

This publication super-
sedes South Africa
No. 1 (1969),
Cmnd. 3916

SOUTH AFRICA



Treaty Series No. 99 (1969)

Convention

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the Republic of South Africa

for the Avoidance of Double Taxation
and the Prevention of Fiscal Evasion
with respect to Taxes on Income and
Capital Gains

London, 21 November 1968

[Instruments of ratification were exchanged on 29 May 1969 and the Convention
entered into force on 29 June 1969]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1969*

LONDON

HER MAJESTY'S STATIONERY OFFICE

3s. 6d. [17½p] net

Cmnd. 4163

CONVENTION
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA
FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE
PREVENTION OF FISCAL EVASION WITH RESPECT TO
TAXES ON INCOME AND CAPITAL GAINS

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of South Africa;

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and capital gains;

Have agreed as follows:—

ARTICLE 1

(1) The taxes which are the subject of this Convention are:

(a) in South Africa:

- (i) the normal tax;
- (ii) the non-resident shareholders' tax;
- (iii) the undistributed profits tax;
- (iv) the non-residents tax on interest; and
- (v) the provincial income and personal taxes
(hereinafter referred to as "South African tax");

(b) in the United Kingdom of Great Britain and Northern Ireland:

- (i) the income tax (including surtax);
- (ii) the corporation tax; and
- (iii) the capital gains tax
(hereinafter referred to as "United Kingdom tax").

(2) This Convention shall also apply to any identical or substantially similar taxes which are subsequently imposed in addition to, or in place of, the existing taxes.

ARTICLE 2

(1) In this Convention, unless the context otherwise requires:

- (a) the term "United Kingdom" means Great Britain and Northern Ireland;
- (b) the term "South Africa" means the Republic of South Africa;
- (c) the terms "a Contracting State" and "the other Contracting State" mean the United Kingdom or South Africa, as the context requires;

KONVENTSIE
TUSSEN DIE REGERING VAN DIE VERENIGDE KONINKRYK
VAN GROOT-BRITTANJE EN NOORD-IERLAND EN DIE
REGERING VAN DIE REPUBLIEK VAN SUID-AFRIKA
TER VERMYDING VAN DUBBELE BELASTING EN DIE
VOORKOMING VAN FISKALE ONTDUIKING MET BETREKKING
TOT BELASTINGS OP INKOMSTE EN KAPITAALWINSTE

Die Regering van die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland en die Regering van die Republiek van Suid-Afrika;

Aangesien hulle begerig is om 'n Konvensie ter vermyding van dubbele belasting en die voorkoming van fiskale ontduiking met betrekking tot belastings op inkomste en kapitaalwinstes aan te gaan;

Het soos volg ooreengekom:—

ARTIKEL 1

(1) Die belastings waарoor hierdie Konvensie handel, is as volg:

(a) In Suid-Afrika:

- (i) die normale belasting;
- (ii) die belasting op buitelandse aandeelhouers;
- (iii) die belasting op onuitgekeerde winstes;
- (iv) die rentabelasting op buitelanders;
- (v) die provinsiale inkomstebelastings en persoonlike belastings
(hieronder "Suid-Afrikaanse belasting" genoem).

(b) In die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland:

- (i) die inkomstebelasting (met inbegrip van *surtax*)
- (ii) die *corporation tax* en
- (iii) die kapitaalwinstebelasting
(hieronder "die belasting van die Verenigde Koninkryk" genoem).

(2) Hierdie Konvensie is ook van toepassing op enige identiese of wesenlik soortgelyke belastings wat hierna bo en behalwe of in plaas van die bestaande belastings opgelê word.

ARTIKEL 2

(1) In hierdie Konvensie, tensy die sinsverband anders vereis, beteken—

- (a) die uitdrukking "Verenigde Koninkryk" Groot-Brittanje en Noord-Ierland;
- (b) die uitdrukking "Suid-Afrika" die Republiek van Suid-Afrika;
- (c) die uitdrukking "n Kontrakterende Staat" en "die ander Kontrakterende Staat" die Verenigde Koninkryk of Suid-Afrika, na gelang die sinsverband vereis;

(d) the term "taxation authorities" means, in the case of the United

Kingdom, the Commissioners of Inland Revenue or their authorised representative; in the case of South Africa, the Secretary for Inland Revenue or his authorised representative; and in the case of any territory to which this Convention is extended under Article 26, the competent authority for the administration in such territory of the taxes to which this Convention applies;

(e) the term "tax" means United Kingdom tax or South African tax, as the context requires;

(f) the term "person" includes any body of persons, corporate or not corporate;

(g) the term "company" means any body corporate;

(h) the terms "United Kingdom enterprise" and "South African enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of South Africa, and the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean a United Kingdom enterprise or a South African enterprise, as the context requires;

(i) the term "international traffic" includes traffic between places in one country in the course of a voyage which extends over more than one country.

(2) Where under this Convention any income is exempt from tax, or is to be granted relief from tax, in a Contracting State if (with or without other conditions) it is subject to tax in the other Contracting State and that income is subject to tax in that other Contracting State by reference to the amount thereof which is remitted to or received in that other Contracting State, the exemption or relief to be allowed under this Convention in the first-mentioned Contracting State shall apply only to the amount so remitted or received.

(3) In the application of the provisions of this Convention by a Contracting State any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws in force in the territory of that Contracting State relating to the taxes which are the subject of this Convention.

ARTICLE 3

(1) For the purposes of this Convention the term "resident of a Contracting State" means any person who, under the law of that State, is liable to taxation therein by reason of his domicile, residence, place of management or any other criterion of a similar nature. The terms "resident of the United Kingdom" and "resident of South Africa" shall be construed accordingly.

- (d) die uitdrukking "belastingowerhede" in die geval van die Verenigde Koninkryk die Kommissaris van Binnelandse Inkomste of hulle gemagtigde verteenwoordiger, in die geval van Suid-Afrika die Sekretaris van Binnelandse Inkomste of sy gemagtigde verteenwoordiger, en in die geval van enige gebied waartoe hierdie Konvensie ingevolge artikel 26 uitgebrei word, die bevoegde gesag belas met die toepassing in sodanige gebied van die belastings waarop hierdie Konvensie betrekking het;
- (e) die uitdrukking "belasting" belasting van die Verenigde Koninkryk of Suid-Afrikaanse belasting, na gelang die verband vereis;
- (f) die uitdrukking "persoon" ook enige liggaaam van persone met of sonder regspersoonlikheid;
- (g) die uitdrukking "maatskappy" enige liggaaam met regspersoonlikheid;
- (h) die uitdrukking "onderneming" van die Verenigde Koninkryk" en "Suid-Afrikaanse onderneming" onderskeidelik 'n nywerheids- of handelsonderneming wat deur 'n inwoner van die Verenigde Koninkryk gedryf word en 'n nywerheids- of handelsonderneming wat deur 'n inwoner van Suid-Afrika gedryf word, en die uitdrukking " 'n onderneming van 'n Kontrakterende Staat" en, " 'n onderneming van die ander Kontrakterende Staat" " 'n onderneming van die Verenigde Koninkryk of 'n Suid-Afrikaanse onderneming, na gelang van die sinsverband;
- (i) die uitdrukking "internasionale verkeer" ook verkeer tussen plekke in een land in die loop van 'n reis wat oor meer as een land strek.

(2) Wanneer ingevolge hierdie Konvensie enige inkomste in 'n Kontrakterende Staat vrygestel is van belasting of verligting van belasting daaraan toegestaan moet word, indien (met of sonder ander voorwaardes) dit in die ander Kontrakterende Staat aan belasting onderworpe is en daardie inkomste in daardie ander Kontrakterende Staat aan belasting onderworpe is in verhouding tot die bedrag daarvan wat na daardie ander Kontrakterende Staat gestuur of daarin ontvang word, is die vrystelling of verligting wat ingevolge hierdie Konvensie in eersgenoemde Kontrakterende Staat toegestaan moet word, slegs van toepassing op die bedrag wat aldus gestuur of ontvang word.

(3) By die toepassing van die bepalings van hierdie Konvensie deur een van die Kontrakterende State en tensy die sinsverband anders vereis, het 'n uitdrukking wat nie andersins omskryf is nie, dieselfde betekenis as in die wette wat in die gebied van daardie Staat van krag is en betrekking het op die belastings waарoor hierdie Konvensie handel.

ARTIKEL 3

(1) Vir die toepassing van hierdie Konvensie beteken die uitdrukking "inwoner van 'n Kontrakterende Staat" enige persoon wat, kragtens die wette van daardie Staat, daarin vir belasting aanspreeklik is uit hoofde van sy verblyf, woonplek, plek van bestuur of enige ander soortgelyke maatstaf. Die uitdrukking "inwoner van die Verenigde Koninkryk" en "inwoner van Suid-Afrika" word dienooreenkomsdig uitgelê.

(2) Where by reason of the provisions of paragraph (1) of this Article an individual is a resident of both Contracting States, then his status shall be determined in accordance with the following rules:

- (a) He shall be deemed to be a resident of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident of the Contracting State with which his personal and economic relations are closest (hereinafter referred to as "his centre of vital interests").
 - (b) If the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident of the Contracting State in which he has an habitual abode.
 - (c) If he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident of the Contracting State of which he is a national.
 - (d) If he is a national of both Contracting States or of neither of them, the taxation authorities of the Contracting States shall determine the question by mutual agreement.
- (3) Where by reason of the provisions of paragraph (1) of this Article, a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident of the Contracting State in which its place of effective management is situated.

ARTICLE 4

(1) For the purposes of this Convention, the term "permanent establishment" means a fixed place of business in which the business of the enterprise is wholly or partly carried on.

(2) The term "permanent establishment" shall include especially:

- (a) a place of management;
- (b) a branch;
- (c) an office;
- (d) a factory;
- (e) a workshop;
- (f) a mine, quarry or other place of extraction of natural resources;
- (g) a building site or construction or assembly project which exists for more than twelve months.

(3) The term "permanent establishment" shall not be deemed to include:

- (a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

(2) Waar, as gevolg van die bepalings van paragraaf (1) van hierdie artikel, 'n individu 'n inwoner van beide Kontrakterende State is, word sy status ooreenkomsdig die volgende reëls bepaal:

- (a) Hy word geag 'n inwoner te wees van die Kontrakterende Staat waarin hy 'n permanente tuiste tot sy beskikking het; indien hy in beide Kontrakterende State 'n permanente tuiste tot sy beskikking het, word hy geag 'n inwoner te wees van die Kontrakterende Staat waarmee sy persoonlike en ekonomiese verhoudings die nouste is (hierna genoem "sy tuiste van lewensbelange");
- (b) indien die Kontrakterende Staat waarin hy sy tuiste van lewensbelange het, nie bepaal kan word nie, of indien hy nie 'n permanente tuiste in enigeen van die Kontrakterende State tot sy beskikking het nie, word hy geag 'n inwoner te wees van die Kontrakterende Staat waarin hy 'n gewoonteverblyfplek het;
- (c) indien hy 'n gewoonteverblyfplek het in beide Kontrakterende State of in nie een van die twee State nie, word hy geag 'n inwoner te wees van die Kontrakterende Staat waarvan hy 'n burger is;
- (d) indien hy 'n burger is van beide Kontrakterende State of van nie een van die twee State nie, besleg die belastingowerhede van die Kontrakterende State die saak deur middel van onderlinge ooreenkoms.

(3) Waar as gevolg van die bepalings van paragraaf (1) van hierdie artikel 'n ander persoon as 'n individu 'n inwoner van beide Kontrakterende State is, word hy geag 'n inwoner van die Kontrakterende Staat te wees waarin sy plek van effektiewe bestuur geleë is.

ARTIKEL 4

(1) Vir die toepassing van hierdie Konvensie beteken die uitdrukking "permanente saak" 'n vaste besigheidsplek waarin die besigheid van die onderneming uitsluitlik of gedeeltelik uitgeoefen word.

(2) Die uitdrukking "permanente saak" sluit veral in:

- (a) 'n plek van bestuur,
- (b) 'n tak,
- (c) 'n kantoor,
- (d) 'n fabriek,
- (e) 'n werkinkel,
- (f) 'n myn, steengroef of ander plek van ontginning van natuurlike hulppbronne,
- (g) 'n bouterrein of konstruksie- of monteerprojek wat langer as twaalf maande bestaan.

(3) Die uitdrukking "permanente saak" word nie geag die volgende in te sluit nie, naamlik—

- (a) die aanwending van fasiliteite alleenlik vir die doel om goedere of handelsware wat aan die onderneming behoort op te berg, te vertoon of af te lewer;

- (b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
 - (c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
 - (d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or for collecting information, for the enterprise;
 - (e) the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise.
- (4) An enterprise of a Contracting State shall be deemed to have a permanent establishment in the other Contracting State if it carries on the activity of providing the services of public entertainers or of athletes referred to in Article 15, in that other Contracting State.

(5) A person acting in a Contracting State on behalf of an enterprise of the other Contracting State—other than an agent of an independent status to whom paragraph (6) of this Article applies—shall be deemed to be a permanent establishment in the first-mentioned State if he has, and habitually exercises in that State, an authority to conclude contracts in the name of the enterprise, unless his activities are limited to the purchase of goods or merchandise for the enterprise.

(6) An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business in that other State through a broker, general commission agent or any other agent of independent status, where such persons are acting in the ordinary course of their business.

(7) The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 5

(1) Income from immovable property may be taxed in the Contracting State in which such property is situated.

(2) (a) The term "immovable property" shall, subject to sub-paragraph (b) below, be defined in accordance with the law of the Contracting State in which the property in question is situated.

(b) The term "immovable property" shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work,

- (b) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, alleenlik met die doel om dit op te berg, te vertoon of af te lewer;
- (c) die instandhouding van 'n voorraad goedere of handelsware wat aan die onderneming behoort, alleenlik vir verwerking deur 'n ander onderneming;
- (d) die instandhouding van 'n vaste besigheidsplek vir die onderneming alleenlik met die doel om goedere of handelsware aan te koop, of vir die versameling van inligting;
- (e) die instandhouding van 'n vaste besigheidsplek vir die onderneming alleenlik met die doel om te adverteer, vir die verskaffing van inligting, vir wetenskaplike navorsing of vir dergelike bedrywighede wat van 'n voorlopige of bykomstige aard is.

(4) 'n Onderneming van 'n Kontrakterende Staat word geag 'n permanente saak in die ander Kontrakterende Staat te hê indien hy die bedrywigheid beoefen van die dienste van openbare verhoogkunstenaars of atlete soos in artikel 15 bedoel, in die ander Kontrakterende Staat te verskaf.

(5) 'n Persoon wat in 'n Kontrakterende Staat namens 'n onderneming van die ander Kontrakterende Staat optree—uitgesonderd 'n agent met onafhanklike status op wie paragraaf (6) van hierdie artikel van toepassing is—word geag 'n permanente saak in eersgenoemde Staat te wees indien hy magtig besit, en dit gewoonlik in daardie Staat uitoefen, om kontrakte in die naam van die onderneming te sluit, tensy sy bedrywighede beperk word tot die aankoop van goedere of handelsware vir die onderneming.

(6) 'n Onderneming van 'n Kontrakterende Staat word nie geag 'n permanente saak in die ander Kontrakterende Staat te hê nie enkel omdat hy besigheid dryf in daardie ander Staat deur bemiddeling van 'n makelaar, algemene Kommissieagent of enige ander agent met onafhanklike status, waar sodanige persone in die gewone loop van hul besigheid optree.

(7) Die feit dat 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, 'n maatskappy beheer of deur 'n maatskappy beheer word wat 'n inwoner van die ander Kontrakterende Staat is of wat in dié ander Staat besigheid dryf (hetsy deur bemiddeling van 'n permanente saak of andersins), beteken nie op sigself dat enige van die maatskappye 'n permanente saak van die ander is nie.

ARTIKEL 5

(1) Inkomste uit onroerende eiendom mag belas word in die Kontrakterende Staat waarin sodanige eiendom geleë is.

(2) (a) Die uitdrukking "onroerende eiendom" word, behoudens onderstaande subparagraph (b), omskryf ooreenkomsdig die wette van die Kontrakterende Staat waarin die onderhawige eiendom geleë is.

(b) Die uitdrukking "onroerende eiendom" sluit in elke geval die volgende in: eiendom wat bykomend by onroerende eiendom is, lewende hawe en landbou- en bosbou-uitrusting, regte waarop die bepalings van die algemene reg betreffende vaste eiendom van toepassing is, vruggebruik van onroerende eiendom en regte op wisselende of vaste betalings as vergoeding

mineral deposits, sources and other natural resources; ships, boats and aircraft shall not be regarded as immovable property.

(3) The provisions of paragraph (1) of this Article shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

(4) The provisions of paragraphs (1) and (3) of this Article shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of professional services.

ARTICLE 6

(1) The industrial or commercial profits of a United Kingdom enterprise shall not be subject to South African tax unless the enterprise carries on a trade or business in South Africa through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by South Africa, but only on so much of them as is attributable to that permanent establishment.

(2) The industrial or commercial profits of a South African enterprise shall not be subject to United Kingdom tax unless the enterprise carries on a trade or business in the United Kingdom through a permanent establishment situated therein. If it carries on a trade or business as aforesaid, tax may be imposed on those profits by the United Kingdom, but only on so much of them as is attributable to that permanent establishment.

(3) Where an enterprise of a Contracting State carries on a trade or business in the other Contracting State through a permanent establishment situated therein, there shall be attributed to that permanent establishment the industrial or commercial profits which it might be expected to derive in that other Contracting State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment.

(4) In the determination of the profits of a permanent establishment, there shall be allowed as deductions expenses of the enterprise (other than expenses which would not be deductible if the permanent establishment were a separate enterprise) which are incurred for the purposes of the permanent establishment including executive and general administrative expenses so incurred, whether in the Contracting State in which the permanent establishment is situated or elsewhere.

(5) No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

(6) The term "industrial or commercial profits" means income derived by an enterprise from the conduct of a trade or business, including income derived by an enterprise from the furnishing of services of employees or

vir die ontginding, of die reg tot ontginding, van mineraalafsettings, bronne en ander natuurlike hulpbronne; skepe, bote en vliegtuie word nie geag onroerende eiendom te wees nie.

(3) Die bepalings van paragraaf (1) van hierdie artikel is van toepassing op inkomste verkry uit die regstreekse gebruik of uit die verhuur van onroerende eiendom of uit die gebruik in enige ander vorm van sodanige eiendom.

(4) Die bepalings van parrawe (1) en (3) van hierdie artikel is ook van toepassing op die inkomste uit onroerende eiendom van 'n onderneming en op inkomste uit onroerende eiendom wat by die verrigting van professionele dienste gebruik word.

ARTIKEL 6

(1) Die nywerheids- of handelswinste van 'n onderneming van die Verenigde Koninkryk is nie aan Suid-Afrikaanse belasting onderworpe nie, tensy die onderneming handel of besigheid in Suid-Afrika dryf deur bemiddeling van 'n permanente saak wat daarin geleë is. Indien hy handel of besigheid dryf soos voormeld, kan belasting deur Suid-Afrika op daardie winste gelê word, maar slegs op soveel daarvan as wat aan daardie permanente saak toegeskryf kan word.

(2) Die nywerheids- of handelswinste van 'n Suid-Afrikaanse onderneming is nie aan belasting van die Verenigde Koninkryk onderworpe nie, tensy die onderneming handel of besigheid in die Verenigde Koninkryk dryf deur bemiddeling van 'n permanente saak wat daarin geleë is. Indien hy handel of besigheid dryf soos voormeld, kan belasting deur die Verenigde Koninkryk op daardie winste gelê word, maar slegs op soveel daarvan as wat aan daardie permanente saak toegeskryf kan word.

(3) Wanneer 'n onderneming van 'n Kontrakterende Staat handel of besigheid in die ander Kontrakterende Staat dryf deur bemiddeling van 'n permanente saak wat daarin geleë is, word aan daardie permanente saak die nywerheids- of handelswinste toegeskryf wat hy na verwagting in daardie ander Kontrakterende Staat kan verkry as hy 'n onafhanklike onderneming is wat hom met dieselfde of soortgelyke bedrywighede onder dieselfde of soortgelyke toestande besig hou en die uiterste voorwaardes beding van die onderneming waarvan hy 'n permanente saak is.

(4) By die vasstelling van die winste van 'n permanente saak, word as aftrekkings toegelaat onkoste van die onderneming (met uitsondering van uitgawes wat nie aftrekbaar sou gewees het indien die permanente saak 'n onafhanklike onderneming was nie) aangegaan vir doeleindes van die permanente saak, met inbegrip van bestuurs- en algemene administrasiekoste aldus aangegaan, hetsy in die Kontrakterende Staat waarin die permanente saak geleë is, of elders.

(5) Geen winste word aan 'n permanente saak toegeskryf uit hoofde van bloot die aankoop deur daardie permanente saak van goedere of handelsware vir die onderneming nie.

(6) Die uitdrukking "nywerheids- of handelswinste" beteken inkomste deur 'n onderneming verkry uit die beoefening van 'n bedryf of besigheid, insluitende inkomste verkry deur 'n onderneming uit die lewering van dienste

other personnel, but it does not include dividends, interest, royalties (as defined in Articles 9, 10 and 11) or rents other than dividends, interest, royalties or rents effectively connected with a trade or business carried on through a permanent establishment which an enterprise of one of the Contracting States has in the other Contracting State; nor does the term include remuneration for personal (including professional) services.

(7) Nothing in the foregoing provisions of this Article shall affect any of the provisions of the law of the United Kingdom relating to the liability to tax of a life assurance company not having its head office in the United Kingdom in respect of income from the investments of its life assurance fund, being provisions which (except in so far as they were rendered ineffective by virtue of Article III of the Convention between the Government of the United Kingdom and the Government of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Cape Town on 28th May, 1962) were in force on the date of signature of this Convention, or which, if they have been modified since that date, have been modified only in minor respects so as not to affect their general character.

ARTICLE 7

A resident of a Contracting State shall be exempt from tax in the other Contracting State on profits from the operation of ships or aircraft other than profits from voyages of ships or aircraft confined solely to places in the other Contracting State.

ARTICLE 8

Where

- (a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State; or
- (b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State;

and in either case, conditions are made or imposed between the two enterprises, in their commercial or financial relations, which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE 9

- (1) Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other Contracting State.

van werknemers of ander personeel, met uitsluiting van dividende, rente en tantième (soos omskryf in artikels 9, 10 en 11) of huurgelde, behalwe dividende, rente, tantième of huurgelde wat effektief verbonde is aan 'n bedryf of besigheid wat gedryf word deur 'n onderneming van een van die Kontrakterende State deur bemiddeling van 'n permanente saak wat dit in die ander Kontrakterende Staat het; die uitdrukking sluit ook nie besoldiging ten opsigte van persoonlike (insluitende professionele) dienste in nie.

(7) Niks in die voorafgaande bepalings van hierdie artikel raak enige van die wet van die Verenigde Koninkryk met betrekking tot die belastingaanspreeklikheid van 'n lewensversekeringsmaatskappy wat nie sy hoofkantoor in die Verenigde Koninkryk het nie, se bepalings ten opsigte van inkomste uit beleggings van sy lewensversekeringsfonds nie, synde bepalings wat (behalwe vir sover hulle kragteloos gemaak is deur artikel III van die Konvensie tussen die Regering van die Verenigde Koninkryk en die Regering van Suid-Afrika ter Vermyding van Dubbele Belasting en die Voorkoming van Fiskale Ontduiking ten opsigte van Belastings op Inkomste, geteken te Kaapstad op 28 Mei 1962) van krag was op die datum van ondertekening van hierdie Konvensie, of wat, indien hulle sedert daardie datum gewysig is, slegs in minder belangrike opsigte gewysig is sodat hul algemene strekking nie verander sou word nie.

ARTIKEL 7

'n Inwoner van 'n Kontrakterende Staat is in die ander Kontrakterende Staat vrygestel van belasting ten opsigte van winste uit die eksplotering van skepe of vliegtuie, uitgesonderd winste verkry uit reise van skepe of vliegtuie wat uitsluitlik tot plekke binne die ander Kontrakterende Staat beperk is.

ARTIKEL 8

Wanneer

- (a) 'n onderneming van 'n Kontrakterende Staat regstreeks of onregstreeks in die bestuur, beheer of kapitaal van 'n onderneming van die ander Kontrakterende Staat deel het; of
- (b) dieselfde persone regstreeks of onregstreeks in die bestuur, beheer of kapitaal van 'n onderneming van 'n Kontrakterende Staat en 'n onderneming van die ander Kontrakterende Staat deel het;

en, in enigeen van die gevalle voorwaardes tussen die twee ondernemings met betrekking tot hul handels- of finansiële verhoudings gestel of opgelê word wat verskil van dié wat tussen onafhanklike ondernemings gestel sou word, kan winste wat by ontstentenis van daardie voorwaardes en van die ondernemings sou toegeval het, maar as gevolg van daardie voorwaardes nie aldus toegeval het nie, by die winste van daardie onderneming ingesluit en dienooreenkomsdig belas word.

ARTIKEL 9

(1) Dividende wat deur 'n maatskappy wat 'n inwoner van 'n Kontrakterende Staat is, aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

(2) However, such dividends may be taxed in the Contracting State of which the company paying the dividends is a resident, and according to the law of that Contracting State, but the tax so charged shall not exceed:

- (a) 5 per cent of the gross amount of the dividends if those dividends are beneficially owned by a company which is a resident of the other Contracting State and which controls directly or indirectly at least 25 per cent of the voting power of the company paying the dividends;
- (b) in other cases 15 per cent of the gross amount of the dividends if those dividends are either
 - (i) beneficially owned by a company which is a resident of the other Contracting State, or
 - (ii) paid to a resident of the other Contracting State who is subject to tax there in respect thereof.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

(3) The term "dividends" as used in this Article means income from shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights assimilated to income from shares by the taxation law of the Contracting State of which the company making the distribution is a resident and also includes any other item of income (other than royalties exempt from tax under Article 11 of this Convention) which, under the law of the Contracting State of which the company paying the dividends is a resident, is treated as a dividend or distribution of a company.

(4) If the beneficial owner of dividends being a resident of a Contracting State owns 10 per cent or more of the class of shares in respect of which the dividends are paid and does not suffer tax thereon in that State then paragraph (2) of this Article shall not apply to the dividends to the extent that they can have been paid only out of profits which the company paying the dividends earned or other income which it received in a period ending twelve months or more before the relevant date. For the purposes of this paragraph the term "relevant date" means the date on which the beneficial owner of the dividends became the owner of 10 per cent or more of the class of shares in question. Provided that this paragraph shall apply only if the shares were acquired primarily for the purpose of securing the benefit of this Article and not for bona fide commercial reasons.

(5) The provisions of paragraphs (1) and (2) of this Article shall not apply if the recipient of the dividends, being a resident of a Contracting State, has in the other Contracting State, of which the company paying the dividends is a resident, a permanent establishment and the holding by virtue of which the dividends are paid is effectively connected with the business carried on through such permanent establishment.

(2) Die Kontrakterende Staat waarvan die maatskappy wat die dividende betaal, 'n inwoner is, het egter die reg om sodanige dividende ooreenkomstig sy eie wet te belas, maar die belasting aldus gehef, mag die volgende nie te bowe gaan nie:

- (a) 5 persent van die bruto som van die dividende indien sodanige dividende vir eie voordeel besit word deur 'n maatskappy wat 'n inwoner is van die ander Kontrakterende Staat en wat regstreeks of onregstreeks minstens 25 persent van die stemreg van die maatskappy beheer wat die dividende betaal;
- (b) in ander gevalle 15 persent van die bruto som van die dividende indien sodanige dividende òf
 - (i) vir eie voordeel besit word deur 'n maatskappy wat 'n inwoner is van die ander Kontrakterende Staat; of
 - (ii) betaal word aan 'n inwoner van die ander Kontrakterende Staat wat daar onderhewig is aan belasting ten opsigte daarvan.

Hierdie paragraaf raak nie die belasting van die maatskappy ten opsigte van die winste waaruit die dividende betaal word nie.

(3) Die uitdrukking "dividende" soos in hierdie artikel gebesig, beteken inkomste uit aandele of ander winsdelende regte, wat nie skuldeise is nie, asook inkomste uit ander regspersoonsregte wat deur die belastingwetgewing van die Kontrakterende Staat waarvan die maatskappy wat die uitkering doen, 'n inwoner is, met inkomste uit aandele gelykgestel is, en sluit ook in enige ander inkomste (behalwe tantième vrygestel van belasting by artikel 11 van hierdie Konvensie) wat ingevolge die wet van die Kontrakterende Staat waarvan die dividend uitkerende maatskappy 'n inwoner is, as 'n dividend of 'n uitkering van 'n maatskappy behandel word.

(4) Indien die voordeeltrekende eienaar van dividende, wat 'n inwoner van 'n Kontrakterende Staat is, 10 persent of meer van die klas van aandele besit ten opsigte waarvan die dividende betaal word, en nie in daardie Staat aan belasting ten opsigte daarvan onderworpe is nie, is paragraaf (2) van hierdie artikel nie op die dividende van toepassing nie vir sover hulle betaal kon geword het alleenlik uit winste wat die maatskappy wat die dividende betaal, verdien het of uit ander inkomste wat dit ontvang het gedurende 'n tydperk wat twaalf maande of langer voor die toepaslike datum eindig. Vir die toepassing van hierdie paragraaf beteken die uitdrukking "toepaslike datum" die datum waarop die voordeeltrekende eienaar van die dividende die eienaar van 10 persent of meer van die betrokke klas van aandele geword het: Met dien verstande dat hierdie paragraaf slegs van toepassing is indien die aandele hoofsaaklik verkry is om die voordeel van hierdie artikel te bekom en nie uit *bona fide*-handelsoorwegings nie.

(5) Die bepalings van paragrawe (1) en (2) van hierdie artikel is nie van toepassing nie indien die ontvanger van die dividende 'n inwoner van 'n Kontrakterende Staat is en in die ander Kontrakterende Staat, waarvan die maatskappy wat die dividende betaal 'n inwoner is, 'n permanente saak het en die aandelebesit uit hoofde waarvan die dividende betaal word, effektiief verbonde is aan die besigheid gedryf deur middel van sodanige permanente saak.

(6) Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other Contracting State may not impose any tax on the dividends paid by the company to persons who are not residents of that other Contracting State, or subject the company's undistributed profits to a tax on undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

ARTICLE 10

(1) Interest arising in one of the Contracting States and paid to a resident of the other Contracting State may be taxed in that other State.

(2) However, such interest may be taxed in the Contracting State in which it arises, and according to the law of that Contracting State, but the tax so charged shall not exceed 10 per cent of the gross amount of the interest if the recipient is subject to tax thereon in the other Contracting State.

(3) The term "interest" as used in this Article means income from Government securities, from bonds or debentures, whether or not secured by mortgage and whether or not carrying a right to participate in profits, and from other debt-claims of every kind as well as all other income assimilated to income from money lent by the taxation law of the Contracting State in which the income arises.

(4) The provisions of paragraph (2) of this Article shall not apply if the recipient of the interest, being a resident of a Contracting State, has in the other Contracting State a permanent establishment and the debt-claim giving rise to the interest is effectively connected with a trade or business carried on through such permanent establishment.

(5) Any provision in the law of a Contracting State which relates only to interest paid to a non-resident company with or without any further requirement, or which relates only to interest payments between interconnected companies, with or without any further requirement, shall not operate so as to require such interest paid to a company which is a resident of the other Contracting State to be left out of account as a deduction in computing the taxable profits of the company paying the interest as being a dividend or distribution. The preceding sentence shall not apply to interest paid to a company which is a resident of a Contracting State in which more than 50 per cent of the voting power is controlled directly or indirectly by a person or persons resident in the other Contracting State.

(6) Interest shall be deemed to arise in a Contracting State when the payer is that State itself, a political sub-division, a local authority, or a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne

(6) Wanneer 'n maatskappy wat 'n inwoner is van 'n Kontrakterende Staat, winste of inkomste uit die ander Kontrakterende Staat ontvang, mag sodanige ander Kontrakterende Staat geen belasting hef op die dividende wat deur die maatskappy betaal word aan persone wat nie inwoners van daardie ander Kontrakterende Staat is nie, of die maatskappy se onuitgekeerde winste aan 'n belasting op onuitgekeerde winste onderwerp nie, selfs al bestaan die betaalde dividende of onuitgekeerde winste uitsluitlik of gedeeltelik uit winste of inkomste wat in sodanige ander Staat ontstaan.

ARTIKEL 10

(1) Rente wat in een van die Kontrakterende State gekweek en aan 'n inwoner van die ander Kontrakterende Staat betaal word, kan in daardie ander Staat belas word.

(2) Sodanige rente kan egter in die Kontrakterende Staat waarin dit gekweek word en ooreenkomsdig die wet van daardie Staat belas word, maar die belasting aldus gehef, mag nie 10 persent van die bruto bedrag van die rente te bove gaan indien die ontvanger daarvan in die ander Kontrakterende Staat vir belasting aanspreeklik is nie.

(3) Die uitdrukking "rente" soos in hierdie artikel gebesig, beteken inkomste uit Staatseffekte, uit obligasies of skuldbrieve, hetsy gedeck deur verband al dan nie en hetsy dit 'n reg inhoud om in winste te deel al dan nie, en uit alle ander soorte skuldeise, asook enige ander vorm van inkomste wat deur die belastingwet van die Kontrakterende Staat waarin die inkomste ontstaan, met inkomste uit geleende geld gelykgestel word.

(4) Die bepalings van paragraaf (2) van hierdie artikel is nie van toepassing nie indien die ontvanger van die rente 'n inwoner is van 'n Kontrakterende Staat en in die ander Kontrakterende Staat 'n permanente saak het en die skuldeis waaruit die rente voortspruit, effektief verbonde is aan 'n bedryf of besigheid wat gedryf word deur bemiddeling van sodanige permanente saak.

(5) Enige bepaling in die wet van 'n Kontrakterende Staat wat alleen betrekking het op rente wat betaal word aan 'n nie-inwonende maatskappy, met of sonder enige verdere vereiste, of wat alleen betrekking het op rentebetalings tussen maatskappye met onderlinge verband, met of sonder enige verdere vereiste, het nie die uitwerking dat sodanige rente wat betaal word aan 'n maatskappy wat 'n inwoner van die ander Kontrakterende Staat is, by die bepaling van die belasbare winste van die maatskappy wat die rente betaal, as 'n af trekking buite rekening gelaat word omrede dit 'n dividend of 'n uitkering sou wees nie. Die voorafgaande sin is nie van toepassing nie op rente wat betaal word aan 'n maatskappy wat 'n inwoner is van 'n Kontrakterende Staat waarin meer as 50 persent van die stemkrag regstreeks of onregstreeks beheer word deur een of meer persone wat in die ander Kontrakterende Staat woonagtig is nie.

(6) Rente word geag in 'n Kontrakterende Staat te ontstaan wanneer daardie Staat self, 'n staatkundige onderverdeling, 'n plaaslike owerheid of 'n inwoner van daardie Staat die betaler is. Wanneer die persoon wat die rente betaal, hetsy hy 'n inwoner van 'n Kontrakterende Staat is of andersins, egter 'n permanente saak in 'n Kontrakterende Staat het in verband waarmee die skuld waarop die rente betaal word, aangegaan is, en sodanige rente deur

by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

(7) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the interest paid, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 11

(1) Royalties arising in a Contracting State and paid to a resident of the other Contracting State who is subject to tax there in respect thereof shall be exempt from tax in the first-mentioned Contracting State.

(2) The term "royalties" as used in this Article:

(a) means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work (including cinematograph films and films or tapes for radio or television broadcasting), any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience, but

(b) does not include any amount paid in respect of the operation of a mine, oil well or quarry or of any other extraction of natural resources.

(3) The provisions of paragraph (1) of this Article shall not apply if the recipient of the royalties, being a resident of a Contracting State has in the other Contracting State a permanent establishment and the right or property giving rise to the royalties is effectively connected with a trade or business carried on through such permanent establishment.

(4) (a) Any provision of the law of a Contracting State which requires royalties paid by a company to be left out of account as a deduction in computing the company's taxable profits as being a distribution shall not operate in relation to royalties paid to a resident of the other Contracting State.

(b) The provisions of sub-paragraph (a) of this paragraph shall not apply to royalties paid to a company which is a resident of that other Contracting State where:

(i) the same persons participate directly or indirectly in the management or control of the company paying the royalties and the company deriving the royalties, and

(ii) more than 50 per cent of the voting power in the company deriving the royalties is controlled directly or indirectly by a person or persons resident in the Contracting State in which the company paying the royalties is resident.

sodanige permanente saak betaal word, word sodanige rente geag afkomstig te wees uit die Kontrakterende Staat waarin die permanente saak geleë is.

(7) Waar, as gevolg van 'n besondere verband tussen die betaler en die ontvanger of tussen albei van hulle en 'n ander persoon, die bedrag van die rente wat betaal word, met inagneming van die skuldeis ten opsigte waarvan dit betaal word, die bedrag te bowe gaan waарoor by ontstentenis van sodanige verhouding tussen die betaler en die ontvanger ooreengekom sou gewees het, is die bepalings van hierdie artikel slegs op laasgenoemde bedrag van toepassing.

ARTIKEL 11

(1) Tantième wat ontstaan in 'n Kontrakterende Staat en betaal word aan 'n inwoner van die ander Kontrakterende Staat wat daar ten opsigte daarvan onderworpe is aan belasting, sal vrygestel word van belasting in die eersgenoemde Kontrakterende Staat.

(2) Die uitdrukking "tantième" soos in hierdie artikel gesig,

(a) beteken betalings van enige aard ontvang as vergoeding vir die gebruik van, of die reg op die gebruik van enige kopiereg van 'n letterkundige, kuns- of wetenskaplike werk (met inbegrip van kinematograaffilms en films of bandopnames vir radio of televisie uitsending), enige patent, handelsmerk, ontwerp of model, plan, geheime formule of proses, of vir die gebruik van, of die reg op die gebruik van industriële, handels- of wetenskaplike uitrusting, of vir inligting aangaande industriële, handels- of wetenskaplike ondervinding, maar

(b) dit sluit nie in enige bedrag betaal ten opsigte van die eksploritering van 'n myn, olie bron of steengroef of enige ander ekstraksie van natuurlike hulpbronne nie.

(3) Die bepalings van paragraaf (1) van hierdie artikel is nie van toepassing nie indien die ontvanger van die tantième 'n inwoner van 'n Kontrakterende Staat is en in die ander Kontrakterende Staat 'n permanente saak het en die reg of eiendom wat aanleiding gee tot die tantième, effekief verbonde is aan 'n bedryf of besigheid wat gedryf word deur middel van sodanige permanente saak.

(4) (a) Enige bepaling van die wet van 'n Kontrakterende Staat wat voorskryf dat tantième betaal deur 'n maatskappy, by die bepaling van die maatskappy se belasbare winste as 'n aftrekking buite rekening gelaat moet word omdat dit 'n uitkering is, is nie van toepassing op tantième wat betaal word aan 'n inwoner van die ander Kontrakterende Staat nie.

(b) Die bepalings van subparagraph (a) van hierdie paragraaf is nie van toepassing nie op tantième aan 'n maatskappy betaal wat 'n inwoner is van daardie ander Kontrakterende Staat, wanneer—

(i) dieselfde persone regstreeks of onregstreeks deel het in die bestuur of beheer van die maatskappy wat die tantième betaal en die maatskappy wat die tantième ontvang; en

(ii) meer as 50 persent van die stemkrag in die maatskappy wat die tantième ontvang, regstreeks of onregstreeks beheer word deur een of meer persone wat woonagtig is in die Kontrakterende Staat waarin die maatskappy wat die tantième betaal, woonagtig is.

(5) Where, owing to a special relationship between the payer and the recipient or between both of them and some other person, the amount of the royalties paid, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the recipient in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount.

ARTICLE 12

(1) Capital gains from the alienation of any property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of any property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing professional services, including such gains from the alienation of such a permanent establishment (alone or together with the whole enterprise) or of such a fixed base, may be taxed in the other Contracting State.

(2) Notwithstanding paragraph (1) of this Article, capital gains derived by a resident of a Contracting State from the alienation of ships and aircraft operated in international traffic and movable property pertaining to the operation of such ships and aircraft shall be taxable only in that Contracting State.

(3) Capital gains from the alienation of any property other than those mentioned in paragraph (1) of this Article shall be taxable only in the Contracting State of which the alienator is a resident.

(4) The provisions of paragraph (3) of this Article shall not affect the right of a Contracting State to levy according to its own law a tax on capital gains from the alienation of any property derived by an individual who is a resident of the other Contracting State and has been a resident of the first-mentioned Contracting State at any time during the five years immediately preceding the alienation of the property.

ARTICLE 13

Income derived by a resident of a Contracting State in respect of professional services or other independent activities of a similar character shall be subjected to tax only in that Contracting State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, such part of that income as is attributable to that base may be taxed in the other Contracting State.

ARTICLE 14

(1) Subject to the provisions of Articles 16, 17 and 18, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be subjected to tax only in that State unless the employment is exercised in the other Contracting State. If the

(5) Waar, as gevolg van 'n besondere verband tussen die betaler en die ontvanger of tussen albei van hulle en 'n ander persoon, die bedrag van die tantième betaal, met inagneming van die gebruik, reg of inligting ten opsigte waarvan dit betaal word, die bedrag te bowe gaan waaroer die betaler en die ontvanger by ontstentenis van sodanige verband sou ooreengekom het, is die bepalings van hierdie artikel slegs op laasgenoemde bedrag van toepassing.

ARTIKEL 12

(1) Kapitaalwinste uit die vervreemding van enige eiendom wat deel uitmaak van die besigheidseiendom van 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, of van enige eiendom wat betrekking het op 'n vaste basis wat vir 'n inwoner van 'n Kontrakterende Staat in die ander Kontrakterende Staat beskikbaar is vir die doel om professionele dienste te lewer, met inbegrip van sodanige winste uit die vervreemding van so 'n permanente saak (alleen of tesame met die onderneming in sy geheel), of van sodanige vaste basis, kan in die ander Kontrakterende Staat belas word.

(2) Ondanks paragraaf (1) van hierdie artikel is kapitaalwinste verkry deur 'n inwoner van 'n Kontrakterende Staat uit die vervreemding van skepe en vliegtuie wat geëksploteer word in internasionale verkeer en roerende eiendom wat betrekking het op die eksplotasie van sodanige skepe en vliegtuie, alleenlik in daardie Kontrakterende Staat belasbaar.

(3) Kapitaalwinste uit die vervreemding van enige ander eiendom as dié in paragraaf (1) van hierdie artikel genoem, is belasbaar slegs in die Kontrakterende Staat waarvan die vervreemder 'n inwoner is.

(4) Die bepalings van paragraaf (3) van hierdie artikel raak nie die reg van 'n Kontrakterende Staat om kragtens sy eie wet 'n belasting te hef op kapitaalwinste uit die vervreemding van enige eiendom verkry deur 'n individu wat 'n inwoner is van die ander Kontrakterende Staat en 'n inwoner was van eersgenoemde Kontrakterende Staat te eniger tyd gedurende die vyf jaar wat die vervreemding van die eiendom onmiddellik voorafgegaan het nie.

ARTIKEL 13

Inkomste wat deur 'n inwoner van 'n Kontrakterende Staat ten opsigte van professionele dienste of ander onafhanklike werkzaamhede van 'n soortgelyke aard verkry word, is slegs in daardie Kontrakterende Staat belasbaar, tensy hy in die ander Kontrakterende Staat gereeld 'n vaste basis tot sy beskikking het vir die verrigting van sy werkzaamhede. Indien hy so 'n vaste basis het, kan sodanige gedeelte van daardie inkomste as wat aan daardie basis toegeskryf kan word, in daardie ander Kontrakterende Staat belas word.

ARTIKEL 14

(1) Behoudens die bepalings van artikels 16, 17 en 18 is salarisse, lone en ander soortgelyke besoldiging verkry deur 'n inwoner van 'n Kontrakterende Staat ten opsigte van 'n diensbetrekking slegs in daardie Staat aan belasting onderworpe tensy die diens in die ander Kontrakterende Staat gelewer

employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

(2) Notwithstanding the provisions of paragraph (1) of this Article, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be subjected to tax only in the first-mentioned State if:

- (a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the fiscal year concerned, and
- (b) the remuneration is paid by or on behalf of an employer who is not a resident of the other State, and
- (c) the remuneration is not deducted from the profits of a permanent establishment or a fixed base which the employer has in the other State.

(3) In relation to remuneration of a director of a company derived from the company the preceding provisions of this Article shall apply as if the remuneration were remuneration of an employee in respect of an employment, and as if references to employers were references to the company.

(4) Notwithstanding the preceding provisions of this Article, remuneration for personal services performed aboard a ship or aircraft in international traffic may be taxed in the Contracting State of which the person deriving the profits from the operation of the ship or aircraft is a resident.

ARTICLE 15

Notwithstanding anything contained in this Convention, income derived by public entertainers, such as theatre, motion picture, radio or television artistes, and musicians, and by athletes, from their personal activities as such may be taxed in the Contracting State in which these activities are exercised.

ARTICLE 16

(1) Any pension (other than a pension of the kind referred to in paragraph (2) of Article 17) and any annuity, derived from sources within South Africa by an individual who is a resident of the United Kingdom and subject to United Kingdom tax in respect thereof, shall be exempt from South African tax.

(2) Any pension (other than a pension of the kind referred to in paragraph (2) of Article 17) and any annuity, derived from sources within the United Kingdom by an individual who is a resident of South Africa and subject to South African tax in respect thereof, shall be exempt from United Kingdom tax.

(3) The term "annuity" means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

word. Indien die diens aldus gelewer word, kan dié besoldiging wat daaruit verkry word, in daardie ander Staat belas word.

(2) Ondanks die bepalings van paragraaf (1) van hierdie artikel word besoldiging verkry deur 'n inwoner van 'n Kontrakterende Staat ten opsigte van diens wat in die ander Kontrakterende Staat gelewer word, slegs in eersgenoemde Staat aan belasting onderwerp as—

- (a) die ontvanger vir 'n tydperk of tydperke van hoogstens altesaam 183 dae gedurende die betrokke belastingjaar in die ander Staat aanwesig is; en
- (b) die besoldiging betaal word deur of namens 'n werkewer wat nie 'n inwoner van die Staat is nie; en
- (c) die besoldiging nie afgetrek word van die winste van 'n permanente saak of 'n vaste basis wat die werkewer in die ander Staat het nie.

(3) Met betrekking tot die vergoeding wat 'n direkteur van 'n maatskappy van die maatskappy verkry, is die voorgaande bepalings van hierdie artikel van toepassing asof die vergoeding die vergoeding van 'n werknemer ten opsigte van 'n diensbetrekking is en asof verwysings na werkewers verwysings na die maatskappy is.

(4) Ondanks die voorgaande bepalings van hierdie artikel mag besoldiging vir persoonlike dienste gelewer aan boord 'n skip of vliegtuig in internasionale verkeer belas word in die Kontrakterende Staat waarvan die persoon wat die winste verkry van die eksplotasie van die skip of vliegtuig 'n inwoner is.

ARTIKEL 15

Ondanks enigets in hierdie Konvensie kan inkomste deur openbare verhoogkunstenaars, soos teater-, bioskoop-, radio- of televisie-artieste, en musikante, en deur atlete uit hul persoonlike bedrywighede as sodanig verkry, belas word in die Kontrakterende Staat waarin hierdie bedrywighede uitgeoefen word.

ARTIKEL 16

(1) Enige pensioen (behalwe 'n pensioen van die soort in paragraaf (2) van artikel 17 bedoel) en enige jaargeld verkry uit bronne in Suid-Afrika deur 'n individu wat 'n inwoner van die Verenigde Koninkryk en ten opsigte daarvan aan belasting van die Verenigde Koninkryk onderworpe is, is vrygestel van Suid-Afrikaanse belasting.

(2) Enige pensioen (behalwe 'n pensioen van die soort in paragraaf (2) van artikel 17 bedoel) en enige jaargeld verkry uit bronne in die Verenigde Koninkryk deur 'n individu wat 'n inwoner van Suid-Afrika en ten opsigte daarvan aan Suid-Afrikaanse belasting onderworpe is, is vrygestel van belasting van die Verenigde Koninkryk.

(3) Die uitdrukking "jaargeld" beteken 'n vermelde som wat periodiek op vermelde tye gedurende die betrokke persoon se lewe of gedurende 'n vermelde of vasstelbare tydperk betaalbaar is ingevolge 'n verpligting om die betalings te doen as teenprestasie vir voldoende en volle vergoeding in geld of geldwaarde.

ARTICLE 17

(1) Remuneration (other than pensions) paid by a Contracting State to any individual for services rendered to that Contracting State in the discharge of governmental functions shall be exempt from tax in the other Contracting State if the individual is not ordinarily resident in that State or is ordinarily resident in that State solely for the purpose of rendering those services.

(2) Any pension paid by a Contracting State to any individual for services rendered to that Contracting State in the discharge of governmental functions shall be exempt from tax in the other Contracting State, in so far as the remuneration for those services was exempt from tax in that State under paragraph (1) of this Article or would have been so exempt if this Convention had been in force at the time when the remuneration was paid.

(3) The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States for purposes of profit.

(4) For the purposes of this Article, the term "Contracting State", in the case of South Africa, includes the Administrations of the Provinces of South Africa.

ARTICLE 18

A professor or teacher who visits one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that Contracting State and who is, or was immediately before that visit, a resident of the other Contracting State shall be exempt from tax in the first-mentioned Contracting State on any remuneration for such teaching in respect of which he is subject to tax in the other Contracting State.

ARTICLE 19

Payments which a student or business apprentice from a Contracting State who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training, shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State.

ARTICLE 20

Any income not dealt with in the foregoing provisions of this Convention derived by a resident of a Contracting State who is subject to tax there in respect thereof shall be subjected to tax only in that State.

ARTIKEL 17

(1) Besoldiging (behalwe pensioene) deur 'n Kontrakterende Staat aan 'n individu betaal vir dienste wat vir daardie Kontrakterende Staat by die uitoefening van regeringsfunksies verrig is, is vrygestel van belasting in die ander Kontrakterende Staat indien die individu nie gewoonlik in daardie Staat woonagtig is nie of gewoonlik in daardie Staat woonagtig is uitsluitlik met die doel om daardie dienste te verrig.

(2) Enige pensioen deur 'n Kontrakterende Staat aan 'n individu betaal vir dienste wat vir daardie Kontrakterende Staat by die uitoefening van regeringsfunksies verrig is, is vrygestel van belasting in die ander Kontrakterende Staat vir sover die vergoeding vir daardie dienste in daardie Staat kragtens paragraaf (1) van hierdie artikel van belasting vrygestel was of aldus vrygestel sou gewees het indien hierdie Konvensie van krag was ten tye van die betaling van die besoldiging.

(3) Die bepalings van hierdie artikel is nie van toepassing op betalings ten opsigte van dienste wat verrig is in verband met enige handel of besigheid wat deur een van die Kontrakterende State met die oog op winste gedryf word nie.

(4) Vir toepassing van hierdie artikel sluit die uitdrukking "Kontrakterende Staat" in die geval van Suid-Afrika, die Administrasies van die Provincies van Suid-Afrika in.

ARTIKEL 18

'n Professor of onderwyser wat een van die Kontrakterende State vir 'n tydperk van hoogstens twee jaar besoek met die doel om aan 'n universiteit, kollege, skool of ander onderwysinringting in daardie Kontrakterende Staat as onderwyser of dosent op te tree en wat onmiddellik voor die besoek 'n inwoner van die ander Kontrakterende Staat is of was, is in eersgenoemde Kontrakterende Staat vrygestel van belasting op enige besoldiging vir sodanige dosering ten opsigte waarvan hy in die ander Kontrakterende Staat aan belasting onderworpe is.

ARTIKEL 19

Betalings wat vir die doeleindes van sy onderhoud, opvoeding of opleiding ontvang word deur 'n student of besigheidsvakleerling van een van die Kontrakterende State wat alleenlik vir die doel van sy opvoeding of opleiding in die ander Kontrakterende Staat is, word nie in daardie ander Staat belas nie, mits sodanige betalings aan hom uit bronne buite daardie ander Staat gedoen word.

ARTIKEL 20

Enige inkomste wat nie in die voorgaande bepalings van hierdie Konvensie behandel word nie en verkry word deur 'n inwoner van 'n Kontrakterende Staat wat daar ten opsigte daarvan aan belasting onderworpe is, word slegs in daardie Staat aan belasting onderwerp.

ARTICLE 21

(1) Subject to the provisions of paragraph (3) of this Article, individuals who are residents of South Africa shall be entitled to the same personal allowances, reliefs and reductions for the purposes of United Kingdom taxation as British subjects not resident in the United Kingdom.

(2) Subject to the provisions of paragraph (3) of this Article, individuals who are residents of the United Kingdom shall be entitled to the same personal allowances, reliefs and reductions for the purposes of South African tax as South African citizens not resident in South Africa.

(3) Nothing in this Convention shall entitle an individual who is a resident of a Contracting State and whose income from the other Contracting State consists solely of dividends, interest or royalties (or solely of any combination thereof) to the personal allowances, reliefs and reductions of the kind referred to in this Article for the purposes of taxation in that other State.

ARTICLE 22

(1) Subject to the provisions of the law of the United Kingdom regarding the allowance as a credit against United Kingdom tax of tax payable in a territory outside the United Kingdom (which shall not affect the general principle hereof):

(a) South African tax payable under the laws of South Africa and in accordance with this Convention, whether directly or by deduction, on profits, income or chargeable gains from sources within South Africa (excluding in the case of a dividend, tax payable in respect of the profits out of which the dividend is paid) shall be allowed as a credit against any United Kingdom tax computed by reference to the same profits, income or chargeable gains by reference to which the South African tax is computed;

(b) in the case of a dividend paid by a company which is a resident of South Africa to a company which is resident in the United Kingdom and which controls directly or indirectly at least 10 per cent of the voting power in the South African company, the credit shall take into account (in addition to any South African tax creditable under sub-paragraph (a) above) the South African tax payable by the company in respect of the profits out of which such dividend is paid.

(2) Where United Kingdom tax is payable under the laws of the United Kingdom and in accordance with this Convention, whether directly or by deduction, on profits, income or chargeable gains derived from sources within the United Kingdom by a resident of South Africa, and that tax is borne by him, South Africa shall either impose no tax on such profits, income or chargeable gains or shall, subject to such provisions (which shall

ARTIKEL 21

(1) Onderworpe aan die bepalings van paragraaf (3) van hierdie artikel is individue wat inwoners van Suid-Afrika is, geregtig op dieselfde persoonlike toelaes, verligtings en verminderings vir die doeleindes van die belasting van die Verenigde Koninkryk as Britse onderdane wat nie in die Verenigde Koninkryk woonagtig is nie.

(2) Onderworpe aan die bepalings van paragraaf (3) van hierdie artikel is individue wat inwoners van die Verenigde Koninkryk is, geregtig op dieselfde persoonlike toelaes, verligtings en verminderings vir die doeleindes van Suid-Afrikaanse belasting as Suid-Afrikaanse burgers wat nie in Suid-Afrika woonagtig is nie.

(3) Niks in hierdie Konvensie maak 'n individu wat 'n inwoner is van 'n Kontrakterende Staat en wie se inkomste uit die ander Kontrakterende Staat uitsluitlik uit dividende, rente of tantième (of uitsluitlik uit enige samestelling daarvan) bestaan, vir doeleindes van belasting in daardie ander Staat geregtig op die persoonlike toelaes, verligtings en verminderings van die aard waarna in hierdie artikel verwys word nie.

ARTIKEL 22

(1) Onderworpe aan die bepalings van die wet van die Verenigde Koninkryk betreffende die toelating as 'n kredit teen die belasting van die Verenigde Koninkryk, van belasting betaalbaar in 'n gebied buite die Verenigde Koninkryk (wat nie die algemene beginsel hiervan raak nie)—

(a) word Suid-Afrikaanse belasting kragtens die wette van Suid-Afrika en in ooreenstemming met hierdie Konvensie, hetsy regstreeks of deur aftrekking, betaalbaar op winste, inkomste of belasbare winste uit bronne in Suid-Afrika (met uitsluiting, in die geval van 'n dividend, van belasting betaalbaar ten opsigte van winste waaruit die dividend betaal word), as 'n kredit toegelaat teen enige belasting van die Verenigde Koninkryk wat bereken word met betrekking tot dieselfde winste, inkomste of belasbare winste ten opsigte waarvan Suid-Afrikaanse belasting bereken word.

(b) moet die kredit in die geval van 'n dividend wat deur 'n maatskappy wat 'n inwoner van Suid-Afrika is, betaal word aan 'n maatskappy wat 'n inwoner van die Verenigde Koninkryk is en wat regstreeks of onregstreeks minstens 10 persent van die stemkrag in die Suid-Afrikaanse maatskappy beheer, rekening hou met (benewens enige Suid-Afrikaanse belasting wat kragtens bestaande subparagraph (a) krediteerbaar is) die Suid-Afrikaanse belasting betaalbaar deur die maatskappy ten opsigte van die winste waaruit sodanige dividend betaal word.

(2) Wanneer belasting van die Verenigde Koninkryk kragtens die wette van die Verenigde Koninkryk en in ooreenstemming met hierdie Konvensie, hetsy regstreeks of deur aftrekking, betaalbaar is op winste, inkomste of belasbare winste verkry uit bronne in die Verenigde Koninkryk deur 'n inwoner van Suid-Afrika, en daardie belasting deur hom gedra word, hef Suid-Afrika of geen belasting op sodanige winste, inkomste of belasbare

not affect the general principle hereof) as may be enacted in South Africa, allow as a credit against any South African tax payable in respect of such profits, income or chargeable gains so much of the United Kingdom tax as does not exceed the South African tax. In the case of a dividend paid by a company which is a resident of the United Kingdom to a company which is resident in South Africa and which controls directly or indirectly at least 10 per cent of the voting power in the United Kingdom company, any such credit shall take into account (in addition to any United Kingdom tax creditable under the preceding provisions of this paragraph) the United Kingdom tax payable by the company in respect of the profits out of which such dividend is paid.

(3) Paragraphs (1) and (2) of this Article shall have no application in relation to any tax which is repayable.

(4) For the purposes of this Article, remuneration for personal (including professional) services performed in a Contracting State shall be deemed to be income from sources within that State, and the services of an individual whose services are wholly or mainly performed in ships or aircraft operated in international traffic by a resident of a Contracting State shall be deemed to be performed in that State.

(5) Where profits on which an enterprise of a Contracting State has been charged to tax in that State are also included in the profits of an enterprise of the other State and the profits so included are profits which would have accrued to that enterprise of the other State if conditions operative between each of the enterprises had been those which might be expected to operate between independent enterprises dealing at arm's length, the amount of such profits included in the profits of both enterprises shall be treated for the purposes of this Article as income from a source in the other State of the enterprise of the first-mentioned State and relief shall be given accordingly under paragraph (1) or paragraph (2) of this Article.

ARTICLE 23

(1) The nationals of a Contracting State shall not be subjected in the territory of the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which the nationals of the other State in the same circumstances are or may be subjected.

(2) In this Article the term "nationals" means:

(a) in relation to South Africa:

all South African citizens and all legal persons, partnerships and associations deriving their status as such from the law in force in South Africa;

winst nie óf staan hy, onderworpe aan sodanige bepalings (wat nie die algemene beginsel hiervan raak nie) as wat in Suid-Afrika uitgevaardig word, soveel van die belasting van die Verenigde Koninkryk as wat nie die Suid-Afrikaanse belasting oorskry nie, as 'n kredit toe teen enige Suid-Afrikaanse belasting betaalbaar ten opsigte van sodanige winste, inkomste of belasbare winste. In die geval van 'n dividend wat betaal word deur 'n maatskappy wat 'n inwoner van die Verenigde Koninkryk is, aan 'n maatskappy wat 'n inwoner van Suid-Afrika is en regstreeks of onregstreeks minstens 10 persent van die stemkrag in die Verenigde Koninkryk se maatskappy beheer, moet enige sodanige kredit (benewens belasting van die Verenigde Koninkryk ingevolge die voorgaande bepalings van hierdie paragraaf krediteerbaar is) rekening hou met die belasting van die Verenigde Koninkryk wat deur die maatskappy betaalbaar is ten opsigte van die winste waaruit sodanige dividend betaal is.

(3) Paragrawe (1) en (2) van hierdie artikel is nie van toepassing met betrekking tot belasting wat terugbetaalbaar is nie.

(4) Vir die toepassing van hierdie artikel word besoldiging vir persoonlike (met inbegrip van professionele) dienste wat in 'n Kontrakterende Staat verrig word, geag inkomste uit bronne binne daardie Staat te wees, en word die dienste van 'n individu wat geheel of hoofsaaklik verrig word op skepe of vliegtuie wat deur 'n inwoner van 'n Kontrakterende Staat in internasionale verkeer geëksploteer word, geag in daardie Staat verrig te word.

(5) Wanneer winste waarop 'n onderneming van 'n Kontrakterende Staat aan belasting in daardie Staat onderwerp is, ook in die winste van 'n onderneming van die ander Staat ingesluit word en die winste wat aldus ingesluit word winste is wat aan daardie onderneming van die ander Staat sou toegeval het indien voorwaardes wat tussen die ondernemings van toepassing is, sodanige voorwaardes is as wat verwag kan word om te bestaan tussen onafhanklike ondernemings wat transaksies aangaan waar die uiterste voorwaardes beding word, word die bedrag van sodanige winste wat in die winste van beide ondernemings ingesluit word, vir die toepassing van hierdie artikel behandel as die onderneming van eersgenoemde Staat se inkomste uit 'n bron in die ander Staat en word verligting dienooreenkomsdig ingevolge paragraaf (1) of paragraaf (2) van hierdie artikel verleen.

ARTIKEL 23

(1) Die burgers van 'n Kontrakterende Staat mag nie in die gebied van die ander Kontrakterende Staat onderwerp word aan belasting of aan 'n vereiste in verband daarmee wat anders is of swaarder druk as die belasting en betrokke vereistes waaraan die burgers van daardie ander Staat onder dieselfde omstandighede onderwerp word of onderworpe is nie.

(2) In hierdie artikel beteken die uitdrukking "burgers"—

(a) met betrekking tot Suid-Afrika—

alle Suid-Afrikaanse burgers en alle regspersone, venootskappe en verenigings wat hul status as sodanig ontleen aan die wet wat in Suid-Afrika van krag is;

(b) in relation to the United Kingdom:

all British subjects and British protected persons

(i) residing in the United Kingdom or any territory to which this Convention is extended under Article 26, or

(ii) deriving their status as such from connection with the United Kingdom or any territory to which this Convention is extended under Article 26,

and all legal persons, partnerships and associations deriving their status as such from the law in force in the United Kingdom or in any territory to which the Convention is extended under Article 26.

(3) The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities.

(4) Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of that first-mentioned State are or may be subjected.

(5) Nothing contained in this Article shall be construed as obliging either Contracting State to grant to individuals not resident in that State any of the personal allowances and reliefs for tax purposes which are granted to individuals so resident, nor as conferring any exemption from tax in a State in respect of dividends paid to a company which is a resident of the other State.

(6) In determining for the purpose of United Kingdom tax whether a company is a close company, the term "recognised stock exchange" shall include the Johannesburg Stock Exchange.

(7) In this Article the term "taxation" means the taxes which are the subject of this Convention.

ARTICLE 24

The taxation authorities of the Contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention and for resolving any difficulty or doubt as to the application or interpretation of this Convention.

ARTICLE 25

The taxation authorities of the Contracting States shall exchange such information (being information which is at their disposal under their respective taxation laws in the normal course of administration) as is necessary for carrying out the provisions of this Convention or for the

(b) met betrekking tot die Verenigde Koninkryk—

alle Britse onderdane en Britsbeskermde persone

(i) wat woonagtig is in die Verenigde Koninkryk of 'n gebied waartoe hierdie Konvensie kragtens artikel 26 uitgebrei is; of

(ii) wat hulle status as sodanig ontleen aan hul verband met die Verenigde Koninkryk of 'n gebied waartoe hierdie Konvensie kragtens artikel 26 uitgebrei is,

en alle regspersone, vennootskappe en verenigings wat hulle status as sodanig ontleen aan die wette wat van krag is in die Verenigde Koninkryk of in 'n gebied waartoe die Konvensie kragtens artikel 26 uitgebrei is.

(3) Die belasting op 'n permanente saak wat 'n onderneming van 'n Kontrakterende Staat in die ander Kontrakterende Staat het, word nie in daardie ander Staat op 'n minder gunstige wyse gehef as die belasting wat op ondernemings van daardie ander Staat wat dieselfde bedrywighede uitoefen, gehef word nie.

(4) Ondernemings van 'n Kontrakterende Staat waarvan die kapitaal uitsluitlik of gedeeltelik, regstreeks of onregstreeks, deur een of meer inwoners van die ander Kontrakterende Staat besit of beheer word, mag nie in eersgenoemde Kontrakterende Staat onderwerp word aan belasting of aan 'n vereiste in verband daarvan wat anders is of swaarder druk as die belasting en betrokke vereistes waaraan ander soortgelyke ondernemings van daardie eersgenoemde Staat onderwerp word of onderworpe is nie.

(5) Geen bepalings in hierdie artikel word uitgelê asof dit enigeen van die Kontrakterende State verplig om aan individue wat nie in daardie Staat woonagtig is nie, enige van die persoonlike toelaes en verligtings vir belastingdoeleindes toe te staan wat aan individue aldus woonagtig toegestaan word nie, en ook nie asof vrystelling van belasting in 'n Staat verleen word ten opsigte van dividende aan 'n maatskappy betaal wat 'n inwoner van die ander Staat is nie.

(6) Wanneer vir doeleindes van belasting van die Verenigde Koninkryk bepaal word of 'n maatskappy 'n *close company* is, sluit die uitdrukking "erkende effektebeurs" die Johannesburgse Effektebeurs in.

(7) In hierdie artikel beteken die uitdrukking "belasting" die belastings waaroer hierdie Konvensie handel.

ARTIKEL 24

Die belastingowerhede van die Kontrakterende State mag regstreeks met mekaar in verbinding tree ten einde uitvoering aan die bepalings van hierdie Konvensie te gee en vir die oplossing van enige moeilikheid of twyfel met betrekking tot die toepassing of vertolking van hierdie Konvensie.

ARTIKEL 25

Die belastingowerhede van die Kontrakterende State ruil sodanige inligting uit (dit wil sê, inligting wat ingevolge hul onderskeie belastingwette in die gewone loop van administrasie beskikbaar is) wat nodig is vir die uitvoering van die bepalings van hierdie Konvensie of ter voorkoming van

prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Convention. Any information so exchanged shall be treated as secret but may be disclosed to persons (including a court or administrative body) concerned with assessment, collection, enforcement or prosecution in respect of taxes which are the subject of this Convention. No information shall be exchanged which would disclose any trade, business, industrial or professional secret or any trade process.

ARTICLE 26

(1) This Convention may be extended either in its entirety or with modifications, by agreement between the Contracting States, to all or any of the territories for whose international relations either Contracting State is responsible and which impose taxes substantially similar in character to those which are the subject of this Convention, and any such extension shall take effect from such date and subject to such modification and conditions (including conditions as to termination) as may be specified and agreed between the Contracting States in Notes to be exchanged for this purpose.

(2) The termination in respect of the United Kingdom or South Africa of this Convention shall, unless otherwise expressly agreed by both Contracting States, terminate the application of this Convention to any territory to which the Convention has been extended under this Article.

ARTICLE 27

(1) This Convention shall be ratified and the instruments of ratification shall be exchanged in South Africa as soon as possible.

(2) This Convention shall enter into force after the expiration of thirty days following the date on which the instruments of ratification are exchanged⁽¹⁾ and shall thereupon have effect:

(a) in the United Kingdom:

- (i) as respects income tax (including surtax) and capital gains tax, for any year of assessment beginning on or after 6th April, 1968; and
- (ii) as respects corporation tax, for any financial year beginning on or after 1st April, 1968;

(b) in South Africa:

- (i) as respects taxes on income, for any year of assessment beginning on or after 1st March, 1968;
- (ii) as respects non-resident shareholders' tax, on dividends declared on or after 1st March, 1968; and
- (iii) as respects non-residents tax on interest, on interest payable on or after 1st March, 1968.

(3) Subject to paragraph (4) of this Article the Convention between the Government of the United Kingdom and the Government of South Africa for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Cape Town on 28th

⁽¹⁾ The Convention entered into force on 29 June, 1969.

bedrog of vir die toepassing van wetsbepalings teen wetlike ontduiking in verband met die belastings waaraan hierdie Konvensie handel. Aldus uitgeruil inligting moet as geheim behandel word en mag openbaar gemaak word aan persone (met inbegrip van 'n hof of administratiewe liggaam) betrokke by die aanslaan, invordering of afdwing van of vervolgings met betrekking tot belastings waaraan hierdie Konvensie handel. Geen inligting mag uitgeruil word wat enige handels-, besigheids-, nywerheids- of professionele geheim of enige handelsproses aan die lig sou bring nie.

ARTIKEL 26

(1) Hierdie Konvensie kan of in sy geheel of met wysigings, by wyse van ooreenkoms tussen die Kontrakterende State uitgebrei word tot al of enige van die gebiede vir wie se internasionale betrekkinge enige van die Kontrakterende State verantwoordelik is en wat belastings ople wat wesenlik van soortgelyke aard is as dié waaraan hierdie Konvensie handel, en enige sodanige uitbreiding tree in werking op sodanige datum en onderworpe aan sodanige wysiging en voorwaardes (met inbegrip van voorwaardes betreffende beëindiging) as wat deur die Kontrakterende State in notas wat hulle vir hierdie doel uitruil, vermeld en ooreengekom mag word.

(2) Die beëindiging van hierdie Konvensie ten opsigte van die Verenigde Koninkryk of Suid-Afrika, tensy anders uitdruklik ooreengekom deur beide Kontrakterende State, beëindig die toepassing van hierdie Konvensie op enige gebied waartoe die Konvensie ingevolge hierdie artikel uitgebrei is.

ARTIKEL 27

(1) Hierdie Konvensie moet bekragtig en die bekragtigingsdokumente so spoedig moontlik in Suid-Afrika uitgeruil word.

(2) Hierdie Konvensie tree in werking na verloop van dertig dae vanaf die datum waarop die bekragtigingsdokumente uitgeruil is en word dan van krag—

(a) in die Verenigde Koninkryk—

- (i) met betrekking tot inkomstebelasting (met inbegrip van *surtax*) en kapitaalwinsbelasting, vir enige aanslagjaar wat begin op of na 6 April 1968; en
- (ii) met betrekking tot *corporation tax*, vir enige boekjaar wat op of na 1 April 1968 begin;

(b) in Suid-Afrika—

- (i) met betrekking tot belastings op inkomste, vir enige aanslagjaar wat op of na 1 Maart 1968 begin;
- (ii) met betrekking tot buitelandse aandeelhouersbelasting, op dividende wat verklaar word op of na 1 Maart 1968; en
- (iii) met betrekking tot rentebelasting op buitelanders, op rente betaalbaar op of na 1 Maart 1968.

(3) Onderworpe aan paragraaf (4) van hierdie artikel verval die Konvensie tussen die Regering van die Verenigde Koninkryk en die Regering van Suid-Afrika ter Vermyding van Dubbele Belasting en die Voorkoming van Fiskale Onduiking ten opsigte van Belastings op Inkomste wat op 28 Mei

May, 1962,⁽²⁾ together with the Protocol amending that Convention signed at Cape Town on 14th June, 1967,⁽³⁾ shall terminate and cease to be effective as respects taxes to which this Convention in accordance with paragraph (2) of this Article applies.

(4) Where any greater relief from tax in a Contracting State would have been afforded by any provision of the Convention signed at Cape Town on 28th May, 1962, as amended by the Protocol signed at Cape Town on 14th June, 1967, than is due under this Convention, any such provision as aforesaid shall continue to have effect in that State:

(a) in the case of the United Kingdom:

for any year of assessment or financial year beginning before the entry into force of this Convention;

(b) in the case of South Africa:

(i) as respects taxes on income, for any year of assessment beginning before the entry into force of this Convention;

(ii) as respects non-resident shareholders' tax, on dividends declared before the entry into force of this Convention; and

(iii) as respects non-residents tax on interest, on interest payable before the entry into force of this Convention.

(5) This Convention shall not affect any agreement in force which, in accordance with Article XXIV of the Convention signed at Cape Town on 28th May, 1962, extends that Convention to any territory.

ARTICLE 28

This Convention shall continue in effect indefinitely but either of the Contracting States may, on or before the thirtieth day of June in any calendar year after the year 1972 give, through diplomatic channels, notice of termination to the other Contracting State and, in such event, this Convention shall cease to have effect:

(a) in the United Kingdom:

(i) as respects income tax (including surtax) and capital gains tax, for any year of assessment beginning on or after 6th April in the calendar year next following that in which the notice is given;

(ii) as respects corporation tax, for any financial year beginning on or after 1st April in the calendar year next following that in which the notice is given;

(b) in South Africa:

(i) as respects taxes on income, for any year of assessment beginning on or after 1st March in the calendar year next following that in which the notice is given;

(ii) as respects non-resident shareholders' tax, on dividends declared on or after 1st March in the calendar year next following that in which the notice is given; and

(iii) as respects non-residents tax on interest, on interest payable on or after 1st March in the calendar year next following that in which the notice is given.

⁽²⁾ Treaty Series No. 72 (1962), Cmnd. 1879.

⁽³⁾ Treaty Series No. 25 (1968), Cmnd. 3572.

1962 te Kaapstad onderteken is, tesame met die Protokol ter wysiging van daardie Konvensie wat op 14 Junie 1967 te Kaapstad onderteken is, en hou dit op om van krag te wees ten opsigte van belastings waarop hierdie Konvensie ingevolge paragraaf (2) van hierdie artikel van toepassing is.

(4) Wanneer enige groter verligting van belasting in 'n Kontrakterende Staat verleen sou geword het deur enige bepaling van die Konvensie wat te Kaapstad onderteken is op 28 Mei 1962, soos gewysig deur die Protokol onderteken te Kaapstad op 14 Junie 1967, as wat die geval sou wees ingevolge hierdie Konvensie, bly enige sodanige bepaling soos vermeld van krag in daardie Staat:

- (a) in die geval van die Verenigde Koninkryk—
vir enige aanslagjaar of boekjaar wat begin voor die inwerkingtreding van hierdie Konvensie;
- (b) in die geval van Suid-Afrika—
 - (i) met betrekking tot belastings op inkomste, vir enige aanslagjaar wat begin voor die inwerkingtreding van hierdie Konvensie;
 - (ii) met betrekking tot buitelandse aandeelhouersbelasting, op dividende wat verklaar is voor die inwerkingtreding van hierdie Konvensie; en
 - (iii) met betrekking tot rentebelasting op buitenlanders, op rente wat betaalbaar is voor die inwerkingtreding van hierdie Konvensie.

(5) Hierdie Konvensie raak nie enige ooreenkoms wat van krag is en ooreenkomstig Artikel XXIV van die Konvensie wat te Kaapstad op 28 Mei 1962 onderteken is, daardie Konvensie tot 'n gebied uitbrei nie.

ARTIKEL 28

(1) Hierdie Konvensie bly vir 'n onbepaalde tydperk van krag, maar enigeen van die Kontrakterende State kan voor of op die dertigste dag van Junie in enige kalenderjaar na die jaar 1972 aan die ander Kontrakterende Staat deur diplomatieke kanale kennis van opseggig gee, en in so 'n geval verval hierdie Konvensie—

- (a) in die Verenigde Koninkryk—
 - (i) met betrekking tot inkomstebelasting (met inbegrip van *surtax*) en kapitaalwinsbelasting vir enige aanslagjaar wat begin op of na 6 April in die kalenderjaar wat volg op dié waarin die kennis gegee word;
 - (ii) met betrekking tot *corporation tax* vir enige boekjaar wat begin op of na 1 April in die kalenderjaar wat volg op dié waarin die kennis gegee word;
- (b) in Suid-Afrika—
 - (i) met betrekking tot belastings op inkomste, vir enige aanslagjaar wat begin voor of op 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word;
 - (ii) met betrekking tot belasting op buitelandse aandeelhouers, ten opsigte van dividende verklaar op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word; en
 - (iii) met betrekking tot rentebelasting op buitenlanders; ten opsigte van rente wat betaalbaar is op of na 1 Maart in die kalenderjaar wat volg op dié waarin die kennis gegee word.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Convention.

Done in duplicate at London this 21st day of November, 1968, in the English and Afrikaans languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

Ten bewyse waarvan die ondertekendes, behoorlik deur hulle onderskeie Regerings daartoe gemagtig, hierdie Konvensie onderteken het.

Gedoen in duplo te Londen op hede die 21ste dag van November 1968, in die Engelse en Afrikaanse tale, waarvan beide tekste ewe regsgeldig is.

Namens die Regering van die Verenigde Koninkryk van Groot-Brittanje en Noord-Ierland:

MAURICE FOLEY

For the Government of the Republic of South Africa:

Namens die Regering van die Republiek van Suid-Afrika:

H. G. LUTTIG

Printed in England by Her Majesty's Stationery Office