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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**NATIONAL TREASURY**

NO. 4793

10 May 2024

**INCOME TAX ACT, 1962****REGULATIONS**

I, Enoch Godongwana, Minister of Finance, under section 11D of the Income Tax Act, 1962 (Act No. 58 of 1962), for the purposes of section 11D of that Act, hereby make the regulations as set out in the Schedule hereto.

A handwritten signature in black ink, appearing to read 'Godw', is positioned above a solid red horizontal line. To the left of the signature, a thin vertical black line extends downwards from the top of the page.

**E Godongwana**  
MINISTER OF FINANCE

**AMENDMENTS TO REGULATIONS IN TERMS OF PARAGRAPH (d) OF THE DEFINITION OF “SCIENTIFIC OR TECHNOLOGICAL RESEARCH AND DEVELOPMENT” IN SECTION 11D(1) OF THE INCOME TAX ACT, 1962 ON ADDITIONAL CRITERIA FOR MULTISOURCE PHARMACEUTICAL PRODUCTS**

**30 APRIL 2024**

Amendments to the Regulations in terms of paragraph (d) of the definition of “scientific or technological research and development” in section 11D(1) of Income Tax Act, 1962 (Act No. 58 of 1962).

## SCHEDULE

### Definitions

1. In these Regulations, “**the Regulations**” means the regulations published by Government Notice No. R.346 of 23 April 2015.

### Amendment of the heading of regulation 2 of the Regulations

2. “**Criteria for deduction for scientific or technological research and development in respect of multisource pharmaceutical products**”

### Amendment of regulation 2 of the Regulations

3. Regulation 2(1) of the Regulations is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“(1) Any scientific or technological research and development being carried on in respect of multisource pharmaceutical products must, for the purposes of approval under section 11D(9) of the Act, constitute”—”

### Short title and commencement

4. These Regulations —

(a) are called the Regulations on the other criteria for multisource pharmaceutical products for the purpose of the deduction for scientific or technological research and development in terms of section 11D of the Income Tax Act, 1962; and

(b) are deemed to have come into operation on 1 January 2024 and applicable in respect of applications received and expenditure incurred on or after that date.

**INCOME TAX ACT, 1962****REGULATIONS**

I, Enoch Godongwana, Minister of Finance, under section 11D of the Income Tax Act, 1962 (Act No. 58 of 1962), for the purposes of section 11D of that Act, hereby make the regulations as set out in the Schedule hereto.

A handwritten signature in black ink, appearing to read 'E. Godongwana', is written over a light grey, semi-transparent rectangular stamp or watermark.**E Godongwana**

MINISTER OF FINANCE

**AMENDMENTS TO THE REGULATIONS IN TERMS OF PARAGRAPH (e) OF THE DEFINITION OF “SCIENTIFIC OR TECHNOLOGICAL RESEARCH AND DEVELOPMENT” IN SECTION 11D(1) OF THE INCOME TAX ACT, 1962 ON CRITERIA FOR CLINICAL TRIALS IN RESPECT OF DEDUCTION FOR SCIENTIFIC OR TECHNOLOGICAL RESEARCH AND DEVELOPMENT**

**30 APRIL 2024**

Amendments to the Regulations in terms of paragraph (e) of the definition of “scientific or technological research and development” in section 11D (1) of Income Tax Act, 1962 (Act No. 58 of 1962).

## SCHEDULE

### Definitions

1. In these Regulations, “**the Regulations**” means the regulations published by Government Notice No. R.344 of 23 April 2015.

### Amendment of the heading of regulation 2 of the Regulations

2. “**Criteria for deduction for scientific or technological research and development in respect of a clinical trial**”

### Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by the substitution for the following regulation:

“(2) Any scientific or technological research and development being carried on in respect of a clinical trial must, for the purposes of approval under section 11D (9) of the Act, be carried on in accordance with the Guidelines”.

### Amendment of the heading of regulation 3 of the Regulations

4. “**Exclusions in respect of deduction for scientific or technological research and development in respect of a clinical trial**”

### Amendment of regulation 3 of the Regulations

5. Regulation 3 of the Regulations is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“(3) Despite regulation 2, the following activities do not qualify as scientific or technological research and development in respect of clinical trials being carried on for the purposes of section 11D of the Act”:



**Short title and commencement****6. These Regulations —**

- (a) are called the Regulations on the additional criteria for the clinical trials for the purposes of the deduction for scientific or technological research and development in terms of section 11D of the Income Tax Act, 1962; and
- (b) are deemed to have come into operation on 1 January 2024 and applicable in respect of applications received and expenditure incurred on or after that date.

**VALUE-ADDED TAX ACT, 1991****REGULATIONS**

I, Enoch Godongwana, Minister of Finance, by virtue of 74(2) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), hereby make the regulations as set out in the Schedule hereto.

**E Godongwana**

MINISTER OF FINANCE

**AMENDMENTS TO THE REGULATIONS ON DOMESTIC REVERSE CHARGE  
RELATING TO VALUABLE METAL, ISSUED IN TERMS OF SECTION 74(2) OF  
THE VALUE-ADDED TAX ACT, 1991 (ACT NO. 89 OF 1991)**

**30 APRIL 2024**

Amendments to the Regulations on Domestic Reverse Charge Relating to Valuable Metal, issued in terms of section 74(2) of the Value-Added Tax Act, 1991 (Act No. 89 of 1991), are hereby published.

## SCHEDULE

### Definitions

1. In these Regulations, “**the Regulations**” means the regulations published by Government Notice No. R.2140 of 8 June 2022.

### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended —

(a) by the substitution for the definition of “residue” of the following definition:

“**“residue”** means any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste or ash derived from or incidental to a mining operation”

(b) by the substitution for the definition of “valuable metal” of the following definition:

“**“valuable metal”** means any goods in the form of jewellery, bars, blank coins, ingots, buttons, wire, plate, sponge, powder, granules, in a solution, sheet, tube, strip, rod, residue or similar forms, containing gold, including any ancillary goods or services but does not include supplies

—

(a) of goods produced from raw materials by any “holder” as defined in section 1 of the Mineral and Petroleum Resources Development Act, 2002 (Act No 28 of 2002), or by any person contracted to such “holder” to carry on mining operations in respect of the mine where such “holder” carries on mining operations;

(b) contemplated in section 11(1)(f), (k) or (m) of the Act;

(c) of valuable metal containing less than 1 per cent of gold in gross weight; or

(d) jewellery plated with gold where the gold is present as a minor constituent only.

### **Amendment of regulation 2 of the Regulations**

3. Regulation 2 of the Regulations is hereby amended —

(a) by the substitution for paragraph (e) of the following paragraph:

(e) in addition to the requirements under section 21 of the Act, issue debit and credit notes subject to the further requirements stated in Regulation 5, unless the recipient, being a registered vendor, has been granted approval under section 21(4) of the Act to issue debit and credit notes;

(b) by the substitution for paragraph (f) of the following paragraph:

(f) in addition to the normal VAT record-keeping requirements, obtain, retain, and maintain, as part of the VAT record-keeping requirements, a list of all supplies of valuable metal that are subject to the domestic reverse charge contemplated in these Regulations and the documentary evidence contemplated in subparagraph (a) and Regulation 3(a); and

(c) by the addition after paragraph (f) of the following paragraph:

(g) provide full and proper description of the valuable metal as well as the percentage of the gold content contained within the valuable metal, unless the supplier and the recipient agree that the recipient shall determine the percentage of the gold content.

### **Amendment of regulation 3 of the Regulations**

4. Regulation 3 of the Regulations is hereby amended by the substitution in paragraph (e) for subparagraph (iii) of the following subparagraph:

(iii) full and proper description of the valuable metal;

### **Amendment of regulation 10 of the Regulations: Short title and commencement**

6. The amendments to the DRC Regulations are deemed to have come into effect on 01 January 2024.





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