

SOUTH AFRICAN REVENUE SERVICE

Government Gazette

Notice R.

AMENDMENT TO ITEM NO. 412.09/00.00/01.00 OF SCHEDULE 1 TO THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991), AS A CONSEQUENCE OF THE AMENDMENT OF REBATE ITEM 412.09/00.00/01.00 IN PART 1 OF SCHEDULE NO. 4 TO THE CUSTOMS AND EXCISE ACT, 1964 (ACT NO. 91 OF 1964)

By virtue of the power vested in me by section 74(3)(a) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991) (the Act), I, Tito Titus Mboweni, Minister of Finance, hereby determine that the exemption contemplated in section 13(3) of the Act read with item no. 412.09/00.00/01.00 of Schedule 1 to the Act does not apply to goods lost, destroyed or damaged as a result of a hostile act by a third party constituted by robbery or theft.

TT Mboweni
Minister of Finance

GENERAL EXPLANATORY NOTES:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

SCHEDULE

Schedule 1 to the Value-Added Tax Act, 1991 (Act No. 89 of 1991), is hereby amended –

by the amendment of item no. 412.09/00.00/01.00 with the following :

- “412.09/00.00/01.00 Goods, excluding goods contemplated in rebate item 497.02, in respect of which the customs duty, together with the fuel levy (where applicable), amounts to not less than R2 500, proved to have been lost, destroyed or damaged on any single occasion in circumstances of **[VIS MAJOR] *vis maior*** or in such other circumstances as the Commissioner deems exceptional while such goods are -
- (a) in any customs and excise warehouse or in any appointed transit shed or under the control of the Commissioner;
 - (b) being removed with deferment of payment of duty or under rebate of duty from a place in the Republic to any other place in terms of the provisions of this Act; or
 - (c) being stored in any rebate storeroom: **[Provided that-]**
Provided that –
 - (i) no compensation in respect of the customs duty, fuel levy or VAT on such goods has been paid or is due to the owner by any other person;
 - (ii) such loss, destruction or damage was not due to any negligence or fraud on the part of the person liable for the duty or VAT; and
 - (iii) such goods did not enter into consumption and the importer of those goods was not liable for the tax imposed in terms of section 7(1)(b) when those goods were initially imported; **and provided further that circumstances contemplated in this item exclude a hostile act by a third party constituted by robbery or theft.**