

CANADA

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNION OF SOUTH AFRICA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION IN RESPECT OF TAXES ON INCOME.

Signed at Ottawa September 28, 1956.

The Government of Canada and the Government of the Union of South Africa desiring to conclude an agreement for the avoidance of double taxation and the prevention of fiscal evasion in respect of taxes on income, have agreed as follows:

ARTICLE I

- (1) The taxes which are the subject of this Agreement are:—
- (a) in the Union of South Africa: The normal tax, super tax and non-resident shareholders' tax imposed by the Government of the Union (hereinafter referred to as "Union tax");
 - (b) in Canada: The income taxes, including surtaxes, imposed by the Government of Canada (hereinafter referred to as "Canadian tax").
- (2) This Agreement shall also apply to any other taxes of a substantially similar character imposed by either Contracting Government subsequently to the date of signature of the Agreement.

ARTICLE II

- (1) In this Agreement unless the context otherwise requires—
- (a) "Union" means the Union of South Africa;
 - (b) "territory" means the Union or Canada as the case may be;
 - (c) "tax" means Union or Canadian Tax, as the case may be;
 - (d) "person" includes any body of persons corporate or not corporate;
 - (e) "company" includes any body corporate;
 - (f) "resident of the Union" and "resident of Canada" mean respectively any person who is ordinarily resident in the Union for the purposes of the Union tax and not ordinarily resident in Canada for the purposes of the Canadian tax and any person who is ordinarily resident in Canada for the purposes of the Canadian tax and not ordinarily resident in the Union for the purposes of the Union tax; and a company shall be regarded as ordinarily resident in the Union if its business is managed and controlled in the Union and ordinarily resident in Canada if its business is managed and controlled in Canada;
 - (g) "resident of one of the territories" means a person who is a resident of the Union or a person who is a resident of Canada, as the case may be;
 - (h) "Union enterprise" and "Canadian enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the Union and an industrial or commercial enterprise or undertaking carried on by a resident of Canada; and "enterprise of one of the territories" and "enterprise of the other territory" mean a Union enterprise or a Canadian enterprise, as the case may be;