 of 2008, section 18 of Act 18 of 2009, section 94 of Act 24 of 2011, section 19 of Act 21 of 2012, section 13 of Act 40 26 of 2013, section 8 of Act 39 of 2013, section 6 of Act 16 of 2016, section 66 of Act 17 of 2017, section 67 of Act 23 of 2018 and section 51 of Act 34 of 2019

6. (1) The Fourth Schedule to the Income Tax Act, 1962, is hereby amended in paragraph 2 by the addition after subparagraph (2B) of the following subparagraph:

'(2C) A pension fund, pension preservation fund, provident fund, provident 45 preservation fund or retirement annuity fund that pays a 'savings withdrawal benefit' as defined in section 1 shall, when deducting or withholding employees' tax in respect of that savings withdrawal benefit, apply the fixed tax rate that the Commissioner directs must be used in determining the amount of employees' tax to be withheld.".

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

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Met dien verstande dat enige oordragte beoog kragtens item (c), (d) of (e) slegs toelaatbaar is by beëindiging van lidmaatskap in die oordraggewende fonds of soos beoog in paragraaf 2(1)(b)(iA): Met dien verstande voorts dat enige oordragte beoog kragtens item (c), (d) of (e) slegs toelaatbaar is indien al die oorblywende komponente na dieselfde oordragnemende fonds oorgeplaas word.".

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

Wysiging van paragraaf 1 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 22 van Wet 72 van 1963, artikel 44 van Wet 89 van 1969, artikel 24 van Wet 52 van 1970, artikel 37 van Wet 88 van 1971, artikel 47 van Wet 85 van 1974, artikel 6 van Wet 30 van 1984, artikel 38 van Wet 121 van 1984, artikel 20 van Wet 70 van 1989, artikel 44 van Wet 101 van 1990, artikel 44 van Wet 129 van 1991, artikel 33 van Wet 141 van 1992, artikel 48 van Wet 113 van 1993, artikel 16 van Wet 140 van 1993, artikel 37 van Wet 21 van 1995, artikel 34 van Wet 36 van 1996, artikel 44 van 15 Wet 28 van 1997, artikel 52 van Wet 30 van 1998, artikel 52 van Wet 30 van 2000, artikel 53 van Wet 59 van 2000, artikel 19 van Wet 19 van 2001, artikel 32 van Wet 30 van 2002, artikel 46 van Wet 32 van 2004, artikel 49 van Wet 31 van 2005, artikel 28 van Wet 9 van 2006, artikel 39 van Wet 20 van 2006, artikel 54 van Wet 8 van 2007, artikel 64 van Wet 35 van 2007, artikel 43 van Wet 3 van 2008, artikel 66 van 20 Wet 60 van 2008, artikel 17 van Wet 18 van 2009, artikel 18 van Wet 8 van 2010, artikel 93 van Wet 24 van 2011, artikel 271 van Wet 28 van 2011, saamgelees met paragraaf 77 van Bylae 1 by daardie Wet, artikel 7 van Wet 44 van 2014, artikel 6 van Wet 23 van 2015, artikel 5 van Wet 16 van 2016, artikel 8 van Wet 13 van 2017, artikel 4 van Wet 22 van 2018, artikel 6 van Wet 24 van 2020 en artikel 36 van Wet 20 van 2021

- **5.** (1) Paragraaf 1 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in die omskrywing van "besoldiging" paragraaf (a) deur die volgende paragraaf te vervang:
 - "(a) enige bedrag in paragraaf (a), (c), (cA), (cB), (d), (e), (eA), (eD) of (f) 30 van die omskrywing van 'bruto inkomste' in artikel 1 van hierdie Wet bedoel;".
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Wysiging van paragraaf 2 van Vierde Bylae by Wet 58 van 1962, soos ingevoeg deur artikel 19 van Wet 6 van 1963 en gewysig deur artikel 23 van Wet 72 van 1963, artikel 29 van Wet 55 van 1966, artikel 38 van Wet 88 van 1971, artikel 48 van Wet 85 van 1974, artikel 28 van Wet 113 van 1977, artikel 40 van Wet 90 van 1988, artikel 21 van Wet 70 van 1989, artikel 45 van Wet 101 van 1990, artikel 45 van Wet 129 van 1991, artikel 38 van Wet 21 van 1995, artikel 45 van Wet 28 van 1997, artikel 53 van Wet 30 van 2000, artikel 54 van Wet 59 van 2000, artikel 20 van Wet 19 van 2001, artikel 21 van Wet 16 van 2004, artikel 50 van Wet 31 van 2005, artikel 40 van Wet 20 van 2006, artikel 55 van Wet 8 van 2007, artikel 65 van Wet 35 van 2007, artikel 20 van Wet 4 van 2008, artikel 67 van Wet 60 van 2008, artikel 18 van Wet 18 van 2009, artikel 94 van Wet 24 van 2011, artikel 19 van Wet 21 van 2012, artikel 13 van Wet 26 van 2013, artikel 8 van Wet 39 van 2013, artikel 6 van Wet 16 van 2016, artikel 66 van Wet 17 van 2017, artikel 67 van Wet 23 van 2018 en artikel 51 van Wet 34 van 2019

- **6.** (1) Paragraaf 2 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur na subparagraaf (2B) die volgende subparagraaf by te voeg:
 - "(2C) 'n Pensioenfonds, pensioenbewaringsfonds, voorsorgsbewaringsfonds of uittredingannuïteitsfonds wat 'n 'spaaronttrekkingsvoordeel' soos in artikel 1 omskryf betaal, moet, by die aftrekking of terughouding van werknemersbelasting ten opsigte van daardie spaaronttrekkingsvoordeel, die vaste belastingkoers toepas wat die Kommissaris bepaal gebruik moet word by die bepaling van die bedrag van werknemersbelasting wat teruggehou moet word.".
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

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Amendment of paragraph 9 of Fourth Schedule to Act 58 of 1962, as amended by section 39 of Act 88 of 1971, section 32 of Act 103 of 1976, section 29 of Act 104 of 1980, section 46 of Act 101 of 1990, section 46 of Act 28 of 1997, section 55 of Act 59 of 2000, section 21 of Act 19 of 2001, section 41 of Act 20 of 2006, section 56 of Act 8 of 2007, section 66 of Act 35 of 2007, section 68 of Act 60 of 2008, section 20 of Act 18 of 2009, section 95 of Act 24 of 2011, section 8 of Act 23 of 2015 and section 7 of Act 16 of 2016

7. (1) The Fourth Schedule to the Income Tax Act, 1962, in paragraph 9 is hereby amended by the substitution in subparagraph (3) for item (a) of the following item:

"(a) The amount to be deducted or withheld in respect of employees' tax from any lump sum to which paragraph (d), [or] (e) or any amount to which paragraph (eD) of the definition of 'gross income' in section 1 or section 7A applies, or any transfers as contemplated in paragraph 2(1)(d) of the Second Schedule, shall be ascertained by the employer from the Commissioner before paying out such lump sum or before such transfers are effected, and the Commissioner's determination of the amount to be so deducted or withheld shall be final."

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

Short title

8. This Act is called the Revenue Laws Amendment Act, 2024.

Wysiging van paragraaf 9 van Vierde Bylae by Wet 58 van 1962, soos gewysig deur artikel 39 van Wet 88 van 1971, artikel 32 van Wet 103 van 1976, artikel 29 van Wet 104 van 1980, artikel 46 van Wet 101 van 1990, artikel 46 van Wet 28 van 1997, artikel 55 van Wet 59 van 2000, artikel 21 van Wet 19 van 2001, artikel 41 van Wet 20 van 2006, artikel 56 van Wet 8 van 2007, artikel 66 van Wet 35 van 2007, artikel 68 van Wet 60 van 2008, artikel 20 van Wet 18 van 2009, artikel 95 van Wet 24 van 2011, artikel 8 van Wet 23 van 2015 en artikel 7 van Wet 16 van 2016

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- **7.** (1) Paragraaf 9 van die Vierde Bylae by die Inkomstebelastingwet, 1962, word hierby gewysig deur in subparagraaf (3) item (a) deur die volgende item te vervang:
 - "(a) Die werkgewer moet voordat [hy] die werkgewer 'n enkelbedrag waarop paragraaf (d) [of], (e) of enige bedrag waarop paragraaf (eD) van die omskrywing van 'bruto inkomste' in artikel 1 of artikel 7A van toepassing is, uitbetaal, of enige oordragte soos in paragraaf 2(1)(d) van die Tweede Bylae beoog, uitgevoer word, by die Kommissaris navraag doen omtrent die bedrag wat by wyse van werknemersbelasting van bedoelde enkelbedrag afgetrek of teruggehou moet 15 word, en die Kommissaris se bepaling van die bedrag wat aldus afgetrek of teruggehou moet word, is afdoende.".
- (2) Subartikel (1) tree op 1 September 2024 in werking en is van toepassing ten opsigte van jare van aanslag wat op of na daardie datum begin.

Kort titel 20

8. Hierdie Wet heet die Wysigingswet op Inkomstewette, 2024.

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