



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1364.

11 Julie 1984

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

No. 79 van 1984: Wet op Belasting op Staatsgoed, 1984.

OFFICE OF THE PRIME MINISTER

No. 1364.

11 July 1984

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

No. 79 of 1984: Rating of State Property Act, 1984.

Wet No. 79, 1984

WET OP BELASTING OP STAATSGOED, 1984

WET

Om sekere Wette te herroep wat ten opsigte van sekere Staatsgoed vrystelling verleen van belastings deur plaaslike besture op onroerende goed gehef; te bepaal dat sodanige belastings, ondanks sekere ander vrystellings, op ander Staatsgoed gehef kan word; voorsiening te maak vir kortings ten opsigte van sodanige belastings op Staatsgoed gehef; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Junie 1984.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "Minister" die Minister van Gemeenskapsontwikkeling; (iv)
 - (ii) "onroerende goed" ook enige reg in onroerende goed, en enige verbeterings ten opsigte van onroerende goed of wat by so 'n reg behoort; (ii)
 - (iii) "openbare pad" 'n pad wat vir voertuigverkeer bestem is en wat die publiek die reg het om te gebruik, met inbegrip van—
 - (a) die grond waaruit die pad bestaan of wat deur die betrokke padreserwe beslaan word;
 - (b) enigets op daardie grond wat deel van die pad uitmaak of in verband daarmee staan of daartoe behoort; en
 - (c) grond verkry ten einde 'n verbinding tussen sodanige paaie aan te lê; (v)
 - (iv) "owerheidsinstelling", behoudens subartikel (2) (a), 20 enige raad, kommissie, liggaam, universiteit, teknikon, skool of ander instelling wat deur of kragtens 'n Wet van die Parlement of 'n ordonnansie van 'n provinsie ingestel is en wat uit hoofde van so 'n Wet of ordonnansie oor fondse beskik of kan beskik wat hom in die geheel of gedeeltelik toeval uit geld deur die Parlement of 'n provinsiale raad vir daardie doel bewillig, en ook 'n instelling wat kragtens subartikel (2) (b) van hierdie artikel tot 'n owerheidsinstelling vir die doeleindes van hierdie Wet verklaar word; (i)
 - (v) "plaaslike bestuur" enige instelling, raad of liggaam in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog, en enige ander instelling, raad of liggaam wat deur of kragtens 'n wet ingestel is en ingevolge die een of ander wet bevoeg is om belastings op die waarde van onroerende goed binne syregsgebied te hef; (iii)
 - (vi) "Staat" ook—
 - (a) die Departement van Pos- en Telekommunikasiewese;

RATING OF STATE PROPERTY ACT, 1984

Act No. 79, 1984

ACT

To repeal certain Acts granting exemption in respect of certain State property from rates levied on immovable property by local authorities; provide that such rates may, notwithstanding certain other exemptions, be levied on other State property; make provision for rebates in respect of such rates levied on State property; and provide for matters connected therewith.

(*English text signed by the State President.*)
(Assented to 19 June 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) In this Act, unless the context otherwise indicates—
5 (i) “governmental institution” means, subject to subsection (2) (a), any board, commission, body, university, technikon, school or other institution established by or under any Act of Parliament or ordinance of a province and controlling or being entitled to control by virtue of any such Act or ordinance funds accruing to it as a whole or partly from moneys appropriated by Parliament or a provincial council for that purpose, and includes any institution declared under subsection (2) (b) of this section as a governmental institution for the purposes of this Act; (iv)
- 10 (ii) “immovable property” includes any right in immovable property, and any improvements in respect of immovable property or pertaining to any such right; (ii)
- 15 (iii) “local authority” means any institution, council or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and any other institution, council or body established by or under any law and authorized in terms of any law to levy rates on the value of immovable property within its area of jurisdiction; (v)
- 20 (iv) “Minister” means the Minister of Community Development; (i)
- 25 (v) “public road” means any road which is intended for vehicular traffic and which the public has the right to use, including—
- 30 (a) the land of which the road consists or over which the road reserve in question extends;
- (b) anything on that land forming part of or connected with or belonging to the road; and
- 35 (c) land acquired for the construction of a connection between any such roads; (iii)
- (vi) “State” includes—
- 35 (a) the Department of Posts and Telecommunications;

Wet No. 79, 1984

WET OP BELASTING OP STAATSGOED, 1984

- (b) die Suid-Afrikaanse Vervoerdienste; en
(c) 'n provinsiale administrasie; (vi)
(vii) "Staatsgoed" onroerende goed binne die regsgebied van 'n plaaslike bestuur—
(a) waarvan die eiendomsreg by die Staat of 'n owerheidsinstelling berus en op naam of ten gunste van die Staat of die owerheidsinstelling geregistreer is; of
(b) wat, in die geval van 'n reg in onroerende goed, andersins by die Staat of 'n owerheidsinstelling berus en aldus geregistreer is,
in 'n registrasiekantoor waar regte ten opsigte van onroerende goed geregistreer kan word, of wat in enige sodanige geval aldus regstreerbaar is. (vii)
- (2) Die Minister kan by kennisgewing in die *Staatskoerant* vanaf 'n datum in die kennisgewing vermeld (wat 'n datum vroeër as die datum van die kennisgewing kan wees)—
(a) verklaar dat die bepalings van hierdie Wet of dié bepalings daarvan in die kennisgewing vermeld, nie van toepassing is nie op 'n instelling in die omskrywing van "owerheidsinstelling" in subartikel (1) beoog wat in die kennisgewing vermeld word; en
(b) 'n instelling wat deur of kragtens 'n Wet van die Parlement of 'n ordonnansie van 'n provinsie ingestel is, tot 'n owerheidsinstelling vir die doeleindes van hierdie Wet verklaar.

Herroeping van Wette.

2. Die Wette in die Bylae vermeld, word hierby herroep vir sover in die derde kolom daarvan aangedui.

Heffing van belasting op waarde van Staatsgoed deur plaaslike besture.

3. (1) Ondanks die bepalings van die een of ander wet—
(a) waarkragtens Staatsgoed vrygestel word van belastings wat kragtens die een of ander wet deur 'n plaaslike bestuur op die waarde van onroerende goed binne sy regsgebied gehef word, is sodanige Staatsgoed, ooreenkomsdig die bepalings van so 'n wet maar behoudens die bepalings van hierdie Wet, belasbaar, tensy die Minister met betrekking tot daardie Staatsgoed in die algemeen, of in 'n bepaalde geval, by kennisgewing in die *Staatskoerant* anders bepaal;
(b) uit hoofde waarvan 'n bedrag by wyse van 'n korting afgetrek kan of moet word van 'n belasting in paragraaf (a) bedoel wat op Staatsgoed gehef word, is sodanige Staatsgoed, behoudens artikel 4, ten volle belasbaar.
(2) Die Minister oefen nie 'n bevoegdheid deur subartikel (1) aan hom verleen, uit nie behalwe na raadpleging van die Administrateur van die provinsie waarin die betrokke Staatsgoed geleë is, en met die instemming van die Minister van Finansies.
(3) Geen belastings word uit hoofde van subartikel (1) of andersins gehef nie op die waarde van Staatsgoed—
(a) wat deur die Staat in trust gehou word vir die inwoners van die regsgebied van 'n plaaslike bestuur of van 'n plaaslike bestuur wat gestig staan te word;
(b) wat deur die Suid-Afrikaanse Vervoerdienste geokkupeer of beheer word tussen spoorwegstasies vir die doeleindes van die uitoefening van 'n reg van weg tussen sodanige stasies, uitgesonderd sodanige goed wat geleë is binne die erkende, of deur die Minister met die instemming van die Minister van Vervoerwese, by kennisgewing in die *Staatskoerant* omskreve, grense van sodanige stasies en van spoorwegstasieterreine;
(c) wat deel uitmaak van enige openbare pad; of
(d) wat deur die Minister na oorlegpleging met die Administrateur van die provinsie waarin die goed geleë is, en met die instemming van die Minister van Finansies, in die algemeen by kennisgewing in die *Staatskoerant* of, in 'n bepaalde geval, by kennisgewing aan die betrokke plaaslike bestuur, van sodanige belastings vrygestel is.

RATING OF STATE PROPERTY ACT, 1984

Act No. 79, 1984

- (b) the South African Transport Services; and
(c) a provincial administration; (vi)
- (vii) "State property" means immovable property within the area of jurisdiction of a local authority—
5 (a) the ownership of which vests in the State or a governmental institution and is registered in the name or in favour of the State or the governmental institution; or
10 (b) which, in the case of a right in immovable property, otherwise vests in the State or a governmental institution and is so registered, in a registration office where rights in respect of immovable property can be registered, or which in any such case is so registrable. (vii)
- 15 (2) The Minister may by notice in the *Gazette* from a date mentioned in the notice (which may be a date prior to the date of the notice)—
20 (a) declare that the provisions of this Act or those provisions thereof mentioned in the notice, shall not apply to an institution contemplated in the definition of "governmental institution" in subsection (1) which is mentioned in the notice; and
25 (b) declare any institution established by or under any Act of Parliament or ordinance of a province, as a governmental institution for the purposes of this Act.

2. The Acts mentioned in the Schedule are hereby repealed to Repeal of Acts.
the extent indicated in the third column thereof.

3. (1) Notwithstanding the provisions of any law—
30 (a) under which State property is exempt from rates which are levied under any law by a local authority on the value of immovable property within its area of jurisdiction, such State property shall, in accordance with the provisions of any such law but subject to the provisions of this Act, be rateable, unless the Minister in regard to that State property in general, or in any particular case, determines otherwise by notice in the *Gazette*;
- 35 (b) by virtue of which any amount is permitted or required to be deducted, by way of rebate, from a rate referred to in paragraph (a) which is levied on State property, such State property shall, subject to section 4, be fully rateable.
- 40 (2) The Minister shall not exercise a power granted to him by subsection (1) (a) except after consultation with the Administrator of the province in which the State property in question is situate, and with the concurrence of the Minister of Finance.
- 45 (3) No rates shall by virtue of subsection (1) or otherwise be levied by a local authority on the value of State property—
50 (a) held by the State in trust for the inhabitants of the area of jurisdiction of a local authority or of a local authority to be established;
- 55 (b) which is occupied or controlled by the South African Transport Services between railway stations for purposes of the exercise of a right of way between such stations, except such property situated within the recognized boundaries, or the boundaries defined by the Minister with the concurrence of the Minister of Transport by notice in the *Gazette*, of such stations and of railway station emplacements;
- 60 (c) which forms part of any public road; or
(d) which has been exempted from such rates by the Minister after consultation with the Administrator of the province in which the property is situate, and with the concurrence of the Minister of Finance, in general by notice in the *Gazette* or, in any particular case, by notice to the local authority concerned.
- Levyng of rates on value of State property by local authorities.

Wet No. 79, 1984

WET OP BELASTING OP STAATSGOED, 1984

Kortings op belastings op waarde van Staatsgoed.

4. Daar word van belastings wat uit hoofde van die bepalings van artikel 3 (1) of andersins deur die Staat of 'n owerheidsinstelling op die waarde van Staatsgoed aan 'n plaaslike bestuur betaalbaar is, by wyse van 'n korting 'n bedrag afgetrek wat gelyk is aan—

5

(a) in die geval van belasting betaalbaar deur die Department van Pos- en Telekommunikasiewese of die Suid-Afrikaanse Vervoerdienste, 10%; en

(b) in enige ander geval, 20%,
van die belasting wat aldus betaalbaar is. 10

Kort titel en inwerktingreding.

5. Hierdie Wet heet die Wet op Belasting op Staatsgoed, 1984, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae

WETTE HERROEP

Nommer en jaar van Wet	Titel van Wet	In hoeverre herroep
Wet No. 32 van 1931...	Wet op Vrydom van Belasting op Staatseiendom, 1931	Die geheel
Wet No. 25 van 1959...	Wet op Belasting op Spoorweg-eiendom, 1959	Die geheel, vir sover dit in die Republiek van toepassing is.

RATING OF STATE PROPERTY ACT, 1984

Act No. 79, 1984

4. There shall be deducted from rates payable by virtue of the provisions of section 3 (1) or otherwise by the State or a governmental institution on the value of State property to a local authority, by way of rebate, an amount equal to—
Rebates on rates on value of State property.
- 5 (a) in the case of any rate payable by the Department of Posts and Telecommunications or the South African Transport Services, 10%; and
(b) in any other case, 20%, of the rate which is so payable.
- 10 5. This Act shall be called the Rating of State Property Act, Short title and commencement.
1984, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule

ACTS REPEALED

Number and year of Act	Title of Act	Extent of repeal
Act No. 32 of 1931	State Property (Immunity from Rating) Act, 1931	The whole
Act No. 25 of 1959	Rating of Railway Property Act, 1959	The whole, in so far as it applies in the Republic.