

PORTUGAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA AND THE GOVERNMENT OF PORTUGAL FOR THE AVOIDANCE OF DOUBLE TAXATION IN RESPECT OF INCOME DERIVED FROM THE BUSINESS OF SEA AND AIR TRANSPORT

[Proclamation 324 of 1957]

ARTICLE I

For the purpose of this Agreement the expression –

‘business of sea or air transport’ means the business of transporting by sea or by air persons, livestock, goods or mail carried on by the owner or charterer of ships or aircraft;

‘Republic enterprise’ means the Government of the Republic of South Africa, any physical person ordinarily resident in the Republic of South Africa and not ordinarily resident in metropolitan Portugal and the Portuguese overseas provinces of Angola and Mocambique, or any partnership or corporation constituted under the laws of the Republic of South Africa and managed and controlled in the Republic of South Africa;

‘Portuguese enterprise’ means the Government of Portugal, any physical person ordinarily resident in metropolitan Portugal and the Portuguese overseas provinces of Angola and Mocambique and not ordinarily resident in the Republic of South Africa, or any partnership or corporation constituted under the laws of Portugal and managed and controlled in metropolitan Portugal and the Portuguese overseas provinces of Angola and Mocambique.

ARTICLE II

(1) The Government of the Republic of South Africa shall exempt all income derived from the business of sea or air transport between the Republic of South Africa and other countries by Portuguese enterprises engaged in such business from income tax and all other taxes on income which are chargeable in the Republic of South Africa.

(2) The Government of Portugal shall exempt all income derived from the business of sea or air transport between metropolitan Portugal, the Portuguese overseas provinces of Angola and Mocambique and other countries by Republic enterprises engaged in such business from any taxes whatsoever on income which are chargeable in metropolitan Portugal and the Portuguese overseas provinces of Angola and Mocambique.

ARTICLE III

This Agreement shall come into force on the date on which the last of all such things shall have been done in the Republic of South Africa and in Portugal as are necessary to give the Agreement the force of law in both these countries, and shall thereupon have effect as respects all income derived on or after the 1st July, 1951.

ARTICLE IV

This Agreement shall continue in effect indefinitely but may be terminated by either Government by giving six months' notice in writing to the other Government, provided that such notice of termination shall only have effect in respect of the income derived after a period of six months from the date of such notice.

The Agreement between the Contracting States for the Avoidance of Double Taxation in respect of Income derived from the Business of Sea and Air Transport was signed on the 2nd August 1957.