

## EXTERNAL GUIDE

# COMPREHENSIVE GUIDE TO THE ITR12 RETURN FOR INDIVIDUALS

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## 1 PURPOSE

The purpose of this guide is to give detail to the various sections of the Income Tax Act No. 58 of 1962 that will be applied during the assessment process of the ITR12 returns.

## 2 GENERAL INFORMATION

### 2.1 WHO MUST COMPLETE AND SUBMIT A RETURN?

- All taxpayers earning any remuneration in excess of R350 000 per year or any other non-remuneration income, must submit a return as published on an annual basis in the Government Gazette for the year of assessment.
- Taxpayers will be required to submit a return where a loss was created in previous years of assessment due to:
  - Medical expenditure which can be set off in future years as provided for in the Income Tax Act
  - Retirement annuity/income protection contributions amounts that did not qualify for a deduction in a previous year of assessment, and was carried forward as a deduction to subsequent years of assessment.
    - Note: Income protection contributions cannot be claimed from the 2016 year of assessment.
- Effective from the 2012 year of assessment (1 March 2011 – 29 February 2012), where you have **more than one source of remuneration**, of which each income is less than R60 000, you are required to submit a tax return.

### 2.2 WHO IS NOT REQUIRED TO SUBMIT A RETURN?

- Although a taxpayer still has to register for income tax he/she is not liable to submit a return for the 2015 year of assessment if he/she does not have any deductions to claim **and** if his/her gross income consists **solely of gross income** described in one or more of the following:
  - **Remuneration** income that:
    - Is for the full year of assessment;
    - Is paid or payable from one single source (i.e. one employer);
    - Does not exceed R350 000 per annum;
    - Does not include any allowance or advance paid (example travel allowance, public office allowance); and
    - Employees' tax has been deducted or withheld in terms of the deduction tables prescribed by the Commissioner.
  - **Interest** income from a source in the Republic not exceeding:
    - R23 800 in the case of an individual below the age of 65 years; or
    - R34 500 in the case of an individual aged, or above the age of, 65 years.
  - **Dividends**, and the individual was a non-resident for the 2015 year of assessment

### 2.3 HOW TO OBTAIN A RETURN?

- A return can be obtained/requested through any of the following channels:
  - The quickest and easiest way to obtain a return is to register as an eFiler on [www.sarsefiling.co.za](http://www.sarsefiling.co.za) and then request and complete the return online.
  - By contacting the SARS Contact Centre on 0800 00 SARS (7277)
    - A SARS Contact Centre agent will assist to customise your return and then it will be posted to you.
  - By visiting your nearest SARS branch
    - For the address of your nearest SARS branch you can call the SARS Contact Centre on 0800 00 SARS (7277) or visit the SARS website [www.sars.gov.za](http://www.sars.gov.za)

## 2.4 HOW TO SUBMIT A RETURN?

- A return can be completed and submitted through any of the following channels:
  - **SARS branch:** You can visit any SARS branch and a SARS official will assist you.
  - **Post:** You can complete the return that was posted to you, sign it and then post it back to SARS
    - You can also hand in the completed and signed return at your local SARS branch.
    - Note: Even if you have received your income tax return in the post, you still have the option to register for eFiling and submit your return electronically.
  - **eFiling:** If you are not an eFiler, please log on to [www.sarsefiling.co.za](http://www.sarsefiling.co.za) to register. If you require any assistance with the registration process, contact the SARS Contact Centre on 0800 00 SARS (7277)
- **IMPORTANT NOTE:**
  - In terms of section 240 of the Tax Administration Act No.28 of 2011, all Tax Practitioners who complete and submit tax returns on behalf of clients must be registered with a Recognised Controlling Body (RCB) and with SARS. Such tax practitioners have the full authority to prepare and submit tax returns on behalf of their clients. Practitioners that are not registered with the RCBs will not have this privilege.
  - If you utilise the services of a tax practitioner to submit your ITR12 return via eFiling and that tax practitioner is NOT registered with a Recognised Controlling Body, that tax practitioner will only be allowed to complete and save the electronic return on your behalf but will not be able to submit the electronic return to SARS.
  - The option '**Submit return to SARS**' will not be available to unregistered tax practitioners on eFiling. The following options are available on eFiling for tax preparers:
    - '**Save**' – this option will allow the return to be saved without performing form validations and will allow the incomplete return to be saved on eFiling for completion at a later stage.
    - '**Save for Filing**' – this option will allow form validations to be performed when the ITR12 is saved on eFiling. The prepared return will be available for retrieval at a SARS branch or to the taxpayer on eFiling via shared access for return submission.
  - In order to ensure that your tax return is submitted to SARS before the due date you can either:
    - Visit your local SARS branch where a SARS official will retrieve the completed return for you and submit it for processing; or
    - You can register for eFiling and request shared access from your tax practitioner.

## 2.5 SITE TAXPAYERS

- The Standard Income Tax on Employees (SITE) was a component of the Pay as You Earn (PAYE) method of paying income tax and was in effect a final withholding tax levied on the first R60 000 of remuneration.
- SITE was phased out over the 2012 and 2013 tax years.
  - The phasing out of SITE is applicable to taxable income that consisted solely of remuneration of which the full amount was subject to Standard Income Tax (done in terms of section 6(5) of the Income Tax Act through the application of a SITE rebate)
  - A SITE rebate is only applicable to the 2012 and 2013 tax years for taxpayers who earned net remuneration from more than one source and the net remuneration of each source of income was less than or equal to R60 000 per annum
  - The SARS system will validate whether you qualify for a SITE rebate. If you meet the criteria, the amount of normal tax payable by you will be reduced as follows:
    - 1 March 2011 to 29 February 2012 – normal tax payable reduced by a SITE rebate of 2/3
    - 1 March 2012 to 28 February 2013 – normal tax payable reduced by a SITE rebate of 1/3.
- If your monthly salary income for the 2011 year of assessment and prior years did not exceed R5,000 per month and your IRP5/IT3(a) Employee Tax Certificate only indicates a SITE deduction (code **4101**) and there is no amount is recorded for PAYE (code **4102**), it is possible that you are not registered for Income Tax purposes.
  - If, however, you incurred medical expenses, made retirement annuity or income protection contributions and such contributions or expenses were not taken into account by your employer, you may qualify for a refund and you can submit an income tax return.
  - A way to establish whether these amounts were taken into account by the employer in the 2011 year of assessment and prior is to look at your IRP5/IT3(a) Employee Tax Certificate. If amounts are reflected next to the source codes listed below then it would have been taken into account by your employer prior to calculating the amount of SITE to be withheld:
    - Code **4006** – Retirement annuity contributions
    - Code **4018** – Income protection contributions
    - Codes **4025** and **4005** – provided that the amount indicated next to code **4005** does not exceed the amount indicated as code **4025**.
  - You should obtain a return (refer to 2.3 above) if you are uncertain of any of the following:
    - If the correct amounts were taken into account by your employer
    - If amounts were not taken into account by your employer (the abovementioned codes do not appear on the certificate)
    - If contributions or expenses incurred exceed the amounts reflected on the IRP5/IT3(a) Employee Tax Certificate

## 2.6 DOCUMENTATION REQUIRED TO COMPLETE YOUR RETURN

- Supporting documents are required to complete an income tax return. Below is a list of documentation/information that may be required:
  - IRP5/IT3(a) Employees Tax Certificate (if applicable)
  - Bank account details
  - Certificates received for local interest income, foreign interest income and foreign dividend income
    - If you are **married in community of property**, the certificates received by both you (the taxpayer) **and** your spouse are required
    - If you are **single or married out of community of property**, only the certificates received by you are required.
  - Documents relating to medical expenditure such as:
    - The income tax certificate from your medical scheme received for the period 1 March 2014 and ending 28 February 2015 (if you belong to a medical scheme)
    - Proof of qualifying medical expenses paid by you and not recovered from a medical scheme
    - Completed ITR-DD Confirmation of Diagnosis of Disability form (if you want to claim disability related expenses).
  - The income tax certificate(s) received from the financial institution to which contributions for retirement annuities and income protection were made.
  - If you received a travel allowance or a fringe benefit for an employer provided vehicle, you must have a logbook to claim the travel deductions.
  - All information relating to capital gain transactions (local and foreign)
  - Documents and receipts for commission related expenditure including a logbook to claim travel deductions
  - All information relating to the letting of assets
  - Financial statements for trading and farming activities (if applicable)
  - Any other documents relating to income that must be declared or deductions that may be claimed.
- Please note that although the documents are used to complete your return, **NO** supporting documents must be attached to the return when submitting it to SARS.
- You are, however, required to keep all the relevant material (i.e. supporting documents) for a period of five (5) years from the date of submission of the return. The reason for this is that SARS may, within a 5 year period, request these documents to verify the information that was declared on your income tax return.

## 2.7 MARRIAGE IN COMMUNITY OF PROPERTY

- Income received by (or accrued to) a taxpayer (other than that from the carrying on of any trade, including investment income and capital gain transactions), is deemed to accrue to the spouses in equal portions. This includes rental from the letting of fixed property/assets that forms part of the communal estate.
- Where the income doesn't accrue to the communal estate, it must be included in the income of the spouse who owns the property/asset. If the income is excluded from the communal estate, the indicator in the investment income, capital gain and trading income sections of the return must be marked with an "X". SARS may request the details regarding these excluded amounts to enable the correct assessment of the return.
- Income received by (or accrued to) a taxpayer from carrying on any trade (excluding the letting of fixed property) will be deemed to be the income of the spouse who is carrying on the trade. Where the spouses are trading in partnership, the income will (subject to the anti-avoidance provisions) accrue in the agreed profit-sharing ratio.



- Any benefit paid by a pension fund, provident fund or retirement annuity fund is deemed to be trade income and will be taxed in the hands of the member/previous member of the fund. Any annuity received as a result of a purchased annuity, as defined in section 10A of the Income Tax Act, is also deemed to be trade income and will be taxed in the hands of the person to whom the annuity is payable.
- Where a taxpayer's income is deemed to be the income of his/her spouse, any deductions or allowances relating to that income will be allowed in the same proportion in which the income is taxed.

## 2.8 RESIDENCE BASIS OF TAXATION

- With effect from 1 January 2001 (applicable to years of assessment commencing on or after this date) the Income Tax system in South Africa changed from a source based system to a residence basis of taxation. Residents are subject to tax on their worldwide income, subject to certain exemptions. Non-residents are subject to tax on their South African source income or deemed source income.
- A resident (pertaining to individuals) means:
  - A person who is ordinarily resident in South Africa (the term "ordinarily resident" means the country to which a person would naturally and as a matter of course return from his/her travels)
  - A person who has been present in South Africa for:
    - More than 91 days in the current year of assessment
    - More than 91 days in each of the five preceding years of assessment
    - More than 915 days over the preceding five years of assessment.
  - Note: In this instance the person will be a resident with effect from the first day of the relevant year of assessment (for this purpose a day includes a part of a day).
- A person **will not** be regarded as a resident when:
  - A person is outside South Africa for a period of 330 full continuous days
  - A person is deemed to be exclusively a resident of another country for purposes of the application of any agreement entered into between the government of South Africa and the government of the other country for the avoidance of double taxation.
- Foreign income received by (or accrued to) a resident individual is taxable.
- Remuneration as a result of services rendered for an employer outside South Africa is exempt from tax in terms of section 10(1)(o)(ii) of the Income Tax Act if:
  - The employee is outside South Africa for a period of more than 183 days in any twelve month period and the employee is outside South Africa for a continuous period of more than 60 full days during the twelve month period
  - The services were rendered during that period.
  - **Note:** This provision does not apply to employees of national, provincial or local governments; and to employees of certain public entities.
- Pensions received by or accrued to a resident under the social security system of another country are exempt from normal tax in South Africa
- Any pension received or accrued to any resident from a source outside South Africa which is not deemed to be from a South African source, in consideration of past employment outside South Africa, is exempt from normal tax in South Africa.

## 2.9 BY WHEN MUST THE COMPLETED RETURN BE SUBMITTED?

- The due date for submission of income tax returns is published annually in the Government Gazette. Every year SARS embarks on an extensive publicity campaign to inform taxpayers of the deadline for the year.
- For the 2015 year of assessment, the income tax returns for individuals must be submitted on or before the following dates:
  - **30 September 2015** – if your return is submitted manually via the post or at a SARS drop box
  - **27 November 2015** – if your return is submitted electronically via eFiling or completed with the assistance of a SARS official at a SARS office
  - **29 January 2016** – if you are a provisional taxpayer and your return is submitted via eFiling
- **Note:** The ITR12 return contains a unique printed barcode for purposes of capturing and storing the return via a scanning process. For this reason, only the original ITR12 return that was posted to you must be completed and returned to SARS. No copies or self-printed forms will be accepted.
- The electronic completion and submission of returns via eFiling is the option preferred by SARS.
- If you do not submit your return by the relevant deadline, you will be liable for an administrative penalty due to non-compliance.

## 3 INFORMATION TO CREATE YOUR PERSONAL INCOME TAX RETURN

- The first page of the ITR12 return consists of a number of questions. Your ITR12 return will be customised according to your answers to these questions.
  - If you are registered for eFiling you can customise your own return on the eFiling website
  - If you contact SARS to request for a return to be posted to you, you will have to answer the mandatory questions to enable the SARS agent to customise your return for posting.
- The “Information to Create Your Personal Income Tax Return” is described below under the following headings:
  - Person making the declaration
  - Employment Status
  - Income reflected on an IRP5 or IT3(a) certificate
  - Investment Income
  - Director or member of a close corporation
  - Other income and allowable expenses

### **PERSON MAKING THE DECLARATION**

- Select “Y” or “N” to indicate if the return is being submitted by a Tax Practitioner.
- The purpose of this question is to determine if a Tax Practitioner or a taxpayer is completing the return in order to create the correct declaration on the return.

- If you are completing and submitting your own return a “Taxpayer Declaration” will be added to the return for you to sign.
- If a Tax Practitioner is completing and submitting the return on your behalf, a “Tax Practitioner Declaration” will be added to the return for the tax practitioner to sign.

### **EMPLOYMENT STATUS**

- **“Were you unemployed for the full year of assessment and received no income and realised no capital gain/loss?”** (Select “Y” or “N”).
- If you select “Y” (meaning you were unemployed):
  - You must further indicate “Y” or “N” for the following questions in this section:
    - “Did you incur any medical expenditure (including medical scheme contributions made by you or your employer)?”
    - “Did you make any retirement annuity fund contributions?”
  - The reason for indicating medical expenditure is that the Income Tax Act makes provision for medical expenditure to create a loss that can be off set in future years of assessment.
  - Retirement annuity contributions amounts that do not qualify for a deduction in the current year of assessment will be carried forward to subsequent years of assessment.

### **INCOME RECEIVED THAT IS REFLECTED ON AN IRP5/IT3(a) EMPLOYEE TAX CERTIFICATE**

- This section focuses on an individual that received remuneration related income and incurred typical expenditure such as pension fund contributions, medical expenses, retirement annuity contributions, income protection insurance contributions, travel expenses against a travel allowance and expenditure against employer provided vehicles.
- **“How many certificates did you receive”?**
  - Indicate the number of IRP5/IT3(a) Employee Tax Certificates that you received.
  - The ITR12 return caters for a maximum of fifteen IRP5/IT(a) certificates. If you received more than fifteen certificates, please contact the SARS Contact Centre or your local SARS branch for further assistance.
- **“Did you incur any medical expenditure (including medical scheme contributions made by you or your employer)?”** (Select “Y” or “N”)
  - This also includes medical expenses paid by you.
  - Medical scheme contributions will be reflected next to source code **4005** on your IRP5/IT3(a) certificate if the contributions were paid via your employer.
- **“Did you make any retirement annuity fund/income protection contributions?”** (Select “Y” or “N”)
 

Retirement annuity contributions:

  - If your retirement annuity fund contributions were paid via your employer it will be reflected on your IRP5 certificate next to source code **4006**.
  - The institution to which your contributions were made will issue a certificate confirming the total contributions made for the tax year. This amount must be inserted in the **“Retirement and Income Protection Contributions”** section of

the return next to source code 4006 in order for the deduction to be taken into account during the assessment process.

Income protection insurance contributions:

- If income protection insurance contributions were paid via your employer to the relevant institution, it will be reflected on your IRP5 certificate next to source code **4018**. Please ensure that you insert this amount again next to source code 4018 in the “**Retirement and Income Protection Contributions**” section of the return in order for the deduction to be taken into account during the assessment process.
- Note: Income protection contributions cannot be claimed from the 2016 year of assessment.
  
- “**Do you want to claim expenditure against a travel allowance?**” (Select “Y” or “N”)
  - You can only claim expenditure if you received a travel allowance and if you have kept accurate records of your business travel.
  - If you received a travel allowance it will be reflected next to one of the following source codes on your IRP5/IT3(a) certificate:
    - **3701** or **3751** – this is for an allowance or advance paid to an employee in respect of travelling expenses for business purposes – including fixed travel allowances, petrol, garage- and maintenance cards (3751 is used in the case of foreign travel)
    - **3702** or **3752** – is for reimbursement for business kilometres exceeding 8 000 kilometres per tax year or at a rate exceeding the prescribed rate per kilometre or the employee receives any other form of compensation for travel (3752 is used in the case of foreign travel).
  - You must indicate the number of vehicles used during the year of assessment. If the number of vehicles exceeds five, please contact the SARS Contact Centre or your local SARS branch for further assistance.
  
- “**Do you want to claim expenditure against an employer provided vehicle?**” (Select “Y” or “N”)
  - You can only claim expenditure if you received a taxable fringe benefit for the right of use of a motor vehicle provided by your employer and you have kept accurate records of your business travel.
    - If the taxable fringe benefit is for an employer provided vehicle held under an “operating lease”, this will be reflected next to source code **3816** or **3866** on your IRP5/IT3(a) certificate.
    - If the taxable fringe benefit is for an employer provided vehicle held under any other method than an operating lease, this will be reflected next to source code **3802** or **3852** on your IRP5/IT3(a) certificate.
  - You must indicate the number of vehicles used during the year of assessment. If the number of vehicles exceeds five, please contact the SARS Contact Centre or your local SARS branch for further assistance.
  
- “**Did you receive remuneration for foreign services rendered**” (Select “Y” or “N”)
  - If you select yes, you will be required to complete the following sections on the return:
    - “Residency Information”
    - “Amounts considered non-taxable”
    - “Other Deductions”.

## **INVESTMENT INCOME**

- “**Did you receive income from interest (local and foreign) and/or taxable foreign dividends?** (Select “Y” or “N”)

- All investment income must be declared. You must select “Yes” even if the amount received is below the amount of investment income exempted. SARS will programmatically apply the exemption. For further details please refer to the Investment income section in this guide.
- **“Did you receive exempt local and/or foreign dividend income?” (Select “Y” or “N”)**
  - From the 2012 year of assessment onwards all gross receipts and accruals must be declared.
  - If you received local dividend income, the following sections must be completed on the return:
    - “Amounts considered non-taxable”
    - “Exempt Local & Foreign Dividends” field must be completed.

### **DIRECTOR OR MEMBER OF A CLOSE CORPORATION**

- **“Are you a director of a company or a member of a close corporation? (Select “Y” or “N”)**
  - If yes is selected, the “Statement of Local Assets and Liabilities” section will be added to your return.

### **OTHER INCOME AND ALLOWABLE EXPENSES**

- **“Did you receive any other income and/or incur any other allowable expenses not addressed above?” (Select “Y” or “N”)**
  - This refers to all other types of income that is not reflected on your IRP5/IT3(a) certificate
  - If you select “Y”, there are additional questions that you are required to answer. The questions in this section are self-explanatory therefore only the exceptions will be discussed:
- **Amounts Considered Non-Taxable**
  - If you received income that should be exempt in terms of section 10(1)(o), select “Y” for the question **“Did you receive any income that you consider non-taxable?”**
    - The “Amounts considered non-taxable” section must be completed on your return.
    - This section makes provision for the declaration of the amount that you consider to be exempt. For further details please refer to the section in this guide that discusses the residence basis of taxation
  - Income earned by a resident (natural person) from employment outside South Africa is subject to tax in South Africa. The provisions contained in s 10(1)(o) of the Income Tax Act exempts remuneration of:
    - Any office or crew member of a ship engaged in the international transportation (for reward) of passengers or goods or in the prospecting, exploration or mining for, or production of, any minerals from the seabed outside the Republic, if such officer or crew member is employed on board such ship solely for purposes of the “passage” of such ship, for a period or periods exceeding 183 full days (in aggregate) during the year of assessment.
    - Any person in respect of services rendered by that person outside the Republic for or on behalf of any employer if such person was outside the Republic for a period or periods exceeding 183 full days (in aggregate)

during any period of 12 months and for a continuous period exceeding 60 full days during that 12 month period

- **Capital Gain / Loss**
  - You must declare each disposal separately.
  - Indicate the number of disposals that took place. The return makes provision for a maximum 10 local and 10 foreign disposals.
  - If you disposed of shares (and such shares are administered by one single administrator) and you received one advice for the disposal of these shares, the disposals can (for the completion of the return purposes) be regarded as one transaction. For further detail refer to the “Capital Gain/Loss” section in this guide.

#### 4 COMPLETING THE RETURN

- Your income tax return for the 2015 year of assessment will be populated with information available to SARS, such as:
  - Personal particulars (for example name, surname, date of birth, physical and postal address, banking details, etc.)
  - Information received from employers or pension funds (for example IRP5/IT3(a) Employee Tax Certificate information).
- You must check the pre-populated information for accuracy. Only correct those fields with the incorrect information. Example: if your name is incorrect but your surname is correct, only the name field must be amended to reflect the correct information, and the surname field must be left unchanged.
- If you are submitting your return via eFiling, recapture the information in the applicable fields.
- If the return is posted to you, your information will be pre-populated in pink. Please note the following when correcting any of the pre-populated information on the return posted to you:
  - Use a black pen to write over the information printed in pink
  - Use capital letters
  - Keep your writing within the spaces provided
  - Do not be concerned if some of the pink lettering is still displayed where the correction in black has been made. SARS will ignore the pink information if it has been written over in black
  - Write the word or number in full, i.e. do not change only one letter of a name or one digit of a number, but re-write the full name or number
  - If you have to delete pre-populated information that is no longer applicable, do so by putting a horizontal line through the middle of the incorrect characters in the field.
  - If you have made a mistake in completing a field, do not attempt to correct it by completing the correct information outside the field, or by making notes in the margin, as this information will not be considered as valid and will not be taken into account in the calculation of the assessment. You must contact SARS to request a new return. Alternatively, you can register for eFiling and then request and submit your return electronically.
  - Even though your return is customised according to your specific needs, there might still be fields on your ITR12 return that are not applicable to you. **Leave these spaces blank.** Do not write N/A or enter zeros or strike through the spaces/blocks that do not apply.

- All relevant parts of the return must be completed. An incomplete return will be sent back to you and will be considered as “outstanding” until the fully completed return is received. This could result in penalties for the late submission of a return.
- Please do not use correcting fluid to correct mistakes made on the return. Do not fold the return because this will delay the processing.
- Where a profit or loss source code must be completed, please refer to the Source Code Booklet which is available on the SARS website [www.sars.gov.za](http://www.sars.gov.za).

**Examples of source codes used:**

Profit Code	Loss Code	Description
0104	0105	Livestock farming
0910	0911	Paint
2010	2011	Electrical contractors
2142	2143	Construction and building materials
2536	2537	Estate agents
2548	2549	Bookkeeping services

#### 4.1 TAXPAYER INFORMATION

- Your information that is available to SARS will be pre-populated on the return.
- **Income tax reference number:** This information will be pre-populated and cannot be amended on the return.
- **Year of assessment:** This is the period commencing on 1 March of a particular year to the end of February of the following year.
  - For the 2015 year of assessment the period will be 1 March 2014 to 28 February 2015.
  - The year of assessment will be pre-populated and cannot be amended on the return.
- **Personal details:** You can only update some of your personal information via this section of your return:
  - **Surname:** This is a mandatory field that must be completed
  - **First name:** This is a mandatory field that must be completed
  - **Other name:** This is an optional field
  - **Initials:** This is a mandatory field that must be completed with your full initials.
  - The following fields cannot be updated via your return. If the information is incorrect you will have to visit your nearest SARS branch to change it:
    - Date of birth
    - Identity number
    - Passport number
    - Passport Issue Date
    - Passport Country

- **Marital status:** This field is mandatory and must be completed. It is vital that your marital status is accurately indicated because it may impact your assessment result (where you received investment and/or rental income or entered into capital gain transactions). Your marital status as at 28 February 2015 must be reflected by marking the applicable box with an "X"
- **Spouse details:** If you have indicated your marital status as "married in community of property" it is mandatory to complete your spouse's details.
- **Contact Details:** Your information as per SARS records (if available) will be pre-populated in the following fields. Please check to ensure that your contact details are correct. If you utilise the services of a tax practitioner, enter the tax practitioner's contact information in the 'Tax Practitioner Details' section of the return.
  - **Email**
    - You are encouraged to provide your email address to assist SARS with its **Go-Green** initiative which intends to decrease the use of paper.
    - If a valid email address is provided, your notice of assessment will be emailed to you.
    - If you do not have an email address, indicate this by selecting the field "Mark here with an 'X' if you declare that you do not have an email address".
  - **Cell Number**
    - You are encouraged to provide your cell number-so that SARS can send communications to your cell number. For example: once your return is successfully processed, SARS will automatically send you an SMS with your assessment result.
    - If you do not have a cell phone number, indicate this by selecting the field "Mark here with an 'X' if you declare that you do not have a cell phone number".
  - **Home Telephone Number**
  - **Business Telephone Number**
  - **Fax Number**
- **Address Details:** This information will be pre-populated on the return. If your residential address is the same as your postal address, it is not necessary to repeat the address details in the postal address section. You can just mark the box indicating that the addresses are the same.
  - Please note that the address information must be your specific details and not the details of another person such as a tax practitioner who completed the return on your behalf.
- **Tax Practitioner Details:** If a tax practitioner completes and submits a return on your behalf, the following details must be provided under the "Tax Practitioner Details" section of the return:
  - **Tax Practitioner Registration No.**
    - The first characters must be PR followed by 7 alphanumeric characters.
  - **Tax Practitioner Telephone No.**
  - **Tax Practitioner Email Address**
    - If the tax practitioner does not have an email address, indicate this by selecting the field "Mark here with an 'X' if you declare that you do not have an email address".

## 4.2 DECLARATION AND SIGNATURE

- A personal income tax return is your legal declaration to SARS declaring all the income you have received during a specific tax year (a tax year runs from 1 March of each year



until the last day of February of the following year).

- It also indicates the tax you have paid by way of the monthly PAYE deducted by your employer. As such, it allows SARS to make a final assessment on whether you have met all income tax obligations for the year and whether you have paid too much tax (in which case you will receive a refund) or too little (in which case you will be required to make an additional payment).
- You are obliged to ensure that a full and accurate disclosure is made of all relevant information as required in the income tax return. Misrepresentation, neglect or omission to submit a return or supplying false information is liable to penalties and/or additional assessments (together with interest) and/or prosecution.
- After completion of the return, you must read the declaration on the front page of the return and sign accordingly.
  - It is acceptable to have returns completed by someone else (such as a bookkeeper, accountant, tax practitioner or friend) but you are ultimately responsible for the entries on the form and must therefore sign the return.
  - If you or your tax practitioner is registered as an eFiler and your return is submitted electronically via eFiling, the password received during registration as an eFiler will serve as the digital signature for the return.
- The Declaration section is dynamic as it allows either the taxpayer or tax practitioner to sign the declaration.
  - If the taxpayer completes the ITR12 return, the declaration for the taxpayer to sign will display.
  - If the tax practitioner completes the ITR12 return, the declaration for the tax practitioner to sign will display.
- Please note that if you post your return to SARS and you do not sign it, it will be regarded as incomplete. The return it will be sent back to you and will be regarded as outstanding. This could result in penalties for the late submission of the return.
- If you are a tax practitioner submitting a return on behalf of your client, you are required to sign the declaration on the return and in doing so you confirm that:
  - To the best of your knowledge the information provided by the taxpayer to you is correct and complete.
  - All the income and relevant information as provided by the taxpayer to you is disclosed to SARS.
  - You have the necessary receipts and records to support this declaration and will retain these for inspection purposes

#### 4.3 BANK ACCOUNT DETAILS

- SARS has adopted a policy of issuing all refunds electronically. It is therefore imperative that you ensure that your bank account details are correct.
- If your banking details are available, it will be pre-populated on your return.
  - **Note:** In order to guard against fraud SARS has chosen to protect critical taxpayer information relating to banking details. Therefore, only the last four digits of your bank account number will be pre-populated on your ITR12 return. You are required to make the necessary correction by completing your correct

banking details in the fields provided ONLY if the last four digits do not correspond with your own bank account number.

- ◻ If no banking details are pre-populated on your return and you do have a bank account, indicate this by placing an “X” next to the field “I declare that I have no South African bank account”, and select the applicable reason field.
- ◻ If neither this field nor banking details are completed, the return will be sent back to you as incomplete.
- SARS will not pay a refund into an account of a third party.

#### 4.3.1 BANK DETAIL FIELDS ON THE RETURN

- **‘Bank Account Holder Declaration’** – select one of the following:
  - ◻ “I use South African bank accounts”
  - ◻ “I use a South African bank account of a 3<sup>rd</sup> party”
  - ◻ “I declare that I have no South African bank account”
- **‘Reason for No Local / 3<sup>rd</sup> Party Bank Account’** – select one of the following:
  - ◻ ‘Non-resident without a local bank account’
  - ◻ ‘Insolvency/Curatorship’
  - ◻ ‘Deceased Estate’
  - ◻ ‘Shared Account’
  - ◻ ‘Income below tax threshold / Impractical’
  - ◻ ‘Statutory restrictions’
  - ◻ ‘Minor child’
- **‘Bank Account Status’** – this field is for SARS use and will be prepopulated by the SARS system
- **‘Account number’** – enter your bank account number
- **‘Branch number’, ‘Bank Name’ and ‘Branch Name’**

##### FOR EFILING SUBMISSIONS:

- ◻ A drop-down list containing bank names has been included on the ITR12 return to make it easier when submitting the return.
- ◻ Select the applicable bank name. Once selected, the ‘branch name’ and the ‘branch number’ fields will be automatically completed on the return
- ◻ If you cannot find the bank name on the list, select “Other” and complete all the necessary fields.

##### FOR POSTAL SUBMISSIONS:

- ◻ Complete each field.
- ◻ Refer to the list of universal branch codes in the table below. If your bank does not have a universal code list, enter the branch code as per your bank statement.

- **‘Account type’** – Indicate if you have a cheque, savings or transmission account
- **‘Account holder name’** – please insert the account holder name as registered at the bank.
- **‘Agreement Statement’**

- Mark the corresponding statement on the return with an 'X'.
- This is to declare that the information provided is true and correct in every respect.

- **List of universal branch codes:**

ID	Bank Name	Universal Branch Code
1	ABN AMRO BANK	740000
2	ABSA	632005
3	AFRICAN BANK	N/A
4	ALBARAKA BANK	800000
5	BANK OF ATHENS	N/A
6	BIDVEST BANK	N/A
7	CAPITEC BANK	470010
8	CITIBANK	350005
9	FBC FIDELITY BANK	N/A
10	FNB	250655
11	FUTURE BANK	N/A
12	GRINDROD BANK	N/A
13	HABIB OVERSEAS BANK	N/A
14	HBZ BANK	N/A
15	INVESTEC	580105
16	ITHALA BANK	N/A
17	MEEG BANK	N/A
18	MERCANTILE BANK	N/A
19	NBS	720026
20	NEDBANK (CHQ ACCOUNT ONLY)	147105
21	NEDBANK (SAVINGS ACCOUNT ONLY)	198765
22	OTHER	N/A
23	PEP BANK	400001
24	POSTBANK	N/A
25	RESERVE BANK	N/A
26	STANDARD BANK	051001
27	STATE BANK OF INDIA	801000
28	TEBA BANK	N/A
29	UNIBANK	N/A

#### 4.3.2 DOCUMENTATION REQUIRED FOR BANK DETAIL CHANGES

- Where you are requesting banking details to be changed on your Income Tax Return (ITR12), you may be required to visit your nearest SARS branch in person for the verification process to be completed. SARS will notify you if verification is required.
- The following documentation will be required in order for the banking detail changes to be verified and effected on the SARS system:
  - Valid original or a temporary identity document/passport/driving licence/asylum seekers permit **and** a certified copy thereof;

- Original bank statement or ATM/Internet generated statement or ABSA eStamped statement not more than three months old that confirms the account holder's legal name, bank name, account number, account type and branch code, where applicable, or where a new bank account was opened and a bank statement cannot be produced, an original letter from the bank not older than one month on the bank letterhead with the original bank stamp reflecting the date the bank account was opened
  - Copy/Original proof of residential address
- Copies certified by authorised persons (e.g. South African Post Office, South African Police Station, Attorneys, etc.) are acceptable.
  - **Note:** A “true copy” stamp should always be accompanied by the “Commissioner of Oaths” stamp.

#### 4.3.3 PROOF OF RESIDENTIAL ADDRESS

- The table below provides a list of documentation that will be accepted by SARS as proof of residential address.

	Document description	Validity Period
1	<b>GENERAL ACCOUNTS:</b>	
1.1	Utility account i.e. rates and taxes, water, electricity or gas account	Less than 3 months old
1.2	Educational Institution account	Less than 3 months old
1.3	Co-op statement (for farmers)	Less than 3 months old
1.4	Medical aid statement	Less than 3 months old
1.5	Mortgage statement from mortgage lender	Less than 6 months old
1.6	Telephone account (landline and cell phone networks)	Less than 3 months old
2	<b>GOVERNMENT ISSUED DOCUMENT:</b>	
2.1	Motor vehicle license documentation	Less than 1 year old
2.2	Court order	Less than 3 months old
2.3	Subpoena	Less than 3 months old
2.4	Traffic fine	Less than 3 months old
2.5	Documentation relating to UIF or pension pay-out	Less than 3 months old
3	<b>INSURANCE AND INVESTMENT DOCUMENT:</b>	
3.1	Life assurance document	Less than 1 year old
3.2	Short- term insurance document	Less than 1 year old
3.3	Health insurance document	Less than 1 year old
3.4	Funeral policy document	Less than 1 year old
3.5	Investment statement from share, portfolio or unit trust	Less than 1 year old
4	<b>LEASE / FRANCHISE AGREEMENT:</b>	
4.1	Current and valid agreement	
5	<b>LEGAL DOCUMENTS:</b>	

5.1	Any statutory body, Local Government or any other legal document statement that bear the residential address of the taxpayer	Less than 3 months old
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- The document provided as proof of residential address must reflect your name (either initials and surname or first name(s) and surname) and physical address.
- If you stay in a residence owned by a third party (i.e. proof of residence is in the name of someone else and not the taxpayer), a “Confirmation of Entity Residential/Business Address” (CRA01) form must be completed and signed by the third party.
  - There are two types of CRA01 forms available on the SARS website:
    - “CRA01 - Confirmation of Residential or Business Address for **Online Completion**” – All mandatory fields must be completed on the form before printing it.
    - “CRA01(a) - Confirmation of Residential or Business Address for **Manual Completion**” – No fields are required to be filled in. A blank form can be printed for the manual completion.
  - A Confirmation of Residential/Business Address by Third Party (CRA01) must be completed by the Chief or Councillor if you reside in an area where municipal accounts are not issued. The ID document or proof of residence of the Chief or Councillor is not required.
  - If a letter is obtained from the Ward Councillor, the letter must be from the municipality area in which you reside.
- Banking detail changes **cannot** be made via:
  - E-mail
  - Fax
  - Post
  - The SARS Contact Centre.
- Should you require any further information concerning banking detail changes, you can:
  - Refer to the ‘Change of Banking Details Guide’ on the SARS website [www.sars.gov.za](http://www.sars.gov.za)
  - Visit your nearest SARS branch
  - Call the SARS Contact Centre on 0800 00 SARS (7277).

#### 4.4 EMPLOYEE TAX CERTIFICATE INFORMATION [IRP5/IT3(a)]

- NOTE: In terms of Paragraph 13(1) of the Fourth Schedule to the Income Tax Act, 1962, an employer has a legal obligation to provide an employee with an employee’s tax certificate.
- You will receive an IRP5/IT3(a) Employee Tax Certificate from your employer or an institution from which you received income and tax (SITE and/or PAYE) was withheld.
- An IRP5/IT3(a) Employee Tax Certificate can also be issued by an employer/institution from which you received income if no tax was withheld. In this instance the IRP5/IT3(a) Employee Tax Certificate will contain a reason code for the non-deduction of tax.
- If your employer has submitted your IRP5/IT3(a) Employee Tax Certificate information to SARS on time, it will be used to pre-populate the information on your income tax return.

- If your information is not pre-populated on your return use the IRP5/IT3(a) Employee Tax Certificate(s) that you received from your employer or relevant institution to complete the applicable sections of the return.

**Example:**

If you were employed by two different employers during the year of assessment and you also received payments from a retirement annuity fund, you would have received three IRP5/IT3(a) Employee Tax Certificates for the tax year. Your customised income tax return will contain three separate pages for IRP5/IT3 information, which is one for each employer as well as one for the retirement annuity payments received.

- The total number of IRP5/IT3(a) declarations are limited to fifteen on your return. If you received more than fifteen IRP5/IT3(a) certificates, please contact your nearest SARS branch or the SARS Contact Centre on 0800 00 SARS (7277) for assistance.
- The following are examples of income and/or benefits that will be reflected on your IRP5/IT3(a) Employee Tax Certificate and are discussed in the subsections below:
  - Salaries and wages
  - Service and fringe benefits
  - Allowances
  - Overtime
  - Options/rights to purchase shares, etc.
  - Pensions
  - Gratuities/Lump sum payments
  - Bonuses
  - Restraint of trade payments
  - Annuities
  - Directors fees
  - Incentive awards
  - Commission.

#### **4.4.1 INCOME RECEIVED SECTION ON THE EMPLOYEE TAX CERTIFICATE**

- Although the information on your return will be pre-populated by SARS, your employer must still issue you with an IRP5/IT3(a) Employee Tax Certificate. This will enable you to verify the information that SARS pre-populated on your return. If there are any discrepancies between the information that was pre-populated on your return and the information on your IRP5/IT3(a) Employee Tax Certificate, you must contact your employer to confirm the accuracy of the information supplied to SARS.
- Also ensure that your personal particulars on the IRP5/IT3(a) Employee Tax Certificate from your employer are correct. If your personal particulars as provided by your employer do not correspond with your information available to SARS, SARS will not be able to match your IRP5/IT3(a) Employee Tax Certificate to you. It could lead to an extended assessment period and SARS will request the necessary supporting documents to finalise your assessment.
- If you had more than one source of IRP5/IT3(a) related income for the year of assessment, it is possible that your return will not be pre-populated with data from all your IRP5/IT3(a) Employee Tax Certificates and there may be blank pages. You must complete the details of the IRP5/IT3(a) Employee Tax Certificate that was not pre-populated.
- The ITR12 return only caters for a maximum of **13** income received source codes and

a maximum of **7** deduction source codes.

- Your IRP5/IT3(a) certificate may contain a maximum of **20** income received source codes and a maximum of **12** deduction source codes
  - If the ITR12 return is pre-populated for the 2015 and 2016 years of assessment, the amounts for repeated source codes will be added and one total amount will display on the return for that source code.
  - If the return is not pre-populated, you must add the amounts for repeated source codes and only insert one total amount for that source code
  - If there is insufficient space on the ITR12 to insert all your income and deduction source codes, please visit your nearest SARS branch for assistance.
- Six new income source codes were introduced on the IRP5/IT3(a) certificate to provide for legislative changes. The current format of the ITR12 return does not yet cater for these source codes. As an interim measure, these source codes must be converted to the following in order to submit the return successfully:

Source Code reflected on IRP5/IT3(a) certificate	What should be inserted on the ITR12
3820 <ul style="list-style-type: none"> <li>• Taxable Bursaries or scholarships - Further Education</li> <li>• Applicable from the 2014 year of assessment</li> </ul>	3809
3870 <ul style="list-style-type: none"> <li>• Taxable Bursaries or scholarships - Further Education (<i>Foreign Service Income</i>)</li> <li>• Applicable from the 2014 year of assessment</li> </ul>	3859
3821 <ul style="list-style-type: none"> <li>• Non-taxable Bursaries or scholarships - Further Education - section 10(1)q exempt portion only</li> <li>• Applicable from the 2014 year of assessment</li> </ul>	3815
3871 <ul style="list-style-type: none"> <li>• Non-taxable Bursaries or scholarships - Further Education - section 10(1)q exempt portion only (<i>Foreign Service Income</i>)</li> <li>• Applicable from the 2014 year of assessment</li> </ul>	3865
3822 <ul style="list-style-type: none"> <li>• Non-taxable Fringe Benefit - Acquisition of Immovable Property</li> <li>• Applicable from the 2015 year of assessment</li> </ul>	3714
3872 <ul style="list-style-type: none"> <li>• Non-taxable Fringe Benefit -Acquisition of Immovable Property (<i>Foreign Service Income</i>)</li> <li>• Applicable from the 2015 year of assessment</li> </ul>	3764

#### 4.4.1.1 SALARIES AND WAGES

- Salaries and wages are reflected under code **3601** on the IRP5/IT3(a) certificate received from your employer.

#### 4.4.1.2 SERVICE AND FRINGE BENEFITS

- Fringe benefits usually refer to non-cash benefits granted to employees, but do not constitute cash payments made.
- For example, an employee may be offered the use of a company car in lieu of a portion of his cash salary. These fringe benefits will be reflected on the IRP5/IT3(a) certificate by source codes starting with the numbers **38** followed by two more numbers. The use of motor vehicle fringe benefit will be identified by source code **3802**.

#### 4.4.1.3 ALLOWANCES

- Allowances will be reflected on the IRP5/IT3(a) certificate by source codes starting with the numbers **37** followed by two numbers. Examples:
  - **3701** – Travel allowance
  - **3712** – Telephone or cell phone allowance
- Some reimbursive allowances will not be included in your gross income because it is a non-taxable allowance. An example of such an allowance is the reimbursive subsistence allowance, which will be reflected under code **3705** on your IRP5/IT3(a) certificate. Since the allowance is not included in your gross income, you cannot claim a deduction against such an allowance.

#### 4.4.1.4 OVERTIME

- Overtime will be reflected under code **3607** on the IRP5/IT3(a) certificate.

#### 4.4.1.5 OPTIONS/RIGHTS TO ACQUIRE MARKETABLE SECURITIES

- Section 8A applies to all rights (including options) acquired by an employee before 26 October 2004. Thereafter such rights are dealt with by section 8C.
- Gains made by a director or employee in respect of the exercise, cession or release of a right to acquire marketable securities, i.e. securities, stock, debentures, shares, options or other interests capable of being sold on a stock exchange or otherwise (this also includes shares, etc. in private companies), must be declared as income if that right was awarded either in the capacity of a director or former director, or in respect of services which have been rendered or are still to be rendered by him/her as an employee to an employer.
- When the taxpayer exercises his/her right, the employer will apply for a tax directive from SARS to determine the amount of tax to be withheld. The amount to be included in your gross income will be reflected under source code **3707** or **3718** on your IRP5/IT3(a) certificate.
- In section 8B of the Income Tax Act provision is made for the issuing of shares in terms of a broad-based employee share plan. To promote long-term broad-based employee empowerment, special tax rules were introduced to allow for the tax-free treatment of “qualifying equity shares” acquired by employees, even though the shares may be acquired without cost or at a discount. In order for a share to qualify it must satisfy two requirements, namely:
  - It must be acquired in terms of a broad-based employee share plan
  - The total shares received under the plan by the employee may not exceed R50, 000 in value during any five-year period.



- When these shares are disposed of, special rules will apply. If you (the employee) sell the shares within five years from the date the shares were granted, your employer will include the proceeds as income on your IRP5/IT3(a) Employee Tax Certificate. This amount will be reflected under source code **3717** on your IRP5/IT3(a) Employee Tax Certificate.
- If you sell the shares after a period of five years your gain will be of a capital nature and you will have to declare the disposal as a capital gain transaction.

#### 4.4.1.6 PENSIONS

- If you received a pension from the private sector, it must be declared if the services or part of the service period was rendered in South Africa.
- If the pension was awarded for services rendered within and outside South Africa, only that portion of the pension for services rendered in South Africa will be deemed to be from a source within and subject to tax in South Africa.
- Pensions awarded by the Government, Transnet, provincial administrations and local authorities are taxable in full.
- Pensions will be reflected under code **3603** on your IRP5/IT3(a) Employee Tax Certificate.
- The following pensions are exempt from tax (**exempt pension**):
  - War veteran's pensions
  - Compensation paid under any law in respect of diseases contracted by persons employed in the mining industry
  - Disability pensions paid under section 2 of the Social Assistance Act
  - Any compensation paid in terms of the Compensation for Occupational Injuries and Diseases Act
  - Amounts received under the social security system of another country
  - Pensions from a source outside South Africa which are not deemed to be from a South African source as described under pensions above.

#### 4.4.1.7 GRATUITIES/LUMP SUM PAYMENTS

- Any payment received in respect of a gratuity or a lump sum will be reflected as a code starting with the number **39** and followed by two more digits.
  - A gratuity prior to 2012 year of assessment or severance benefits from 2012 year of assessment received from an employer on termination of employment will be reflected under code **3901** on the IRP5/IT3(a) certificate.
  - Death compensation from the employer will be reflected under code **3922**.
  - A lump sum payment received from a retirement fund on resignation or on a withdrawal from the fund will be reflected under code **3920** on the IRP5/IT3(a) certificate. Lump sums transferred on resignation will also be reflected under code **3920** and the required deduction in terms of the Second Schedule will be allowed programmatically by SARS.
  - Commutation of living annuities prior to the 2012 year of assessment and future surplus payments will be reflected under code **3921**.
  - Amounts received in respect of Retirement Fund Lump Sum Benefits (on retirement, death, etc.) will be reflected under code **3915**. From the 2012 year of assessment the commutation of annuities will also be reflected under code **3915**.
  - Lump sums paid/payable in terms of par (d) of 'gross income' which is not a 'severance benefit' and lump sum payments from unapproved retirement funds will be reflected under code **3907**.

- From 1 March 2012 lump sums paid due to normal termination of service (e.g. resignation or a lump sum paid upon retirement where the employee is below 55 years of age) and Employer Owned Insurance Policy (risk policy) proceeds not exempt in terms of the exclusion in section 10(1)(gG)(i) of the Income Tax Act, will be reflected under code **3907**.

#### 4.4.1.8 BONUSES

- This will be reflected under code **3605** on your IRP5/IT3(a) certificate.

#### 4.4.1.9 RESTRAINT OF TRADE PAYMENTS

- Any payment received on or after 23 February 2000 in respect of restraint of trade will be regarded as income of the person to whom it is paid. This would apply to any person who:
  - Is a natural person
  - Is or was a labour broker as defined in the Fourth Schedule, other than a labour broker in respect of which a certificate of exemption has been issued
  - Is a personal service provider as defined in the Fourth Schedule
  - Was a personal service company or trust) as defined in the Fourth Schedule
- This amount will be reflected under code **3613** on your IRP5/IT3(a) certificate.

#### 4.4.1.10 ANNUITIES

- A purchased annuity consists of a taxable and a non-taxable amount. The taxable portion will be reflected as code **3611** on your IRP5/IT3(a) certificate, whilst the non-taxable portion will be reflected as code **3612**. The pension received in respect of a retirement annuity will be reflected as code **3610** on your IRP5/IT3(a) certificate.

#### 4.4.1.11 DIRECTOR'S REMUNERATION

- This amount will be reflected under code **3615** on your IRP5/IT3(a) certificate.

#### 4.4.1.12 INCENTIVE AWARDS

- These amounts are usually supplementary to a salary and are included in the definition of remuneration contained in the Fourth Schedule to the Income Tax Act. The amounts will either be included under the code **3601** or alternatively be reflected under code **3605** on the IRP5/IT3(a) certificate.

#### 4.4.1.13 COMMISSION INCOME

- Section 23(m) prohibits a deduction of expenditure relating to employment or holding of office unless the deduction is specifically permitted in terms of section 23(m). The prohibition of deductions applies to expenses, losses or allowances which relate to the employment of any person or an office held by any person. The term "employment" refers to an employer - employee relationship. The holding of an office generally flows from an appointment, for example a Minister in the Cabinet or a director of a company, whereas the holding of employment flows from a contract. The prohibition of deductions applies to natural persons only.
- A person who is an independent contractor under the common law is therefore not affected by the prohibition of the deductions. The prohibition applies to expenses, losses and allowances that relate to "remuneration" as defined in the Fourth Schedule

to the Act. An employee or office holder who receives two or more streams of income may thus be in a situation where the deduction of expenses, losses or allowances relating to the “remuneration” stream is prohibited, while it remains deductible if it relates to another trade.

- The following expenses and allowances may still be deducted:
  - Any contribution to a pension or retirement annuity fund may be deducted from the income of that person in terms of sections 11(k) and/or (n).
  - Expenses in terms of section 11(nA) and 11(nB), i.e. a refund of a person’s salary or a refund of a restraint of trade payment received by him/her.
  - Any allowance or expense which may be deducted from the income of that person in terms of section 11(c), (e), (i) or (j) - legal expenses, wear and tear, bad debts and provision for doubtful debts.
  - Any deduction which is allowed under section 11(a) in respect of any premium paid by that person in terms of an insurance policy:
    - That covers a person solely against the loss of income as a result of illness, injury, disability, or unemployment.
    - In respect of which all amounts in terms of that policy constitutes or will constitute income as defined.
  - Any expenses incurred to maintain a home office. Such expenses will only be considered in special circumstances. Please refer to the section in this guide dealing with the deductions for a home office.
- An agent or representative whose remuneration is normally derived mainly (more than 50%) in the form of commission based on sales or turnover that are attributable to him/her, is excluded from the provisions of section 23(m). This means that should the commission income exceed 50% of remuneration, the expenses incurred may be considered as a deduction.
- For purposes of section 23(m) the term “agent”, “representative” and “commission” should be interpreted as follows:
  - “Agent” – a person authorised or delegated to transact business for another
  - “Representative” – one who represents another or others
  - “Commission” – a percentage of sales or turnover of the person on behalf of whom the agent or representative is acting.
- To determine which part of your remuneration does not relate to commission income, the total amount of remuneration must be calculated excluding the non-taxable reimbursive allowances. This amount is represented by the sum of the gross retirement funding income (3697) and the gross non retirement funding income (3698) indicated on your IRP5/IT3(a) certificate.
- The following example illustrates this.

<b>Example:1</b>			
A taxpayer receives the following income:			
3601	Salary	R 200,000	
3605	Annual payment	R 40,000	
3701	Travel allowance	R 70,000	
3704	Subsistence - taxable	R 6,000	
3705	Subsistence - not taxable	R 3,000	(reimbursive amount)
3713	Other allowances	R 10,000	
3810	Medical benefit	R 4,500	
3606	Commission	R 300,000	

3699	Gross remuneration	R 630,500
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To determine whether section 23(m) should be applied, 50% of the **3699** code (gross remuneration) must be calculated (R315 250) and compared to the commission income (code **3606** – R300 000). As the commission income does not exceed the result of the 50% calculation, deductions in terms of section 11 will not be considered, and section 23(m) will be applicable. Note that the amount of R3 000 (3705) in respect of subsistence reimbursements is not included in the calculation of gross remuneration.

In the example above the gross remuneration (**3699**) is R630 500. An amount of R315 250 represents 50% of the gross remuneration and must now be compared with the amount of commission actually received. As the commission income is only R300 000 which is less than R315 250 section 23(m) will be applicable.

<b>Example:2</b>		
A taxpayer receives the following income:		
3601	Salary	R 200,000
3605	Annual payment	R 40,000
3701	Travel allowance	R 70,000
3704	Subsistence - taxable	R 6,000
3705	Subsistence - not taxable	R 3,000 (reimbursive amount)
3713	Other allowances	R 10,000
3810	Medical benefit	R 4,500
3606	Commission	R 350,000
3699	Gross remunerations	R 680,500

In the example above the gross remuneration (**3699**) is R680 500. This amount refers to the taxable retirement funding plus the taxable non-retirement funding income and excludes the non-taxable subsistence reimbursement (3705). An amount of R340 250 represents 50% of the gross remuneration and must now be compared with the commission received. As the commission income is R350,000 which is more than R340,250 section 23(m) will not be applicable and the deductions claimed by the taxpayer may be considered.

<b>Example:3</b>		
A taxpayer received pensionable salary of R40 000 and commission income of R130 000 on sales. The taxpayer contributed R3 000 to an approved pension fund and incurred commission related business expenses of R70 000.		
Since more than 50% of the taxpayer's remuneration consists of commission, the restrictions of section 23(m) do not apply. The R70 000 commission-related expenses may therefore be considered. The pension fund contribution is unaffected by the introduction of section 23(m) and remains deductible.		

<b>Example:4</b>		
A taxpayer received pensionable salary of R60 000 and commission of R60 000 on sales. The taxpayer contributed R4 500 to a pension fund and incurred commission related expenses of R10 000.		
Since not more than 50% of the taxpayer's remuneration consists of commission, the restrictions of section 23(m) apply and only the expenses not prohibited in terms of section 23(m) are deductible from the commission.		
In the case where the taxpayer worked for two employers during the year and he/she received salary income from the one and commission income from the other and the employers are not connected to one another, the contractual arrangements from unconnected sources will be considered on their own.		

#### **Example:5**

For the period 1 March 2014 to 31 August 2014 a taxpayer received a salary income of R300 000 from employer A, of which cell phone airtime expenses of R300 were incurred. For the period 1 September 2014 to 28 February 2015 the taxpayer received commission income of R250 000 from employer B (which is not connected to employer A) and incurred commission-related expenses of R30 000.

In this case, section 23(m) will prohibit certain deductions related to the remuneration received from employer A (salary), but does not prohibit the deduction of expenses incurred related to the income received from employer B (commission income). The commission-related expenses of R30 000 may be considered as a deduction, but the R300 cell phone airtime expenses may not be claimed.

- **Exceptions**

- **Mainly and normally in the form of commission**

- A taxpayer receives remuneration, which includes commission income, and although the commission income is less than 50% of the gross remuneration received, he/she usually derives remuneration mainly in the form of commission (in excess of 50%). In other words, the taxpayer's remuneration is normally in the form of commission which is in excess of 50% of gross remuneration, with the exception of the relevant year of assessment, the deductions claimed in the production of income may be considered.
    - Note that documentation proving that the income is normally mainly received in the form of commission must be retained for a period of five years after the date of the submission of the return.

- **Non-executive directors**

- Non-executive directors are holders of an office, and are therefore subject to the limitations imposed by section 23(m) if the expenses, losses or allowances relate to that office and they have received remuneration, as defined in the Fourth Schedule to the Act, in respect of that office.

- For further information please refer to the Interpretation Note 13 (Limitation of deductions for employees and office holders) available on the SARS website.

#### **4.4.2 NON-TAXABLE INCOME, GROSS RETIREMENT FUNDING INCOME AND GROSS NON-RETIREMENT FUNDING INCOME**

- All the amounts completed in the income received section of the IRP5/IT3(a) certificate should add up to the cumulative amount of the following:
  - Non-taxable amounts (code **3696**)
  - Gross retirement funding income (code **3697**)
  - Gross non-retirement funding income (code **3698**).

**Note:** If the above amounts do not add up, make sure that the income section has been completed correctly according to your IRP5/IT3(a) certificate.

#### **4.4.3 DEDUCTIONS/CONTRIBUTIONS**

- This section must be completed with the amounts reflected in the "Deductions/Contributions" section of your IRP5/IT3(a) Employee Tax Certificate.
- A "Total Deductions/contributions" field under source code **4497** is included in the

return:

- **Note:** This information will be pre-populated, providing the information has been submitted timeously to SARS by your employer
- If you are completing your return via eFiling, the total amount will be calculated automatically from the deduction and contribution amounts that you have inserted.
- If you are completing your return manually, the total amount that you must enter here is calculated by adding together all the deductions/contributions entered on the return (Please ensure this amount is calculated correctly)

#### 4.4.4 TAX CREDITS AND/OR EMPLOYER'S/EMPLOYEE CONTRIBUTIONS

- The following descriptions and codes appear in this section of the return. Insert the amounts (rands and cents) as reflected in the "Tax Credits and/or Employer's/Employee Contribution" section on your IRP5/IT3(a) certificate.
  - **4101** : SITE
  - **4102** : PAYE
  - **4115** : PAYE on lump sum benefit
  - **4141** : Employee and employer UIF contribution
  - **4142** : Employer SDL contribution
  - **4149** : Total Tax, SDL and UIF
  - **4116** : Medical Scheme Fees Tax Credit
- Where no employee's tax was withheld/deducted, you must enter the reason code next to the code **4150** "Reason for non-deduction of Employees' tax" on the return.
  - The code for non-deduction of employees tax will be indicated on your IRP5/IT3(a) Employees Tax Certificate:
    - **01** : Invalid from 01 March 2002
    - **02** : Earn less than the tax threshold
    - **03** : Independent contractor"
    - **04** : Non-taxable earnings (including nil directives)
    - **05** : Exempt foreign employment income"
    - **06** : Director's remuneration – income determined in the following tax year
    - **07** : Labour broker with a valid IRP30
    - **08** : No Tax to be withheld due to Medical Scheme Fees Tax Credit allowed
    - **09** : Par 11A(5) Fourth Schedule notification – No withholding possible

#### 4.4.5 PAY PERIODS

- The following must be completed in the relevant fields:
  - The number of 'periods in year of assessment (can be indicated in months or days)
  - The number of periods that you have worked during the year of assessment (can be indicated in months or days)
  - The date that you were employed from during the year of assessment (in the format CCYYMMDD)
  - The date that you were employed to during the year of assessment (in the format CCYYMMDD).

#### 4.4.6 DIRECTIVE NUMBERS

- If a tax directive is applicable to you, the information in this section will be pre-populated.

## 5 TAXPAYER INFORMATION: INCOME

### 5.1 INVESTMENT INCOME (EXCLUDING EXEMPT DIVIDENDS)

- If you received investment income, it is important that you indicate your marital status correctly on the front page of your return because it may impact the calculation of your assessment. Furthermore, if you are married in community of property and your investment income must be excluded from the communal estate, the applicable field in this section must be marked.
  - The **total** amount of your investment income must be declared, even if you are married in community of property, as SARS will do the necessary apportionment.
- **Income of Minor children:**
  - You are liable for tax on any income received by/accrued to/in favour of any of your minor children if such income arises from a donation, settlement or other disposition by:
    - a) You (the taxpayer)
    - b) Any other person (if you made a donation, settlement or gave some consideration directly or indirectly in favour of the other person or his/her family).
  - A minor child will, however, be liable for tax on income which is received by (or accrues to) him/her in his/her own right, for example bona fide salary and investment income derived from his/her own funds (from money inherited by him/her or received as a gift from any person other than the person mentioned in (a) and (b) above or from any other source). Should a minor child's taxable income be sufficient to render him/her liable for tax, you (as the legal guardian) must register him/her for income tax purposes and complete and submit a return on his/her behalf.

#### 5.1.1 LOCAL INTEREST INCOME:

- The total amount received in respect of local interest income must be reflected under source code **4201**.
- If you are married in community of property, your total amount of local interest income must be declared in this section, even though some of the income should be excluded from the communal estate. This will include your own income and that of your spouse and/or minor children. The gross amounts received must be reflected because the exemptions as well as the 50% split will be applied programmatically by SARS. Where the communal estate indicator is marked, the 50% split will not be applied, only the exemptions. Should the assessment be incorrect an objection should be lodged

#### 5.1.2 FOREIGN INTEREST:

- The total amount received in respect of **foreign interest** must be reflected under source code **4218**.

- **Foreign tax credits on foreign interest:** If any withholding tax was paid on the foreign interest received, this amount must appear on the certificate received from the institution administering the investment. The gross amount of withholding tax must be declared next to the code **4113**.

### 5.1.3 FOREIGN DIVIDENDS:

- The amount for **gross foreign dividends subject to SA normal tax** received must be reflected next to code **4216**. The exemption in terms of section 10B(3) on foreign dividends subject to SA normal tax will be applied programmatically by SARS. The exemption is calculated in terms of the formula  $A = B \times C$  (ratio of 25/40).
- **Foreign tax credits on such foreign dividends:** If any withholding tax was paid on the foreign dividend received, this amount must appear on the certificate received from the institution administering the investment. The gross amount of withholding tax must be declared next to the code **4112**.

### 5.1.4 EXEMPTION FOR INVESTMENT INCOME

- As from the 2013 year of assessment, section 10(1)(i) provides only for an exemption of interest received from a source in the Republic. Foreign dividends and foreign interest are therefore no longer exempt under this section.
- The exemption applicable from the 2014 year of assessment is R23 800 for persons under the age of 65 years and R34 500 for persons 65 years of age and older.
- The following amounts must be declared in the section "Amounts considered non-taxable" of your return:
  - Exempt local and foreign dividends exempt in terms of section 10B(2).
  - Interest earned by non-resident in terms of section 10(1)(h).
- All investment income that you or your minor children received must be declared (including investment income which has not been paid but has been utilised, accumulated, or re-invested for your own or your minor children's benefit). Where interest is claimed as a deduction against investment income received, full particulars (i.e. amounts invested/borrowed, interest rates, date of each loan and investment) must be retained for a period of five years after submission of the return.
- **Note:** Distributions from a Real Estate Investment Trust (REIT) does not qualify for interest exemption.

## 5.2 FOREIGN INCOME (EXCLUDING INVESTMENT INCOME AND CAPITAL GAINS TAX)

- Complete the applicable line items in this section by using the relevant amounts in the foreign financial statements/certificates. Note that all foreign income must be declared in South African currency.
  - Although financial statements that are drawn up in another currency will be acceptable as supporting documents, if so requested by SARS, it must be translated to South African currency.
- The following codes appear in this section:



- **4222** : Business/trading – profit
  - **4223** : Business/trading – loss
  - **0192** : Farming – profit
  - **0193** : Farming – loss
  - **4278** : Royalties – profit
  - **4279** : Royalties – loss
  - **4228** : Other – profit
  - **4229** : Other – loss
  - **4230** : Controlled Foreign Company (CFC) – share of profit. Only your share of the profit from a CFC must be completed here
  - **4111** : Other foreign tax credits
  
- **Foreign currency translation:**
  - A natural person (that is a resident) who derives income measured in a foreign currency may in translating the taxable income to Rands, make an election between either:
    - The spot rate
    - The average exchange rate for the relevant year of assessment.
  - Where the information you supplied was in a foreign currency, the average exchange rates (as at 28 February 2015) can be used for conversion purposes to South African currency. The average exchange rates can be obtained on the SARS website [www.sars.gov.za](http://www.sars.gov.za)
  - Note that only the main currencies are addressed in this document. If the exchange rates of another country are applicable, it can be obtained from any of the local merchant banks.
  
- **Proof of payment of foreign taxes:**
  - The following will be accepted as proof of payment of foreign taxes if requested by SARS:
    - Where foreign tax has been withheld at source – the original documentation issued by the applicable institution
    - Where foreign tax has not been withheld at source – an assessment or receipt issued by the relevant tax authority.
  - Limitation of foreign credits (section 6quat)
    - Foreign tax credits will be limited to the South African tax payable in relation to the foreign income received by applying the following formula:
$$\frac{\text{Foreign taxable income} \times \text{Normal tax payable}}{\text{Total taxable income}}$$
  - **Note:** If a taxpayer received foreign income, the allowable deductions for **donations, retirement annuity fund contributions** will be proportioned in the ratio of foreign and local income to the total income before offsetting the abovementioned deductions. For further details refer to Interpretation Note No 18: Rebates and Deduction for Foreign Taxes on Income on the SARS website [www.sars.gov.za](http://www.sars.gov.za)

### 5.3 FOREIGN TAX CREDITS

- The foreign tax that is paid on income that is taxable in South Africa may be deducted from the South African tax on that income. This is done in terms of the following provisions:
  - Section 6quat:

- This refers to a foreign tax rebate in respect of foreign tax on income from a non-South African source.
- Section 6quat(1) provides relief for foreign taxes proved to be payable on income derived from a foreign source that is included in a resident's taxable income.
- Foreign taxes falling within this category do not qualify for the section 6quat(1C) deduction or the section 6quin rebate (see below).
- Section 6quin:
  - This refers to a foreign tax rebate in respect of foreign tax withheld on income from a South African source.
  - Foreign taxes falling within this category may also qualify for a deduction under section 6quat(1C). In these circumstances the taxpayer may choose the rebate under section 6quin or the deduction under section 6quat(1C), not both
- Section 6quat1(C)
  - Under section 6quat(1C), a resident may claim foreign taxes, that do not qualify for the section 6quat(1) rebate, as a deduction in determining taxable income. That is, essentially, foreign taxes payable on South African-sourced amounts.
- A resident qualifying for a section 6quat(1C) deduction may also qualify for a rebate under section 6quin when foreign taxes are paid on South African-sourced service income. In these circumstances the resident can elect to claim the foreign taxes as a deduction under section 6quat(1C) or as a rebate under section 6quin, not both.
- Section 6quin is narrower than section 6quat(1C) as it only caters for foreign taxes paid on South African-sourced income from **services** while section 6quat(1C) caters for foreign taxes proved to be payable on **any amounts** of South African-sourced income
- In contrast to sections 6quat(1) and 6quat(1C), section 6quin provides for a foreign tax rebate even if a resident has a right of recovery of the foreign tax payable by the resident. However, should the resident receive a refund of the foreign tax withheld, or be discharged from a liability to pay such foreign tax, the amount refunded or discharged is treated as an amount of normal tax payable by the resident
- For further details refer to Interpretation Note No 18: Rebates and Deduction for Foreign Taxes on Income on the SARS website [www.sars.gov.za](http://www.sars.gov.za)

### 5.3.1 FOREIGN TAX CREDITS – SOUTH AFRICAN SOURCED INCOME (ALREADY INCLUDED ELSEWHERE IN THIS RETURN) – S6QUIN

- S6quin provides for a tax credit to be claimed in respect of tax withheld or imposed by a foreign country.
- Note: To qualify for this rebate, the taxpayer must submit the applicable return to SARS and retain the proof:
  - The return of foreign tax withheld (FTW01) together with relevant material in respect of foreign tax withheld must be sent to SARS within 60 days from the date the tax was withheld or paid. The return must be emailed to [6quin@sars.gov.za](mailto:6quin@sars.gov.za)
  - The Return of Foreign Tax Withheld (FTW01) can be downloaded from the SARS website on [www.sars.gov.za](http://www.sars.gov.za)
  - The amount of income must be from a source within the Republic and received by or accrued to a resident for services rendered.

- The tax credit may be in respect of an amount of tax levied by any sphere of the government of any country -
      - Other than the Republic, and
      - With which the Republic has concluded a Double Tax Agreement (DTA).
      - Where a DTA is not concluded between the Republic and the other country a tax credit may also be in respect of the amount of tax imposed in terms of the laws of that country.
- Complete the following amounts on your return:
  - The amount for “Taxable income from services rendered in South Africa taxed outside the RSA”
    - Note: This amount must have been declared as taxable income elsewhere in this return as this section is only used by SARS to calculate the allowable foreign tax credit applicable to this amount.
  - Select ‘Y’ or ‘N’ for the following questions:
    - ‘Was the declaration of foreign tax withheld (FTW01) submitted to the Commissioner within 60 days?’
    - ‘Please confirm that the amount was not claimed as a deduction in terms of s6quat(1C)?’
  - The foreign tax credits next to source code **7456**
    - Note: The amount must be converted to the rand value on last day of the year of assessment by applying the average exchange rate for the year of assessment.

### **5.3.2 FOREIGN TAX CREDITS – REFUNDED / DISCHARGED BY THE GOVERNMENT OF A FOREIGN COUNTRY IN RESPECT OF A REBATE ALLOWED BY SARS IN A PREVIOUS YEAR – S6QUIN**

- If applicable, complete the following amount on the return:
  - ‘Specify the portion of the amount so refunded/discharged as was previously allowed by SARS as a rebate’

### **5.4 CAPITAL GAIN/LOSS (CGT)**

- In order to give effect to the proposals relating to Capital Gain Tax (CGT), an Eighth Schedule was added to the Income Tax Act. This schedule determines a taxable capital gain or assessed capital loss and section 26A of the Act provides that a taxable capital gain is included in taxable income. The CGT provisions became effective from 1 October 2001.
- All capital gain transactions must be declared. Local and foreign transactions should be declared separately, with the exception of the disposal of shares which can be grouped together per certificate received.
- Where you have indicated that you have Local or Foreign Gain/Loss, the following information must be completed on your return:
  - “Does the transaction relate to a primary residence?” – Select “Y” or “N”
    - “If Yes, indicate whether the primary residence is held jointly?”
    - “Is the primary residence held in a partnership?” – Select “Y” or “N”
      - If Yes, state the percentage held on the field next to percentage.
  - Mark the applicable field with an ‘X’ to confirm that the full amounts relating to proceeds and base cost of the primary residence are declared.

- “Does any exemption/rollover other than primary residence exemption apply to this transaction” – Select “Y” or “N”
- The primary residence exclusion is applicable to those persons who occupy the residence as their primary residence.
- The exclusion amount must be inserted manually if the return is completed manually.
- The exclusion will be populated if the return is completed and filed electronically. An auto calculation will take place.
- These questions must be answered in respect of each capital gain/loss transaction.
- The primary residence exclusion is applicable to those persons who occupy the residence as their primary residence.
- If you are **married in community** of property the gross amounts in respect of disposal(s) for you and your spouse must be declared and SARS will programmatically apply the 50% apportionment. Where the communal estate indicator is marked, the 50% split will not be applied. Should the assessment be incorrect an objection should be lodged.
- If you are **married out of community** of property or unmarried only your own disposals must be declared.
- **Determining a capital gain or a capital loss:** A CGT event is triggered by the disposal of an asset. Unless such disposal (or deemed disposal) occurs, no gain or loss arises. CGT applies to all assets disposed of on or after 1 October 2001 (valuation date). Only the gain or loss attributable from 1 October 2001 to date of disposal will be subject to the CGT.
  - An asset is defined as widely as possible and includes any property of any nature and any interest therein
  - A disposal covers any event, act, forbearance, or operation of law, which results in a creation, variation, transfer, or extinction of an asset. It also includes certain events treated as disposals, such as the change in the use of the asset. (Paragraphs 65 and 66 of the Eighth Schedule to the Income Tax Act make provision for the election of tax relief in respect of reinvestment and involuntary disposals in respect of assets disposed of on or after 22 December 2003. For more information refer to the **Comprehensive Guide to Capital Gains Tax**, which is available on the SARS website.
  - Once an asset is disposed of, the amount that is received by (or which accrues to) the seller of the asset constitutes the proceeds/income from the disposal
  - The base cost of the asset is generally the expenses that were actually incurred in obtaining the asset, together with the following:
    - Expenses directly related to the asset’s improvement
    - Expenses and direct costs in respect of its acquisition and disposal of the asset
    - Certain holding costs.
  - The base cost does not include any amounts otherwise allowed as a deduction for income tax purposes.
- **What is the base cost of an asset held on 01 October 2001?** In order to exclude the portion of the gain relating to the period before 1 October 2001, any **one** of the following methods of calculation may be used:
  - 20% of [the proceeds upon realisation less post-valuation date expenditure]
  - Market value of the asset as at 1 October 2001 (the “valuation date”)
  - Time apportionment method.

- The Act prescribes various requirements that apply when the **market value method** is used:
  - **Time limit for performing valuations**
    - All valuations should have been done by 30 September 2004. Therefore, if you have a valuation certificate that was issued after 30 September 2004, such valuation certificate cannot be used for the determination of the base cost of an asset.
  - **Retention periods for valuation certificates**
    - Should the market valuation of base cost method be adopted, the valuation certificate must be retained for a period of five years after the submission date of the return in which the disposal of the asset is declared.
  - **Loss and gain limitation rules**
    - Certain rules, which are beyond the scope of this brochure, are in place to limit losses and gains when the market value is used. These rules prevent the creation of fictitious losses from inflated valuations and prevent hardship when assets are sold above market value on 1 October 2001, but below original cost. More information can be obtained in the **Comprehensive Guide to Capital Gains Tax** available on the SARS website.
  
- **Time apportionment method:**
  - This method may be used when a person/entity has records of the date of acquisition and the cost of the asset. The following formula is used to determine the time apportionment base cost of the asset:
 
$$\text{Original cost} + \frac{\text{Gain} \times \text{Period held before valuation date}}{\text{Period held before and after valuation date}}$$
  - Improvements or additions made before 1 October 2001 are assumed to have taken place when the asset was acquired. The period before 1 October 2001 is limited to 20 years. Additions to an asset after valuation date are added to base cost (not apportioned). Where no additions or improvements have taken place prior to valuation date, the 20-year limit does not apply
  - More information can be obtained in the **Comprehensive Guide to Capital Gains Tax** available on the SARS website [www.sars.gov.za](http://www.sars.gov.za)
  
- **Exclusions**
  - **Primary residence exclusion:**
    - The first R2 million capital gain or loss of a primary residence, in the case of an individual or special trust type A (as defined in section 1 of the Income Tax Act), will not be taken into consideration for CGT purposes. In other words, where a capital gain or loss exceeds R2 million the excess would be subject to CGT
    - A natural person or special trust type A must disregard a capital gain or loss on disposal of a primary residence if the proceed on disposal does not exceed R2 million.
  - In order for a residence to qualify as a primary residence:
    - The interest must be held by a natural person or a special trust type A
    - That person, beneficiary or spouse of either such persons must ordinarily reside therein as their main residence
    - The residence must be used mainly for domestic purposes.
  - A primary residence includes the land upon which it is actually situated and may include other adjacent land that is used mainly for domestic or private purposes together with that residence. The total of all the land may, however, not exceed

two hectares. This could also include unconsolidated adjacent land, provided that, upon disposal of the primary residence, any unconsolidated land is disposed of at the time and to the same person as the primary residence itself

- The primary residence exclusion must be taken into account prior to your declaration of the gain/loss
- Annual exclusion:
  - The annual exclusion will be applied programmatically by SARS and you must therefore not reflect it as an “exclusion” when completing your return.
  - The annual exclusion of a natural person and a special trust type A in respect of the 2015 year of assessment is R30 000. During the assessment process all capital gains and/or losses are added together and thereafter the sum of such capital gains and losses is reduced by the annual exclusion of R30 000, limited to the amount of the gain/loss, should the gain/loss be less than R30 000.
  - Where a natural person dies during the year of assessment, instead of the annual exclusion, the exclusion granted to individuals is R300 000 for the year of death.
  - **Note:** The exclusion applies to gains as well as losses.
- **Inclusion rate:**
  - Where a net capital gain for the current year of assessment has been determined, such amount is multiplied by the inclusion rate (33.3%) to determine the taxable capital gain (which is to be included in the taxable income for the year of assessment). Note that this will be done programmatically during the assessment process.
  - **Note:** A capital loss can only be offset against a capital gain.
- **Completion of the annual income tax return:**
  - The income tax return makes provision for you to declare ten local and ten foreign capital gain or loss transactions, therefore requiring you to declare each transaction separately. Where multiple disposals of shares (that is administered by a single administrator) take place and the disposal of such shares are reported on a single certificate, the disposals reflected on the certificate can be treated as one disposal
  - With regard to the disposal of a primary residence, the return caters for the insertion of the primary residence exclusion. If you disposed of a primary residence and the difference between the proceeds and the base cost is less than the primary residence exclusion, the gain must be indicated as a “0”. See the example below:

<b>Example: 1</b>	
Proceeds on the disposal of a primary residence	R 3 800 000
Base cost	<u>R 2 500 000</u>
Gain prior to primary residence exclusion	R 1 300 000
Primary residence exclusion R2 000 000 (this will be limited to the R1 300 000)	R 1 300 000
Gain	0
<b>Example: 2</b>	
Married out of community of property and the primary residence is registered in both you and your spouse's names	
Proceeds on the disposal of a primary residence (R8 000 000/2)	R 4 000 000
Base cost (R5 000 000/2)	<u>R 2 500 000</u>
Gain prior to primary residence exclusion (R3 000 000/2)	R 1 500 000
Primary residence exclusion (R2 000 000/2)	R 1 000 000
Gain	R 500 000

- Where you declare a foreign capital gain (which is calculated on the same basis as a local capital gain) and you are claiming an amount for “Other foreign tax credits”, the applicable tax amount must be completed in the fields provided.

## 5.5 LOCAL BUSINESS, TRADE AND PROFESSION (INCLUDING RENTAL)

- The information required refers to the activities in respect of local business, trade and/or profession carried on by taxpayers for their own account **and not as employees**.
  - If however, a taxpayer received an IRP5/IT3(a) Employee Tax Certificate in respect of services rendered by means of the trading activities undertaken, such income will be part of the information that is pre-populated in the IRP5/IT3(a) section of the return. When declaring trading income in the “Local business, trade and professional income” section of the return, the amount must be entered next to the line item “Income reflected on IRP5/IT3(a) regarded as trade income”.
- Complete financial information must be prepared in respect of each local business, trade or profession carried on by the taxpayer where such income is not considered as a single trade with reference to section 20A of the Income Tax Act.

### 5.5.1 UNIQUE IDENTIFIER

- SARS automatically allocates a unique identifier to each property, local business, trade and/or profession as per the information received on your previous return.
- When completing the local business, trade and professional income section of the return and it applies to a local business, trade or profession from the previous year of assessment:
  - Please enter the **unique identifier** number as allocated to you by SARS in the “Unique Identifier” field.
  - You can obtain this number from your previous notice of assessment (ITA34) issued to you
- If you commenced a new local business, trade, or profession; leave the **unique identifier** field blank on your return. SARS will allocate a new unique identifier number.
- If you have completed the Local business, trade and profession section of your return, you are reminded to complete the Statement of Assets and Liabilities at on your return, for each business activity.

### 5.5.2 DUAL – PURPOSE EXPENDITURE

- Some of the expenses incurred may be partly personal and partly business. These may include amounts paid for fuel and oil, rent, electricity, telephone, car maintenance, repairs, insurance, interest and overseas travelling expenses. The personal portion of these expenses is not deductible as business expenditure and must be allocated accordingly. Full details of calculations must be retained for a period of five years after the date of submission of the return.
- Reasonable allocation – It is not easy to determine what portion of dual-purpose

expenditure should be allocated to the business and what portion to non-business activities. No rule can be prescribed, but the allocations must be reasonable.

- As regards travelling expenses, an apportionment according to distances actually travelled for private and business purposes must be made.

### 5.5.3 CAPITAL EXPENDITURE

- In general, capital expenditure is an amount paid or a debt incurred for the acquisition, improvement, or restoration of an asset. However, capital expenditure is not necessarily confined to assets. Expenditure designed to extend the scope of a business, incurred to create or to protect a source of income or to acquire an enduring advantage for the benefit of trade, is regarded for tax purposes as expenditure of a capital nature.
- Examples of capital expenditure:
  - Acquisition of land and building (including transfer costs)
  - Additions, alterations and improvements to any assets used by the business, for example: buildings, plant, machinery, furniture and fittings, etc.
  - Cost of material, labour and installation of capital assets
  - Goodwill
  - Expenditure to eliminate competition
  - Expenditure to protect capital or assets, including rights
  - Certain legal expenses.

### 5.5.4 TRADING STOCK TAKEN FOR PRIVATE USE

- If such goods have already been accounted for, this adjustment must not be taken into account again in the determination of taxable income. A note must be made on the statement, which must be retained for five years, indicating the value of the goods and how this was accounted for.

### 5.5.5 LEARNERSHIP AGREEMENTS – SECTION 12H

- A deduction will be considered where a registered learnership agreement is entered into with a learner in the course of any trade carried on by an employer. Refer to **Interpretation Note 20 – Additional deduction for learnership allowance** on the SARS website, [www.sars.gov.za](http://www.sars.gov.za)
- The deduction will be considered in respect of the entering into and completion of such registered learnership agreements as defined in section 12H of the Income Tax Act.
- Provision is made for registered learnership agreements with a duration of less than 12 months and for those with a duration of more than 12 months. Registered learnership agreements, which are contracts of apprenticeship, with a period of more than 12 months have a more favourable completion allowance.
- The learnership allowance for a learner with no disability is R30 000 and R50 000 for learners with disability if learnership is over a full period of 12 months.
- A pro rata allowance of R30 000 or R50 000 in case of a disabled learner must be deducted for a period less than 12 months or where the learnership is shifted to the new employer.



- Where a registered learnership agreement or contract of apprenticeship is terminated prior to the completion of such agreement or contract as defined in section 12H(5) of the Income Tax Act, the amount allowed as a deduction shall be deemed to have been recovered or recouped by the employer. No further annual or completion allowance must be claimed by the employer.

#### 5.5.6 LEGAL EXPENSES

- Any expenses in respect of any dispute or action at law, other than those of a capital nature, which were actually incurred in the production of income or which arose in the course of or by reason of the ordinary operations undertaken by the taxpayer in the carrying on of the trade, may be claimed as a deduction. Details of the expenses must be retained.

#### 5.5.7 GENERAL EXPENSES

- General or sundry expenses claimed in the accounts must be detailed in a separate statement as well as expenses contained therein which are not allowable. Such statement must be retained for inspection purposes.

#### 5.5.8 PRIVATE USE OF BUSINESS PREMISES

- If the taxpayer or any member of his/her family occupied, free of charge, part of the premises from which the business or profession is carried out, only the expenditure in respect of the portion used for business purposes can be claimed.

#### 5.5.9 ELECTED DEPRECIABLE ASSET ALLOWANCE

- Section 11(o) provides for an election in respect of the deduction of any loss incurred as a result of the alienation, loss or destruction of any asset that qualified for a capital allowance or deduction provided that the expected useful life of that asset for tax purposes did not exceed ten years. The deduction must be equal to the difference between the amount received or accrued from the disposal and the cost price of the asset.
- Where an asset was brought into use during a non-taxable period, that period must be taken into account in the determination of the deduction provided for in terms of section 11(o).
- No election may be made if the amount received or accrued from the alienation, loss or destruction of the asset was received or accrued from a connected person.
- **Note:** Cognisance must be taken of the provisions of paragraph 65 and paragraph 66 of the Eighth Schedule to the Act that came into effect on 22 December 2003.

#### 5.5.10 EXPIRED LEASE AGREEMENTS

- If, at the expiry of a lease agreement in respect of moveable assets, such assets:
  - Were sold and the proceeds paid to the taxpayer
  - Were transferred to the taxpayer free or for some consideration

- Any other benefit accrued to the taxpayer in these circumstances, full details must be retained.
- Copies of documentation from the relevant financial institution/s must be retained.

#### **5.5.11 RECOUPMENT OF EXPENDITURE**

- Any items of expenditure or losses, which were allowed as deductions in the determination of the taxable income for the current or a previous year of assessment and recovered or recouped during this year of assessment, must be reflected if not already accounted for in the financial accounts.

#### **5.5.12 RESERVES**

- Details of all reserves which were not disclosed as such in the balance sheet must be retained, showing the amounts transferred to reserve during the year of assessment and indicating where those amounts were debited in the accounts.

#### **5.5.13 INTEREST PAID**

- If interest has been paid the information regarding the purpose for which the capital (on which the interest is payable) was utilised must be retained.

#### **5.5.14 FINANCE CHARGES**

- These must not, for wear and tear purposes, be added to the cost price of assets purchased but must instead be shown separately.

#### **5.5.15 COST OF TRIPS ABROAD**

- If the amount claimed as travelling expenses includes the cost of trips abroad, the taxpayer needs to retain details as to who undertook the trip and the purpose thereof as well as details of the expenses and itinerary.

#### **5.5.16 DRAWINGS AND CAPITAL ACCOUNTS**

- Retain details of the sources and amounts credited to these accounts.

#### **5.5.17 DOUBTFUL DEBT**

- Retain full details with regard to source, amounts, dates, nature of debt and reasons for regarding debt as bad.
- In the case of doubtful debt, a similar list must be retained and the amount claimed as an allowance for such debt must be shown.

#### **5.5.18 RING-FENCING OF ASSESSED LOSSES OF CERTAIN TRADES**

- Section 20A provides that, subject to certain tests, an assessed loss incurred by a natural person may not be set off against any income derived by the person otherwise than from carrying on that trade. The effect is that trading losses will in certain

circumstances and/or in respect of certain identified trades, be subject to potential ring fencing unless the “facts and circumstances test” provided for in subsection 3 indicates that the trade constitutes a business in respect of which there is a reasonable prospect of deriving taxable income within a reasonable period of time.

- A pre-requisite for the application of section 20A is that, in the year in which the ring-fencing is applied, the sum of the taxpayer’s taxable income (determined without having regard to other provisions of this section) and any assessed loss and balance of assessed loss which were set off in terms of section 20 in determining that taxable income, equals or exceeds the amount at which the maximum marginal tax rate chargeable in respect of individuals becomes applicable. In respect of the 2015 year of assessment the maximum marginal tax rate will apply to taxable income in excess of R701 300.
- In any trade contemplated under section 20A(2)(a) and (b) of the Income Tax Act, the potential ring fencing will be applied as from the 2005 year of assessment, unless the “facts and circumstances test” indicates that the particular activity constitutes a business which has a reasonable prospect of deriving taxable income within a reasonable period of time.
- The potential ring-fencing can be applied in respect of losses from all the identified trades or other trades, in terms of the three-out-of-five-year-rule, and ring fencing of any trade loss (excluding farming activities) will occur in terms of the six-out-of-ten-year-rule.
- The identified trades listed in section 20A (2)(b) are as follows:
  - Any sport practiced by the taxpayer (or relative)
  - Dealing in collectibles by the taxpayer or any relative
  - The rental of residential accommodation, unless at least 80% of the residential accommodation is used by persons who are not relatives of that person, for at least half of the year of assessment
  - The rental of vehicles, aircraft or boats, unless at least 80% of the vehicles, aircraft or boats are used by persons who are not relatives of that person, for at least half of the year of assessment
  - Animal showing by the taxpayer or any relative
  - Farming or animal breeding (unless the taxpayer carried on the farming or animal breeding on a full time basis)
  - Any form of performing or creative arts
  - Gambling or betting.
  - Note: a relative is defined in relation to any person, as ‘a spouse, parent, child, stepchild, brother, sister, grandchild or grandparent of that person’.
- **THE THREE-OUT-OF-FIVE-YEAR-RULE**
  - The three-out-of-five-year-rule applies to any trade that is not included in the list of identified trades mentioned above. The current year must be taken into account in determining the three-out-of-five-year-rule. Losses incurred in respect of other trading activities not listed above could, therefore, be subject to potential ring fencing commencing on or after the 1 March 2004 year of assessment in terms of section 20A (2)(a). This would occur if the specific trading activity has realised a loss for three consecutive years. Should any trading activity realise a profit in any one of the three years mentioned above, the potential ring fencing is delayed, as illustrated in the following example:

<b>Example</b>

Year of assessment	Rental property A	
2010	Loss	
2011	Loss	
2012	Profit	
2013	Loss	

- Due to the fact that the trading activity (rental income is also considered to be trading income) has realised a loss in three-out-of-five-years (where that person has, during the five year period ending on the last day of that year of assessment, incurred an assessed loss in at least three years of assessment), ring fencing could be applied in the 2013 year of assessment. Should the taxpayer realise a profit in the 2012 year of assessment and a loss in 2013, the ring fencing would only apply as from the 2013 year of assessment
- The trade in respect of which the three-out-of-five-year-rule applies includes:
  - Rental of residential accommodation where at least 80% of the residential accommodation is used for at least half of the year of assessment by persons who are not relatives
  - The rental of vehicles, aircraft or boats where at least 80% of the vehicles, aircraft or boats are used by persons for at least half of the year of assessment who are not relatives of that person
  - The showing of animals in competitions by the taxpayer or relatives, for example, the showing of horses, dogs and cats
  - Farming or animal breeding carried not on a full time basis
  - Performing or creative arts practiced by the taxpayer or relative scores as a suspect activity and includes, for example, acting, singing, film-making, photography, writing, pottery, and carpentry
  - Gambling or betting by the taxpayer or any relative
  - Any other trade not specifically identified.

- **FACTS AND CIRCUMSTANCES**

- In respect of both the identified trades, as well as the other trades listed above, ring-fencing can be avoided in terms of subsection 3 of section 20A. This section provides an escape route in terms of which the taxpayer can prove that the particular activity constitutes a business that has a reasonable prospect of deriving taxable income within a reasonable period of time. The factors to which special regard must be made, are the following:
  - The proportion of the gross income derived from that trade in relation to the amount of allowable deductions incurred in carrying on that trade
  - The level of activities carried on by the person or the amount of expenses incurred by the person in respect of advertising, promoting or selling, in carrying on that trade
  - Whether that trade is carried on in a commercial manner, taking into account
    - The number of full time employees appointed to that trade
    - The commercial setting of the premises where the trade is carried on.
  - The extent of the equipment used exclusively for the purpose of carrying on the trade
  - The time the person spends at the premises conducting that business
  - The number of years of assessment in which assessed losses were incurred in relation to the total number of years that the specific trade was carried on, taking the following into account
    - Any unexpected events giving rise to the losses
    - The nature of the business involved.
  - The business plans and any changes thereto, to ensure that the business will in future derive taxable income
  - The extent to which any asset attributable to the trade is available for recreational use or personal consumption by the person or any relative of the person.

- **THE SIX-OUT-OF-TEN-YEAR-RULE**
  - Where losses have been realised in at least six-out-of-ten-years of assessment the “facts and circumstances test” will, in terms of subsection (4), no longer be available to prevent the ring fencing of a loss in respect of the trades identified in subsection (2)(b). This means that where a loss pertaining to an identified trade was not ring fenced after having applied the “facts and circumstances test”, the loss will, however, be ring fenced where the specific trade has incurred a loss in at least six-out-of-ten-years of assessment. The “facts and circumstances” escape route will, therefore, no longer be available to prevent the ring fencing of the specific trade loss. Although this provision applies to all identified trades, subsection 7, however, specifically provides that this rule is not applicable to farming activities. This is in recognition of the fact that many forms of legitimate farming activities entail long-term losses before the expectation of profit can be realised.
  
- **LOSSES TO BE TAKEN INTO ACCOUNT**
  - In the application of both the three-out-of-five-year-rule and the six-out-of-ten-year-rule any losses incurred on or before 29 February 2004 will not be taken into account
  - For further details refer to the brochure on section 20A, which is available on the SARS website on [www.sars.gov.za](http://www.sars.gov.za) or phone the SARS Contact Centre on 0800 SARS (7277) or contact your nearest SARS branch
  - Please note that each trading activity is evaluated separately for the application of the potential ring fencing. Financial statements must therefore be drawn up separately and the profit or loss declared separately in respect of each trade/property/asset (rental income)
  - In certain circumstances where more than one property/asset is let, the letting of such properties/assets could be considered as a single trade. Should this be the case the profit/loss must be declared as a single entry in which case a combined set of financial statements can be prepared and retained
  - If the taxpayer is in receipt of rental income and is married in community of property, the full profit/loss of such income must be declared. The 50% application will be done programmatically by SARS.
  
- **SHOULD THE LOSS INCURRED BE EXCLUDED (RING-FENCED) IN THE CALCULATION OF THE TAX LIABILITY?**
  - The taxpayer should indicate whether the loss should be ring fenced or not by marking the applicable “Y” or “N” block. Should a “yes” be indicated, the loss, if incurred would not be taken into account in the determination of the taxable income. Should it be indicated that the loss should not be ring fenced substantiating documentation based on the information contained in the paragraph dealing with “facts and circumstances” (escape clause) must be retained, to support the claim. The documentation must be based on the factors specifically mentioned in the relevant paragraph
  - All documentation in this regard must be available on request for a period of five years after the submission of the return.
  
- **SOURCE CODE**
  - Use the following list of source codes together with the Source Code Booklet available on the SARS website to complete this section.

4280	Profit: Sporting
4281	Loss: Sporting
4282	Profit: Collectables

4283	Loss: Collectables
4284	Profit: Animal showing
4285	Loss: Animal showing
4286	Profit: Gambling
4287	Loss: Gambling
2428	Profit: Renting of boats
2429	Loss: Renting of boats
4210	Profit: Local - Rental
4211	Loss: Local - Rental
2408	Profit: Renting of trucks/cars/etc.
2409	Loss: Renting of trucks/cars/etc.
3110	Profit: Author/composer/artist
3111	Loss: Author/composer/artist
2416	Profit: Renting of aircraft
2417	Loss: Renting of aircraft

### 5.5.19 PARTNERSHIPS

- The information from the financial statements of the partnership must always be reflected even though a variable ratio is applicable in the sharing of income and expenditure within a partnership. If this is the case the question referring to the variable ratio should be marked with an “X” in the “Local business, trade and professional income” section of the return. In these cases the supporting documentation necessary to correctly assess the relevant taxpayer will be requested by SARS. Please note that the original documentation must be retained by the taxpayer and copies of the supporting documentation must be forwarded to SARS on request.
- Taxpayers that are in a partnership might incur expenditure for their own account in the production of their income. Such income is usually not reflected in the financial statements of the partnership. In such cases the individual taxpayer should claim such expenditure in the “Other deduction” section.
- Where you are in a partnership and have paid pension fund contributions, as a deemed employee defined in section 11(k)(i) in the Income Tax Act, you must:
  - Select “Y” in the applicable field
  - Complete the amount next to source code **4049**.
  - **Note:** Your return will be regarded as incomplete if you have selected “N” for the question “Are you in a partnership?”, but marked “Y” for the question “Did you make any pension contributions as a deemed employee”.

## 5.6 ADDITIONAL INFORMATION

- The “Additional Information” section relates to:
  - Urban Development Zones (UDZ) – section 13*quat*
  - Research and development information – section 11D
  - Improvements not owned by taxpayer – Section 12N

### 5.6.1 URBAN DEVELOPMENT ZONES (UDZ) – SECTION 13*quat*

- Due to the insertion of section 13*quat* “Deductions in respect of erection/acquisition or improvement of buildings in urban development zones” in the Income Tax Act, an allowable deduction was introduced in the form of an accelerated depreciation allowance. This deduction was available until 31 March 2009, but has now been extended to 31 March 2020.



- If you qualify for a deduction in respect of Research and Development (section 11D), you must complete the following questions in this section of the return:
  - “Did you incur any expense on scientific or technological research and development for the purpose of:”
    - “The discovery of novel, practical and non-obvious information of a scientific and technological nature?”
    - “The developing or creating of any inventions, any design or computer programme or other similar property?”
  - “Did you incur any capital expenditure on buildings, machinery, plant, implements, or utensils?”
  - “Did you receive any amount from government for the purpose of scientific or technological research and development?”
  - “Was your research and development application approved by the Department of Science and Technology?”
- **Note:** You must insert the total amount for the Research and Development deduction in the field provided in the “Adjustments: Allowable” section.

### 5.6.3 IMPROVEMENTS NOT OWNED BY TAXPAYER – SECTION 12N

- In terms of section 12N of the Income Tax Act, an allowance exists for expenditure actually incurred by a lessee for obligatory improvements undertaken on leased land or buildings. The amount of the allowance is generally equal to the amount of the expenditure divided by the lease period (or 25 years if sooner). If the allowance is not fully exhausted by the termination of the lease, the remaining amount is deductible by the lessee upon lease termination.
- However, an allowance is not allowed if the lessor is tax exempt unless the improvement is undertaken:
  - In terms of a Public Private Partnership
  - On land owned by government (national, provincial or local) or by an exempt government controlled body if the land is leased for a period of at least 20 years.
  - Any entity referred to in section 10(1)(cA) or (t); or
  - The Independent Power Producer Procurement Programme administered by the Department of Energy
- Where you have claimed deductions as a deemed owner in respect of section 12N – Improvements not owned by taxpayer, select “Y” on your return.

## 5.7 OTHER TAXABLE RECEIPTS AND ACCRUALS

- The income that must be declared here relates to income, such as local royalties and dividend from a REIT, which must be included in taxable income to calculate your tax liability.
- Please note that if income is distributed from a trust, such income retains its identity and must therefore be declared in the specific part of the return relating to the source of the income prior to distribution from the trust.
- Real Estate Investment Trusts (REITs) are companies listed on the JSE that manage a portfolio of immovable property assets. The taxation of a REIT is regulated in section 25BB on the Income Tax Act. Any person can invest in a REIT. A qualifying distribution (local dividends) from a REIT is subject to normal tax in the hands of the shareholder (refer to paragraph (aa) of the proviso to s10(1)(k)(i)), but exempt from Dividends Tax (refer section 64F(l)).



- If you received dividends distributed by a Real Estate Investment Trust (REIT), the amount will be reflected next to source code **4238** on the IT3(b) certificate issued to you by the REIT.
  - On your ITR12 return, insert this amount next to source code **4214** and in the description field insert the description as “income from a REIT”.
  - **Note:** If you are married out of community of property, insert the total amount received from the REIT. If you are married in community of property, only insert 50% of the total amount received from the REIT.
- Complete the following information on your return if applicable:
  - “Remuneration from foreign employer for services rendered in SA” (source code **4236**)
  - “Royalties – profit” (source code **4212**)
  - “Royalties – loss” (source code **4213**)
  - For any other income, insert the amount in the field for “Other” (next to source code **4214**) and complete the field for ‘Description relating to other’.
    - Note: If you received any other income as well as income from a REIT, add these amounts and insert the total amount next to code 4214.

## 5.8 AMOUNTS CONSIDERED NON-TAXABLE

- The income that must be declared here relates to income, such as donations or foreign income, which is not taxable and will not be included in your gross income when calculating your tax liability.
- This will include the following examples:
  - Amounts accrued to you as an exclusive deemed resident of another country in terms of a double taxation agreement between RSA and that other country
  - Amounts taxed on your IRP5/IT3(a) Employee Tax Certificate but that comply with exemptions in terms of section 10(1)(o), refer to the section on '[Residency Information](#)' below.
  - Donations
  - Exempt local and foreign dividends
  - Interest earned by a non-resident i.t.o. s10(1)(h)
  - Inheritances
  - Foreign pension
- Where an amount is considered non-taxable, and has not been specified in the list provided, the amount must be completed under “Other” and the description field must be completed.

## 6 RESIDENCY INFORMATION

- If the fields for “Exempt Amount i.t.o Section 10(1)(o)” and/or “Amount taxed on IRP5 but comply with exemption i.t.o. Section 10(1)(o)(ii)” (source code **4041**) are completed on your return, the following information is mandatory and must be completed:
  - “Are you a SA resident as defined in the Income Tax Act?” (Select “Y” or “N”)
  - Where “Y” has been selected, the following information must be completed:
    - The number of days you were outside of the RSA for:
      - This year of assessment – “year” and “number of days” must be completed
      - The previous year of assessment – “year” and “number of days” must be completed.

- “Did you within the period indicated above spend at least 60 days continuously outside the RSA?” (Select “Y” or “N”)
- Insert the “Amount received and/or accrued in respect of foreign services rendered” in RSA currency
- Insert the “Amount exempt” in RSA currency
- If you are not a SA resident as defined in the Income Tax Act, please state the country of tax residency.
- Please state the number of days present in South Africa by completing the following for the current year of assessment and the 5 previous years:
  - “Tax period from”
  - “Tax period to”
  - “Number of days”.
- **Please note:** Your Income Tax Return will be deemed to be incomplete if you claim a deduction next to code **4041** and omit to complete the required information in the “Residency information” and “Amounts considered non-taxable” sections of the return.

## **7 INCOME FROM FARMING OPERATIONS (INCLUDING PARTNERSHIP FARMING OPERATIONS)**

- All income derived directly from any farming operations will be regarded as farming income. Income from farming activities will also include, for example, grazing fees derived by a person who carries on farming operations, recoupment of wear and tear allowed on vehicles, implements and machinery used to carry on farming activities and subsidies received by farmers, whether in respect of farm products or capital expenditure on dams.
- Stakes won by a farmer as a result of racing horses bred by him/her and a fixed rental income received in respect of farming property will, for example, not constitute farming income.
- Where a unique identifier was allocated to this trade in the previous year, please complete that specific allocated number in this section.
- If you have completed the farming section of your return, you are reminded to complete the Statement of Assets and Liabilities at the end of your return.
- If your farming income was derived as a result of a partnership farming operation, the “**Income from local partnership farming operations**” section of your return must be completed. The additional details (which must be completed for each of the partners of the farming operations) includes:
  - Initials and surname
  - Tax reference number
  - Share percentage (%)
  - Amount of profit/loss
  - Amount of improvements incurred by the partner.
- Income derived from foreign farming activities must not be included in this section for farming operations but rather declared in the “Foreign Income” section of your return.
- **Private consumption**
  - If you utilised livestock/produce for private consumption, an amount equal to the cost of such livestock/produce must be included in the income.
- **Livestock sold on account of drought, stock diseases, etc.**

- If proceeds in respect of the sale of livestock has been received:
      - On account of drought, stock disease or damage to grazing by fire or plague
      - By reason of participation in a livestock reduction-scheme organised by the Government it must be included in the farming income in the year of assessment in which such a sale takes place as it is taxable.
    - In the event of such sale, the following information is required to be submitted:
      - The names and addresses of persons to whom such livestock were sold or to whom such livestock were given in exchange
      - A description of the livestock
      - The amount of the proceeds received.
    - The Act provides that you may elect, subject to certain conditions, to deduct the cost of replacement livestock purchased in, either:
      - The year of assessment during which such livestock was purchased
      - The year of assessment during which the original livestock was sold.
    - If you wish for the cost of the replacement livestock purchased, to be deducted in the year of sale you must notify SARS of your selection. The assessment for that year of assessment will be reduced
    - If you wish to deduct the cost in the year of disposal, you must submit full particulars of the purchases as the concession will only be granted if the Commissioner is satisfied that:
      - You have replaced the livestock sold on account of drought; stock disease or damage to grazing by fire or plague within four years after the close of the year of assessment during which the livestock was sold
      - You have replaced the livestock sold by reason of the participation in a livestock reduction scheme organised by the Government within nine years after the close of the year of assessment during which the livestock was sold.
- **Livestock sales deposited with Land Bank**
  - Where a farmer has disposed of livestock on account of drought on or after 1 March 1982 and the whole or any portion of the proceeds of such disposal has been deposited into an account in the name of the farmer with the Land Bank of South Africa, the amount of such deposit will be deemed not to be gross income for the year of assessment. Only that portion of the proceeds deposited within three months after receipt thereof will qualify for this concession
  - The amount, so deposited, will be deemed to be gross income in any of the following scenarios:
    - On the date of disposal, if it is withdrawn within six months after the last day of the year of assessment in which such disposal took place
    - On the date of withdrawal, if it is withdrawn after a period of six months, but within six years after the last day of the year of assessment in which such disposal took place
    - On the day before the death or insolvency in the event of a farmer's death or insolvency before the expiration of the six year period
    - On the last day of the six year period if it is not withdrawn within the six year period.
  - You cannot make use of this concession if you have selected to claim a deduction for the cost of livestock purchased in replacement in the year of assessment in which the livestock was sold on account of drought.
- **The following may be used as a guide to determine the income/loss from farming operations:**
  - Note the following:
    - If your spouse has conducted farming operations for his/her personal account, he/she must submit a separate return.
    - Local and foreign farming activities must be reported separately.

▫ **Gross receipts and accruals**

(a) Livestock and produce sold or bartered	R
(b) Livestock and produce donated	R

- Prepare and retain a list of:
- The names and addresses of persons to whom livestock and/or produce were donated
  - A description of the livestock or produce donated
  - The market value thereof.

(c) Livestock and produce removed from South Africa	R
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- If removed livestock or produce were removed from South Africa for purposes other than sale, retain:
- A description of the livestock or produce removed
  - The market value thereof.

Value of livestock and produce consumed by the farmer, his/her family and domestic workers	R
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- Retain a list of the number of persons in the family, the number of domestic workers and the estimated value (based on the cost of production or market value) of the livestock and produce consumed

(e) Recoupment of machinery, implements, utensils and articles brought into use on or before 1 July 1988	R
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(f) Subsidies received	R
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- Retain a schedule detailing:
- The type of subsidy received, e.g. for bond interest, dams, fencing, soil erosion, approved bulls, etc.
  - The amount received in respect of each type of subsidy.

(g) Any other farming income, including a withdrawal from Land Bank account of the amount invested in respect of livestock sold on account of drought	R
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- Retain details of any other farming income not specifically mentioned above - this includes bonuses from agricultural co-operatives. Rental received from farming property must be reflected as trading income in the return

(h) Recoupment of expenditure incurred in respect of development and improvements	R
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- Did the farmer or any person other than an employee occupy, during the year of assessment, any farm building, the cost of which has previously been allowed as a deduction for tax purposes? If "yes", retain full particulars for a period of five years in respect of the following:
- The total amount received or accrued in respect of immovable assets must be included under this section as a recoupment
  - The total amount recouped will be included in the income, except where a balance in respect of expenditure on development and improvements has been brought forward from the previous year of assessment where the expenditure could not be deducted. In such a case the amount recouped will be set off against the relevant balance and only the excess, if any, will be brought into account as farming income.
- The following information in respect of assets sold, given in exchange or donated must be retained:

- Description of asset
  - Original purchase price
  - Date sold, exchanged or donated
  - Selling price or market value of asset given in exchange or donated.
- **Note:** The total amount of the recoupment in respect of machinery, implements, utensils or articles brought into use on or after 1 July 1988, must be included under part (e) of this section.

<b>GROSS RECEIPTS = Total (a) to (h)</b>	<b>R</b>
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- **Farming expenses**
- **Note:** Expenses in respect of the farmers dwelling or household must be excluded.

<b>(a) Rent</b>	<b>R</b>
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- Retain:
- A description of the property or properties in respect of which rent was paid
  - The names and addresses of persons to whom payment was made
  - The amount that was paid in respect of each property.

<b>(b) Interest</b>	<b>R</b>
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- Retain a schedule detailing the:
- Names and addresses of persons or institutions to whom payment was made
  - The amount of each loan
  - Rate of interest payable on each loan
  - Purpose for which each loan was utilised
  - The amount of interest paid on each loan.
- **Capital repayments must not be included.**

<b>(c) Rates and taxes</b>	<b>R</b>
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- Retain a list detailing the:
- Nature of the taxes
  - The amounts paid.
- **Income tax must not be included.**

<b>(d) Seed and fertiliser</b>	<b>R</b>
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- Retain a list detailing the:
- Names and addresses of persons from whom purchased were made
  - The amounts paid.

<b>(e) Cash wages paid to farm employees</b>	<b>R</b>
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- Retain a list detailing the:
- Number of employees normally employed
  - Number of casual employees.
- The actual amounts paid **do not** include wages of domestic workers
- Wages paid in respect of improvements must not be claimed under cash wages, but under improvements.

<b>(f) Rations purchased for farm employees</b>	<b>R</b>
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- Retain a list detailing the:

- Names and addresses of persons or firms from whom the farmer purchased rations and the amounts paid.
- Do not include the value of farm produce produced by the farmer or stock bred or purchased by the farmer which has already been included

(g) Expenses, i.e. motor vehicles, machinery and implements:	
(i) Fuel, oil and grease (ii) Repairs and maintenance (iii) Insurance and licenses (iv) Wear and tear allowance (v) Deduction - machinery and implements (vi) Other (specify on separate schedule)	
<b>Sub-total</b>	
Less: Private use of vehicles	
<b>TOTAL</b>	<b>R</b>

- **Repairs**
  - This part only refers to repairs to vehicles, machinery and implements. Repairs to other items must be shown under item (j) of this section
- **Wear and tear allowance of an asset owned by the farmer or acquired in terms of an instalment credit agreement**
  - This allowance may only be claimed in respect of motor vehicles (of which the exclusive or primary function is the transportation of people), caravans, aircraft (except an aircraft used solely or mainly for crop-spraying), and office furniture or office equipment used for farming purposes
  - The following information must be retained:
    - Particulars and value of assets on which wear and tear is claimed and which were on hand at the beginning of the year of assessment
    - Dates, description and purchase price of assets purchased or received in exchange during the year of assessment
    - Dates and descriptions of assets sold, exchanged, traded in or scrapped during the year of assessment and the amounts received for such assets
    - The original date of purchase and cost price of each asset must be stated.
- **Deduction – machinery and implements owned by the farmer or acquired in terms of an instalment credit agreement**
  - A deduction in respect of machinery, implements and utensils brought into use for farming purposes for the first time, will be allowed as follows:
    - 50% of the cost of the asset in the year of assessment in which the asset is brought into use
    - 30% of such cost in the following year of assessment
    - 20% of such cost in the third year of assessment
  - This deduction also applies to an aircraft used solely or mainly for the purpose of crop-spraying. The cash cost of a new asset, acquired to replace an asset, which was damaged or destroyed, must be reduced by the amount recouped in respect of the latter asset
  - The amount recouped is deferred, and therefore, not included in the farmer's income.

(h) Finance charges	R
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(i) Cost of material and/or contract price in respect of eradication of noxious plants and prevention of soil erosion	R
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- Only the actual costs which were specifically incurred in eradicating noxious plants or soil conservation must be claimed
- Wages, rations, fuel, materials, etc., which have already been claimed under other headings must not again be claimed here
- If independent contractors undertook the work, the names of the contractors and the amounts paid to them must be retained. The nature of the work done by the farmer him/herself or the contractor must be available on request; and
- If the work includes the building of dams, weirs or the erection of fences, explanation why the expenses are claimed under this section must be retained

(j) Repairs (excluding those claimed under item (g)(ii) above)	R
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- Retain a list detailing the:
  - The nature of the repairs
  - The cost of the work done.
- Only repairs to buildings (except the farmer's private dwellings or the dwellings of persons who are not employees), windmills or pumping plant, etc. or expenses for the maintenance of other assets used for farming purposes may be claimed. Wages paid to own farm employees must not be included in this part.

(k) Other (retain on a separate schedule and retain)	R
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<b>EXPENSES = Total (a) to (k)</b>	<b>R</b>
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▫ **Expenditure on developments and improvements**

(a) Dipping tanks	
(b) Dams, irrigation schemes, boreholes and pumping plant	
(c) Fences	
(d) Erection of, or extensions or additions or improvements to buildings used in connection with farming operations, other than those used for domestic purposes	
(e) Planting of trees, scrubs or perennial plants for the production of grapes or other fruit, nuts, tea, coffee, hops, sugar, vegetable oils or fibres and the establishment of an area for such purposes	
(f) Building of roads and bridges used in the farming operations	
(g) Carrying of electric power from the main transmission lines to the farm apparatus	
<b>TOTAL</b>	<b>R</b>

- The following details must be retained in respect of development and improvement works:
  - Description of the work undertaken
  - How the expenses were compiled, i.e. what amounts were spent on wages, materials, etc.
  - If an independent contractor undertook the work, the name and address of the contractor and the amount paid to him/her must be retained.
- **Note:** Wages claimed under item (e) must not be claimed again.

- The allowance for housing used by farm employees must be claimed under section 13sex. For more information refer to the “Guide to Building Allowances” on the SARS website

<b>Expenditure on development and improvements =</b>	<b>R</b>
<b>Total (a) to (g).</b>	

□ **Livestock purchased and received in exchange**

<b>Example: 1</b>	
Farming income	R 5,000
Closing stock Livestock	<u>R 1,500</u>
	R 6,500
Less: Opening stock Livestock	R (1,000)
Livestock purchases	<u>R (8,000)</u>
	R (9,000)
Balance of expenditure not allowed	R (2,500)
<ul style="list-style-type: none"> <li>• The amount of R2 500 in respect of the purchase is not allowable and is limited and the amount not allowed is carried forward to the following year of assessment.</li> <li>• This limitation is not applicable if the farmer can show that he/she no longer held and had not disposed of the livestock that he/she acquired on or after 31 May 1988.</li> <li>• If the farmer can prove that, for example, due to drought, the fair market value of his/her livestock at the end of the year of assessment is less than the loss on livestock as shown above, together with the value of opening stock, such loss is reduced by the difference.</li> </ul>	
<b>Example 2</b>	
Amount to be carried forward (loss on livestock)	R 2,500
Plus: Opening stock of livestock	<u>R 1,000</u>
	R 3,500
Less: Fair market value of closing stock	<u>R 3,000</u>
Allowable	<u>R 500</u>
<ul style="list-style-type: none"> <li>• The amount of R2 500 is reduced to R 2 000.</li> </ul>	

• **Standard classification and standard values of livestock**

Deaths during the year	Standard classification	Standard values (Rand)	Own value (Rand)	Number on hand	Total values (Rand)
	Cattle: Bulls	50			
	Oxen	40			
	Cows	40			
	Tollies and heifers 2 - 3 years	30			



Deaths during the year	Standard classification	Standard values (Rand)	Own value (Rand)	Number on hand	Total values (Rand)
	Tollies and heifers 1 - 2 years	14			
	Calves	4			
	Sheep: Wethers	6			
	Rams	6			
	Ewes	6			
	Weaned lambs	2			
	Goats: Fully grown	4			
	Weaned kids	2			
	Horses: Stallions over 4 years	40			
	Mares over 4 years	30			
	Geldings over 3 years	30			
	Colts and fillies: 3 years	10			
	Colts and fillies: 2 years	8			
	Colts and fillies: 1 years	6			
	Foals under 1 year	2			
	Donkeys: Jacks over 3 years	4			
	Jacks under 3 years	2			
	Jennies over 3 years	4			
	Jennies under 3 years	2			
	Mules: 4 years and over	30			
	3 years	20			
	2 years	14			
	1 year	6			
	Ostriches : Fully grown	6			
	Pigs: Over 6 months	12			
	Under 6 months	6			
	Poultry: Over 9 months	1			
	Chinchillas: All ages	1			

<b>TOTAL = Total value of livestock on hand.</b>	<b>R</b>
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- **Election of livestock values**

- Should you not apply the standard values as prescribed and you have not yet made an election in this regard you are requested to complete the following declaration and retain it for inspection purposes, for a period of five years after date of submission of the last return in which you declared any farming activities:

**I hereby select the following classification and values and understand that my selection may be altered only with the consent and approval of the Commissioner for the South African Revenue Service.**

**Mark with an "X":**

(a) **The standard classification and standard values as fixed by the Regulations under the Income Tax Act and set out above.**

(b) **The standard classification, but at my own values as detailed above.**

(c) **My own classification and my own values, as detailed.**

**Date:** .....  
.....

**Signature:**

- **Selection in respect of equalised normal tax rates**

- If you selected to have your normal tax calculated at equalised tax rates and you have not previously exercised such a selection, complete the following declaration and retain it for a period of five years after the last return was submitted in which you declared farming income:

I.....  
..... **hereby select that, with effect from the year of assessment ended ....., my normal tax be calculated at the equalised tax rate in terms of the provisions of paragraph 19 of the First Schedule to the Income Tax Act.**

**I understand and accept that this decision is binding for all future years of assessment.**

**Date**.....  
.....

**Taxpayer/**  
**Executor/**  
**Trustee**

**N.B. - This selection must be exercised only if the farmer wishes to adopt the system of equalised normal tax rates. If normal tax is to be calculated at ordinary rates the selection need not be made.**

**The selection must be made by the person who is carrying on farming operations. In the case of a deceased or insolvent person, the executor or trustee, as the case may be, must make the selection.**

## 8 DEDUCTIONS

### 8.1 MEDICAL

- The system of deductions for medical scheme contributions was converted to tax credits effective 1 March 2012 in an attempt to improve the equity of the tax system. This conversion was based on the notion that medical tax credits provide a more equitable form of relief than medical deductions because the relative value of the relief does not increase with higher income levels (in other words the medical scheme fees tax credit is unrelated to a taxpayer's income bracket). The principle difference between a tax deduction and a tax credit is that medical tax credits reduce a taxpayer's tax liability, whereas deductions reduce a taxpayer's taxable income.
- Since the medical tax credit is a "rebate" against taxes payable and not a "deduction," it is limited to the normal tax payable. In other words it is not refundable and cannot exceed the amount of normal tax payable.
- Section 6A of the Income Tax Act
  - This section of the Act deals with the **medical scheme fees tax credit**. It entitles taxpayers to a monthly "tax rebate" (i.e. credit) in respect of any medical scheme contributions made for the benefit of themselves and their dependants.
  - Section 6A is applicable from 1 March 2012 (i.e. 2013 year of assessment and onwards) to taxpayers below 65 years of age
  - Section 6A is applicable from 1 March 2014 (i.e. 2015 year of assessment and onwards) to taxpayers aged 65 years and older.
- Section 18 of the Income Tax Act
  - This section of the Act deals with the **deduction of medical and dental expenses**.
  - Section 18 is applicable to the 2014 year of assessment and prior years.
  - It was repealed with effect from 1 March 2014 and was replaced with section 6(B).
- Section 6B of the Income Tax Act
  - This section of the Act deals with the **additional medical expenses tax credit**
  - It came into effect on 1 March 2014 and is applicable to the 2015 year of assessment onward and is applicable to all taxpayers regardless of age.

### 8.1.1 MEDICAL SCHEME FEES TAX CREDIT

- On your IRP5/IT3(a) Employee Tax Certificate received from your employer, the medical scheme fees tax credit will be reflected next to source code **4116** if your medical contributions were paid via your employer. Where you paid the medical contributions directly to your medical aid (e.g. via your bank account), this code will not appear on your IRP5 certificate.
- The medical scheme fees tax credits are as follows for each month for which medical scheme contributions were paid:

Year of assessment	Medical scheme fees tax credit
2013 1 Mar 2012 – 28 Feb 2013	R230 per month for the taxpayer; R230 per month for the first dependant; R154 per month for each additional dependant
2014 1 Mar 2013 – 28 Feb 2014	R242 per month for the taxpayer; R242 per month for the first dependant; R162 per month for each additional dependant

2015 1 Mar 2014 – 28 Feb 2015	R257 per month for the taxpayer; R257 per month for the first dependant; R172 per month for each additional dependant
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### 8.1.2 TAXPAYERS AGED 65 YEARS AND OLDER

- For the **2014** year of assessment and prior years, neither the limitation of 7.5% nor the medical tax credits is applicable to taxpayers aged 65 years and older. The taxpayer is entitled to claim (as a deduction) the full medical scheme contribution paid and other qualifying medical and physical disability/impairment expenses not recovered from the medical scheme (section 18).
- From the **2015** year of assessment, section 18 is no longer applicable and section 6B becomes effective. The medical tax credits will be the sum of the following:
  - The standard monthly medical scheme credits for the taxpayer, spouse and dependants
  - 33.3 per cent credits for medical scheme fees that exceed three times the medical scheme fees tax credit; and 33.3 per cent credits for all qualifying medical expenses (other than medical scheme contributions).

<b>Example: 1</b>															
Mr Taxpayer is 65 years old. For the year of assessment commencing on 1 March 2014, he made contributions to a medical scheme of R2 000 per month on behalf of himself and his wife. By 28 February 2015, he had incurred R20 000 in qualifying medical expenses															
<b>1) Medical scheme fees tax credit (S6A) for the year</b>	R6 168														
<u>Calculation:</u> Standard medical scheme fees tax credit for taxpayer, spouse and each dependent <i>times</i> number of months for which contributions were paid to the medical scheme  = (R257 + R257) x 12															
<b>2) Additional medical expenses tax credit (S6B)</b>	R 8490														
<u>Calculation:</u> (Excess Medical Scheme Fees <i>plus</i> Qualifying Medical Expenses) x 33.3%															
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Total contributions paid to the medical scheme</td> <td style="text-align: right;">R5 496</td> </tr> <tr> <td>less 3 times the medical scheme fees tax credit</td> <td></td> </tr> <tr> <td>= (R24 000 – (3 x R6 168))</td> <td></td> </tr> <tr> <td> <b>Plus:</b> Qualifying medical expenses paid</td> <td style="text-align: right;"> R20 000</td> </tr> <tr> <td> Subtotal:</td> <td style="text-align: right;"> R25 496</td> </tr> <tr> <td> 33.3% of the above subtotal</td> <td style="text-align: right;"> R8 490</td> </tr> <tr> <td>= 25496 x 33.3%</td> <td></td> </tr> </table>		Total contributions paid to the medical scheme	R5 496	less 3 times the medical scheme fees tax credit		= (R24 000 – (3 x R6 168))		 <b>Plus:</b> Qualifying medical expenses paid	 R20 000	 Subtotal:	 R25 496	 33.3% of the above subtotal	 R8 490	= 25496 x 33.3%	
Total contributions paid to the medical scheme	R5 496														
less 3 times the medical scheme fees tax credit															
= (R24 000 – (3 x R6 168))															
 <b>Plus:</b> Qualifying medical expenses paid	 R20 000														
 Subtotal:	 R25 496														
 33.3% of the above subtotal	 R8 490														
= 25496 x 33.3%															
<b>Total amount by which Mr Taxpayer's tax liability will be reduced for the 2015 year of assessment:</b>	<b>R14 658</b>														

### 8.1.3 TAXPAYERS UNDER 65 YEARS WITH A DISABILITY

- The 7,5% limitation applicable to taxpayers under 65 years (see section below) does not apply if the taxpayer, his or her spouse or any of his or her children is a person with a disability
- For the **2013** and **2014** years of assessment the taxpayer is entitled to a deduction equal to the sum of the following amounts:
  - All medical scheme contributions paid that exceed four times the medical scheme tax credit calculated under section 6A; and
  - Actual qualifying medical expenses (including physical impairment expenses) paid and not recoverable from the medical scheme.

<b>Example:2</b>									
<p>Mr Taxpayer is 34 years old. For the year of assessment commencing on 1 March 2012, he made contributions of R46 900 to a medical scheme on behalf of himself, his wife, and their child. By 28 February 2013, he had incurred R9 232 in qualifying medical expenses and also paid R32 691 for two hearing aids for his child who is regarded as a person with a disability. Mr Taxpayer's taxable income before the medical deduction is R210 200 for the 2013 year of assessment.</p>									
<p><b>1) Total contributions paid to medical scheme less four times the S6A medical scheme fees tax credit</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total contributions paid to the medical scheme</td> <td style="text-align: right;">R46 900</td> </tr> <tr> <td><b>Less:</b> 4 x the medical scheme fees tax</td> <td style="text-align: right;">(R29 472)</td> </tr> <tr> <td>= 4 x [(230+230+154)x12months]</td> <td></td> </tr> <tr> <td>= 4 x 7368</td> <td style="text-align: right; border-top: 1px solid black;">R17 428</td> </tr> </table>	Total contributions paid to the medical scheme	R46 900	<b>Less:</b> 4 x the medical scheme fees tax	(R29 472)	= 4 x [(230+230+154)x12months]		= 4 x 7368	R17 428	<p>R17 428</p>
Total contributions paid to the medical scheme	R46 900								
<b>Less:</b> 4 x the medical scheme fees tax	(R29 472)								
= 4 x [(230+230+154)x12months]									
= 4 x 7368	R17 428								
<p><b>2) Add: Actual qualifying medical expenses paid and not recoverable from the medical scheme</b></p> <p>(9 232 + 32 691)</p>	<p>R41 923</p>								
<p><b>Total amount by which Mr Taxpayer's tax liability will be reduced for the 2013 year of assessment:</b></p>	<p><b>R59 351</b></p>								

- From the **2015** year of assessment, the medical deduction for taxpayers under 65 years with a disability is calculated the same as that for taxpayers aged 65 years and older.

### 8.1.4 TAXPAYERS UNDER 65 YEARS WITH NO DISABILITY

- Note: Qualifying physical impairment expenses are taken into account when computing the allowable medical deduction.
- For the **2013** and **2014** years of assessment, the taxpayer is entitled to a medical deduction that is limited to the amount by which the total of the following 2 amounts exceed 7.5% of the his/her taxable income before the medical deduction is taken into account (Any "retirement fund" lump sum or withdrawal benefit are excluded for purposes of the 7,5% calculation):
  - All medical scheme contributions paid that exceed four times the medical scheme fees tax credit calculated under section 6A; and

- Actual qualifying medical expenses (including physical impairment expenses) paid and not recoverable from the medical scheme

<b>Example: 3</b>							
<p>Mr Taxpayer is 35 years old. For the year of assessment commencing on 1 March 2012, he made contributions of R46 900 to a medical scheme on behalf of himself, his wife, and their child. By 28 February 2013, he had incurred and paid R19 232 in qualifying medical expenses and also paid R2 691 for over-the-counter medication for a physical impairment (the expenses are covered by the prescribed list). Mr Taxpayer's taxable income before the medical deduction is R210 200 for the 2013 year of assessment.</p>							
<p><b>1) Total contributions paid to medical scheme less four times the S6A medical scheme fees tax credit</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total contributions paid to the medical scheme</td> <td style="text-align: right;">R46 900</td> </tr> <tr> <td><b>Less:</b> 4 x the medical scheme fees tax = 4 x [(230+230+154)x12months] = 4 x 7368</td> <td style="text-align: right;">(R29 472)</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black; border-bottom: 3px double black;">R17 428</td> </tr> </table>	Total contributions paid to the medical scheme	R46 900	<b>Less:</b> 4 x the medical scheme fees tax = 4 x [(230+230+154)x12months] = 4 x 7368	(R29 472)		R17 428	R17 428
Total contributions paid to the medical scheme	R46 900						
<b>Less:</b> 4 x the medical scheme fees tax = 4 x [(230+230+154)x12months] = 4 x 7368	(R29 472)						
	R17 428						
<p><b>2) Add: Actual qualifying medical expenses paid and not recoverable from the medical scheme</b></p> <p>(19 232 + 2 691)</p>	R21 923						
<b>Subtotal</b>	<b>R39 351</b>						
<p><b>3) Less: 7.5 per cent of the taxable income before the medical allowance</b></p> <p>(R210 200 x 0.075)</p>	(R15 765)						
<p><b>Total amount by which Mr Taxpayer's tax liability will be reduced for the 2013 year of assessment:</b></p>	<b>R 23 586</b>						
<p><b>Note:</b> If Mr Taxpayer's taxable income was R530 000 for the 2013 year of assessment, he would not be entitled to a medical deduction, since 7.5% of his taxable income (R39 750) would exceed his qualifying medical expenses.</p>							

- For the **2015** year of assessment, the medical deduction allowed will be the sum of the following 2 calculations:
  - The standard monthly medical scheme fees tax credits for the taxpayer, spouse, and dependants; and
  - **25 per cent** tax credits of the value of the amount by which the aggregate of the medical scheme contributions that exceed four times the standard medical scheme credits, and all qualifying medical expenses (other than medical scheme contributions), exceed 7.5 per cent of the taxpayer's taxable income (excluding any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit)

<b>Example: 4</b>
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<p>Mr Taxpayer is 30 years old. For the year of assessment commencing on 1 March 2014, he made contributions to a medical scheme of R2 000 per month on behalf of himself, his wife, and their child. By 28 February 2015, he had incurred R20 000 qualifying medical expenses. Mr Taxpayer's taxable income for the 2015 year of assessment is R200 000.</p>																	
<p><b>1) Medical scheme fees tax credit (S6A) for the year</b></p> <p>Calculation: Standard medical scheme fees tax credit for taxpayer, spouse and each dependent times number of months for which contributions were paid to the medical scheme</p> <p>= (R257 + R257 + R172) x 12</p>	<p>R 8 232</p>																
<p><b>2) Additional medical expenses tax credit (S6B)</b></p> <p>Calculation: 25% of: ( Total contributions paid to the medical scheme <i>less</i> (4 <i>times</i> the medical scheme fees tax credit) <i>plus</i> qualifying medical expenses paid <i>less</i> 7.5% of taxable income)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Total contributions paid to the medical scheme</td> <td style="text-align: right;">R24 000</td> </tr> <tr> <td><b>Less:</b> 4 times the medical scheme fees tax credit – calculation 1 (4 x 8232)</td> <td style="text-align: right;">(R32 928)</td> </tr> <tr> <td style="border-top: 1px solid black;"><i>Note: Negative result therefore no excess carried. Default to zero.</i></td> <td style="text-align: right; border-top: 1px solid black;">0</td> </tr> <tr> <td><b>Plus:</b> Qualifying medical expenses</td> <td style="text-align: right;">R 20 000</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">R 20 000</td> </tr> <tr> <td><b>Less:</b> 7.5% of taxable income (R200 000 x 0.075)</td> <td style="text-align: right;">(R15 000)</td> </tr> <tr> <td></td> <td style="text-align: right; border-top: 1px solid black;">R 5 000</td> </tr> <tr> <td>25% of the above aggregate total (R5 000 x 0.25)</td> <td style="text-align: right; border-top: 1px solid black;">R 1 250</td> </tr> </table>	Total contributions paid to the medical scheme	R24 000	<b>Less:</b> 4 times the medical scheme fees tax credit – calculation 1 (4 x 8232)	(R32 928)	<i>Note: Negative result therefore no excess carried. Default to zero.</i>	0	<b>Plus:</b> Qualifying medical expenses	R 20 000		R 20 000	<b>Less:</b> 7.5% of taxable income (R200 000 x 0.075)	(R15 000)		R 5 000	25% of the above aggregate total (R5 000 x 0.25)	R 1 250	<p>R 1 250</p>
Total contributions paid to the medical scheme	R24 000																
<b>Less:</b> 4 times the medical scheme fees tax credit – calculation 1 (4 x 8232)	(R32 928)																
<i>Note: Negative result therefore no excess carried. Default to zero.</i>	0																
<b>Plus:</b> Qualifying medical expenses	R 20 000																
	R 20 000																
<b>Less:</b> 7.5% of taxable income (R200 000 x 0.075)	(R15 000)																
	R 5 000																
25% of the above aggregate total (R5 000 x 0.25)	R 1 250																
<p><b>Total amount by which Mr Taxpayer's tax liability will be reduced:</b></p>	<p><b>R 9 482</b></p>																
<p><b>Note:</b> If Mr Taxpayer's taxable income was R300 000 for the 2015 year of assessment, he would not be able to claim an additional medical expenses tax credit, since 7.5% of his taxable income (R22 500) would exceed his qualifying medical expenses.</p>																	

### 8.1.5 DEPENDANTS

- For the purposes of section 6A, a dependant means:
  - A person's spouse (i.e. husband or wife)
  - A person's child and the child of his or her spouse (e.g. son, daughter, step son, step daughter, adopted child)
  - Any other member of a person's family in respect of whom he or she is liable for family care and support (e.g. mother, father, mother-in-law, father-in-law, brother, sister, grandparents, grandchildren.)
  - Any other person who is recognised as a dependant of that person in terms of the rules of a medical scheme or fund

- For the purposes of section 6B, a child means a person's child or child of his or her spouse who was alive during any portion of the year of assessment, and who on the last day of the year of assessment:
  - was unmarried and was not or would not, had he or she lived, have been:
    - over the age of 18 years;
    - over the age of 21 years and was wholly or partially dependent for maintenance upon the person and has not become liable for the payment of normal tax in respect of such year; or
    - over the age of 26 years and was wholly or partially dependent for maintenance upon the person and has not become liable for the payment of normal tax in respect of such year and was a full-time student at an educational institution of a public character; or
  - in the case of any other child, was incapacitated by a disability from maintaining himself or herself and was wholly or partially dependent for maintenance upon the person and has not become liable for the payment of normal tax in respect of that year
  
- You must use the tax certificate received from your medical scheme and your IRP5/IT3(a) certificate(s) to enable you to accurately complete this section of the return.
  
- **“State the total number of members (including yourself) per month”**
  - On the return, complete the number of members and dependants for whom contributions were made per month during the year of assessment.
  - The information required refers to the number of members/dependants for whom contributions that were paid to the medical scheme for the period 1 March to 28 February, including you and the other persons (dependants) that are covered by the scheme. This information is usually reflected on the medical statement that you received from the medical scheme at the end of February
  - Provision has been made for twelve months of the year of assessment starting with “Mar” for March (as the year of assessment starts on 1 March)
    - Indicate the number of persons for whom contributions were made for each month of the year. If, for example, contributions were made in respect of yourself, your spouse, and two children, you will have to enter the number four in the block representing March.
    - If it remained the same for April, again fill in the number four in the block marked “Apr”
    - If however in May contributions were made in respect of you, your spouse and three children, fill in the number five in the block representing May. This is the process that needs to be followed in respect of all the months up to and including February.
    - If no contributions are made in respect of any members or dependants for a specific month, the block referring to that month must be left blank.
  - **Note:** Where you have solely made the contributions towards the medical scheme of a family member for whom you are liable for family care and support, you can include this person when **completing** this field on the return.

#### 8.1.6 MEDICAL SCHEME CONTRIBUTIONS MADE BY YOURSELF

- **“State any medical scheme contributions made by yourself and not reflected on your IRP5/IT3(a) (4040)”**
  - You should only complete an amount in this field of the return if you, in your private capacity, contributed to a medical scheme during the year of assessment and the payment of the contributions was made by yourself via for example a bank account.



- In these cases, no amount should appear on your IRP5/IT3(a) certificate next to the source codes **4005** and/or **4474**.
- If the contributions were paid over to the medical scheme by your employer, the amount will be reflected next to the code **4005** and/or **4474** in the “Deduction/Contribution” section of the return/ IRP5/IT3(a) certificate and should therefore **not** be completed again next to code **4040**. Insert a zero in the amount field next to source code **4040** in the medical deduction section of your return

### 8.1.7 MEDICAL EXPENSES NOT RECOVERED FROM YOUR MEDICAL SCHEME

- The **sum** of the following amounts must be inserted next to the source code **4020** on your return:
  - The amounts on the receipts that you have for qualifying medical expenses actually paid by you and such expenses were not claimed from a medical scheme
  - The amount that appears as “claims not covered by scheme” on your medical tax certificate and you have the necessary receipts.
- Examples of qualifying medical expenses are any amounts which were paid by a taxpayer during the year assessment:
  - For services rendered and medicines supplied by a registered medical practitioner, dentist, optometrist, homeopath, naturopath, osteopath, herbalist, physiotherapist, chiropractor or orthopaedist for professional services rendered or medicines supplied to the person or any dependant of the person;
  - To a nursing home or hospital or any duly registered or enrolled nurse, midwife or nursing assistant (or to any nursing agency in respect of the services of such a nurse, midwife or nursing assistant) in respect of the illness or confinement of the person or any dependant of the person
  - For medicines prescribed by a registered medical practitioner and acquired from a pharmacist
  - Medical expenses incurred and paid outside South Africa.

### 8.1.8 PHYSICAL IMPAIRMENT EXPENSES NOT RECOVERED FROM YOUR MEDICAL SCHEME

- The Income Tax Act makes provision that a taxpayer can claim any expenses prescribed by the Commissioner necessarily incurred and paid in consequence of any physical impairment suffered by the taxpayer, his/her spouse or child or any dependant as defined in section 1 of the Medical Schemes Act.
- Physical impairment is not defined in the Act, however, in the context of section 18(1)(d) it is considered to be a disability that is less restraining than a “disability” as defined in section 6A. This means the restriction of the person’s ability to function or perform daily activities after maximum correction is less than a “moderate to severe limitation”. Maximum correction in this context means appropriate therapy, medication and use of devices.
- The amount incurred and paid in respect of physical impairment expenses but not recovered from the medical scheme should therefore be reflected next to code **4022** on your return. The necessary proof of payment of such expenditure must be retained for a period of five years after submission of your return.

### 8.1.9 PERSON WITH A DISABILITY

- The Income Tax Act provides for a more widely accepted and understood definition of “disability” instead of the previous term “handicapped”. A person who qualified as a “handicapped person” in the past must have his or her disability re-confirmed in order to continue to claim a deduction.
- The Income Tax Act defines “disability” to mean a person with a moderate to severe limitation of that person’s ability to function or perform daily activities, as a result of a physical, sensory, communication, intellectual or mental impairment if the limitation:
  - Has lasted or has a prognosis of lasting more than a year; and
  - Is diagnosed by a duly registered medical practitioner in accordance with the criteria prescribed by the Commissioner
- From the 2010 year of assessment and onwards, a disability must be confirmed by a duly registered medical practitioner (this includes persons who previously qualified as a “handicapped person”). As a result of this change in legislation the ITR-DD form - **Confirmation of diagnosis of disability form for an individual taxpayer**, which is available on the SARS website, and contains the criteria for the diagnosis of disability.
  - These legislative changes were effective from 1 March 2009. If the disability is not confirmed, you will not be able to claim the qualifying expenses in full and will be subject to the 7.5% limitation.
- **“Are you, your spouse or any of your qualifying children a person with a disability?”**
  - Indicate this by marking the applicable field on the return with an “X”.
  - If “Yes” was selected, indicate if this disability has been confirmed by a duly registered medical practitioner as prescribed, by marking applicable field with an “X”.
- If (based on the definition of a person with a disability described in this guide) you, your spouse or child are considered to be a person with a disability, the expenses incurred due to the disability can be claimed in full (inclusive of VAT) and must be declared next to code **4023** and **not** next to code **4020**. The necessary proof of payment of such expenditure must be retained for a period of five years.
- For a detailed list of qualifying expenses and a comprehensive explanation of each of these expense items, refer to the “List of Qualifying Physical Impairment or Disability Expenditure” available on the SARS website.

### 8.1.10 PROOF OF MEDICAL EXPENSES

- You must retain proof of your medical expenses for period of five years after submission of your return to substantiate the claim and should it be requested by SARS.
- Examples of proof required:
  - Tax certificate from your medical aid scheme for the year of assessment
  - Where you are liable for the family care and support of a family member (refer to the dependants section above) and you have paid the medical scheme contributions for that family member you must retain:
    - Proof of payment of the contributions (e.g. banks statements)
    - A copy of the tax certificate from the medical scheme where the medical aid is in the same of the said family member.
  - Receipts for qualifying medical expenses:
    - Paid by you and not recovered from your medical aid scheme

- Paid by you and not recovered from the medical aid scheme of a family member for whom you are liable for family care and support.

## 8.2 RETIREMENT AND INCOME PROTECTION CONTRIBUTIONS

### 8.2.1 ARREAR PENSION FUND CONTRIBUTIONS – SECTION 11(k)(ii)

- This is applicable to amounts for arrear pension fund contributions that were purchased during the year of assessment and can be claimed. Any arrear pension fund contributions amounts on your IRP5/IT3(a) Employee Tax Certificate (code **4002**) must not be completed in this section of the return. Amounts that were paid in prior years and not granted as a deduction in full will programmatically be taken into consideration in the current year of assessment, to a maximum of R1 800 (which is the maximum deduction per person per year of assessment). Any excess amounts will be carried forward to the subsequent year of assessment.

### 8.2.2 CURRENT RETIREMENT ANNUITY FUND CONTRIBUTIONS – SECTION 11(n)(i)(aa)

- The institution to which your contributions were made will issue a certificate (e.g. an IT3(f) income tax certificate) confirming the total contributions made for the tax year. The amount reflected on the certificate received must be completed next to source code **4006** (Current retirement annuity fund contributions) on your return.
  - You must retain proof of your retirement annuity contributions for a period of five years after the date of submission of your return.
  - On the retirement annuity certificates issued by Old Mutual the contributions are broken down into “retirement plan” and “max investments” contributions. This breakdown merely confirms that the individual has two different policies, namely a group scheme retirement annuity and a pension fund retirement annuity within the same fund. Both these amounts are added to obtain the total retirement annuity contributions (4006 amount) for the year of assessment
- Only the contributions made by you as a member of a retirement annuity fund will be considered as a deduction during the assessment process. You may not claim contributions made on behalf of a third party (e.g. spouse or child).
- The maximum deduction permitted per year of assessment is limited to the greater of:
  - 15% of your taxable income (excluding income from retirement-funding employment). When determining taxable income, the following deductions must NOT be taken into account:
    - Capital development expenditure (farming)
    - Donations
    - Retirement annuity fund contributions
    - Medical and dental expenses
    - Expenditure in respect of soil erosion work
  - R3,500 less allowable pension fund contributions
  - R1,750.
- SARS will programmatically calculate the allowable deduction. Any excess contributions are carried forward to the following year of assessment and are taken into account when calculating the allowable deduction for that year of assessment.

### 8.2.3 ARREAR RETIREMENT ANNUITY FUND CONTRIBUTIONS – SECTION 11(n)(i)(bb)

- A member of a retirement annuity fund who has discontinued his contributions prematurely is entitled to be reinstated as a full member of the fund provided that contributions in arrears are made under conditions prescribed in the rules of the fund and the current contributions to the fund have been paid in full.
- For arrear retirement annuity contributions you can claim the total amount of your actual contributions made during the year of assessment, to a maximum of R1 800 (which is the maximum deduction per person per year of assessment). Any excess will be carried forward to the following year of assessment.

### 8.2.4 INCOME PROTECTION INSURANCE CONTRIBUTIONS

- A deduction will be considered in respect of policies where it covers you against the loss of income as a result of illness, injury, disability or unemployment and the amount payable in terms of the policy constitutes (or will constitute) income as defined.
- Note: Income protection contributions cannot be claimed from the 2016 year of assessment.
- There are two dispensations applicable to the treatment of contributions to Income Protection Insurance Policies in an employer/employee relationship. The treatment depends on who owns the policy – the taxpayer (employee) or the employer of the taxpayer.

- **Employer Owned Policy**

- Contributions are paid by an employer for the benefit of an employee (including spouse, child, etc.) resulting in a taxable fringe benefit in the hands of the employee (taxpayer).
  - This benefit will be reflected next to source code **3801** on the IRP5/IT3(a) certificate.
  - The taxable fringe benefit is deemed to be contributions made by an employee and will qualify as a deduction in the hands of the employee. This deduction will be reflected next to source code **4018** on the IRP5/IT3(a) certificate.
- The amount for this deduction must be entered next to source code **4018** in the “**Retirement and Income Protection Contributions**” section of your return in order for it to be taken into account during the assessment process.
- Where the amount for source code **4018** is equal to or less than the amount of the fringe benefit reflected on the IRP5 certificate, relevant material (supporting documents) will not be required. However, where the amount for code 4018 is greater than the amount of the fringe benefit reflected on the IRP5 certificate, relevant material (supporting documents) for the difference will be required.

- **Employee Owned Policy**

- The contribution paid by a taxpayer qualifies as a deduction.
- An employer may on request of an employee, based on proof of payment provided by the employee, take such contributions into account for PAYE purposes. In these cases, no fringe benefit will be applicable. The contributions taken into account by the employer will be reflected next to source code **4018** on the IRP5/IT3(a) certificate.
- Where the employer did not take such contributions into account for PAYE purposes, no code **4018** will be reflected on the IRP5/IT3(a) certificate.

- The amount for this deduction must be entered next to source code 4018 in the “**Retirement and Income Protection Contributions**” section of your return in order for it to be taken into account during the assessment process. You must have the relevant material to support the deduction claimed on your return.

### 8.3 TRAVEL CLAIM AGAINST ALLOWANCE - SECTION 8(1)(B)

**Note:** Effective from 1 March 2010, all taxpayers are required to keep records (logbook) of actual business kilometers travelled when claiming against a travel allowance for the year of assessment. A logbook is available to all taxpayers, free of charge on the SARS website.

- This section must only be completed if you received a travel allowance and maintained a logbook. If you did not receive a travel allowance, you must not request this section of the return. A travel allowance will be reflected on your IRP5/IT3(a) certificate next to the codes **3701** and/or **3702**.
  - Source code **3703** on the IRP5/IT3(a) certificate refers to a non-taxable reimbursive allowance and the taxpayer cannot claim any deductions against this allowance
  - The amount for code **3703** is for reimbursement for business kilometres not exceeding 8 000 kilometres per tax year at a rate which does not exceed the prescribed rate per kilometre. It should only be used by employers if the employee does not receive any other form of compensation for travel and may not be used together with code 3701 and/or 3702.
  - Note: If the employer has used source code 3703 together with source code 3701 or 3702 on the IRP5/IT3(a) certificate, SARS will assess this as a taxable travel allowance.
- You must complete this section separately for each vehicle that was used for business purposes.
- Please note that without all the information required in this section, SARS will not be able to calculate your travel claim and will therefore not consider any travel claim.

#### 8.3.1 DID YOU KEEP A LOGBOOK OF BUSINESS KILOMETRES TRAVELLED?

- You must indicate if a logbook was used to determine the business kilometres travelled by selecting “Y” or “N” for the question on the return.
- Your claim must be confirmed by way of a logbook. You must retain this logbook for a period of five years after the date of submission of the return, should SARS request it. The following minimum information relating to business kilometres travelled should be reflected:
  - Date on which the travel took place
  - The destination to and from
  - The kilometres travelled
  - The reason for the travel.
- Expenses that you incurred by travelling to and from your place of business from your residence are considered private expenses and are therefore not deductible. If you conduct your business from home, your home should (with regard to your travels from there) be treated as your place of business. This means that kilometres travelled when travelling from your home to perform business would be considered as business kilometres.

### 8.3.2 DETAILS OF YOUR VEHICLE(S)

- The amount that will be allowed as a **deduction** will be calculated programmatically by SARS. This calculation can only be done if you supply the following information (completed for each of the vehicles for which you are claiming a travel deduction for the year of assessment):
  - **Vehicle registration no.**
  - **Car make** (e.g. BMW or Volkswagen)
  - **Car model** (e.g. 125i (for BMW) or Polo (for Volkswagen))
  - **Year manufactured** (i.e. which is the year of initial registration of the vehicle)
  - **Cost price or cash value**

### 8.3.3 DETAILS OF KILOMETRES TRAVELLED

- For each of the vehicles that you are claiming a deduction for, you must indicate the following:
  - **Starting date** – this is the beginning of the year of assessment or the date you started using the vehicle for business purposes during the year of assessment.
  - **Closing date** – this is the end of the year of assessment or the date you stopped using the vehicle for business purposes during the year of assessment
  - **Opening kilometres** – odometer reading as at the starting date
  - **Closing kilometres** – odometer reading as at the closing date
  - **Total kilometres** – total kilometres travelled with this vehicle, i.e. difference between opening and closing kilometres
  - **Business kilometres** – this will be the actual business kilometres according to your logbook.

### 8.3.4 TRAVELLING EXPENSES

- Travelling expenses may be claimed based on one of the following methods of calculation:
  - **Actual expenses:** If you have kept record of your actual expenses, use the receipts in respect of these actual expenses to complete the line items as provided for in the return
  - **Fixed cost rate:** If you have not kept records of your actual expenses, SARS will programmatically apply the fixed cost rate to calculate your travel claim.

#### 8.3.4.1 Travelling expenses based on actual expenses

- If you kept record of you actual expenses, complete the total amount for each of the categories of expenses that you have incurred during the period 1 March to 28 February.
- Actual expenses that can be claimed includes the following:
  - Fuel and oil
  - Maintenance and repairs
  - Insurance and license fees
  - Wear and tear or Lease Payment
  - Other

- Wear and Tear:
  - If you claim actual expenses (and can furnish accurate data) there is a limitation on the amount that you may claim for lease payments, finance charges and wear and tear. However, this limitation is only applicable if you received an allowance.
  - If you claim actual expenses for travel purposes, you are also entitled to claim wear and tear on the vehicle. However, wear and tear can only be claimed where you actually **own** the vehicle (i.e. it is not leased). Where a vehicle was acquired during the year of assessment, wear and tear will only be allowed pro rata. The **value** of the vehicle (when calculating wear and tear) is *usually* the cost price, including VAT and excluding finance charges/interest
  - The wear and tear allowance must be determined over a period of **seven years** from the date of original acquisition, and the cost of the vehicle is **limited to R560 000** as from 1 March 2014.

#### Example: Wear and Tear

- Mr Taxpayer purchased a motor vehicle on 1 March 2014 for R650 000. He is claiming actual costs incurred for business travel purposes. He is entitled to claim wear and tear on his vehicle as he receives an allowance from his employer.
- The wear and tear, which the taxpayer is entitled to for the 2015 year of assessment, must be calculated as follows:
  - The cost of the vehicle may not exceed R560 000. The R650 000 is thus limited to R560,000 and wear and tear is calculated on this legislated limitation:
    - $R560\ 000 / 7\ \text{years} = R80\ 000\ \text{per annum}$

- Lease payments - Section 8(1)(b)(iiiA)(aa)
  - If you are leasing a vehicle and have not actually purchased it, the lease payments for the period that you have used the vehicle for business may also be allowed as a deduction. However, there is a **limitation** here too. Section 8(1)(b)(iiiA)(aa) provides that the lease payments may not, in any year of assessment, exceed an amount of the fixed cost for the category of vehicle used
  - You may only claim either lease payments or wear and tear on the same vehicle.
- Finance charges
  - The vehicle's value excludes finance charges, but you may claim the applicable amount separately. However, a limitation has been placed on the finance charges that may be claimed. The finance charges are limited to an amount which would have been incurred had the original debt (cost of the vehicle) been R560 000.
- Other expenses
  - Any other expenses not specifically addressed above must be declared in this section.
- Remember to retain all proof of your expenses for a period of five years after the date of submission of your return.

### 8.3.4.2 Travelling expenses based on the kilometre rate

- If you have not kept record of your actual expenses incurred related to traveling, the fixed cost scale will programmatically be applied in the calculation of your travel claim. This calculation is based on the information declared in your Income Tax Return. The following cost scale table is applicable for:

- The year of assessment ending 28 February 2015:

WHERE THE VALUE OF THE VEHICLE –	FIXED COST (R)	FUEL COST (C/KM)	MAINTENANCE COST (C/KM)
0 - 80 000	25 946	92.3	27.6
80 001 - 160 000	46 203	103.1	34.6
160 001 - 240 000	66 530	112.0	38.1
240 001 - 320 000	84 351	120.5	41.6
320 001 - 400 000	102 233	128.9	48.8
400 001 - 480 000	120 997	147.9	57.3
480 001 - 560 000	139 760	152.9	71.3
Exceeding 560 000	139 760	152.9	71.3

- The year of assessment ending 28 February 2016:

WHERE THE VALUE OF THE VEHICLE –	FIXED COST (R)	FUEL COST (C/KM)	MAINTENANCE COST (C/KM)
0 - 80 000	26 105	78.7	29.3
80 001 - 160 000	46 505	87.9	36.7
160 001 - 240 000	66 976	95.5	40.4
240 001 - 320 000	84 945	102.7	44.1
320 001 - 400 000	102 974	109.9	51.8
400 001 - 480 000	121 886	126.1	60.8
480 001 - 560 000	140 797	130.4	75.6
Exceeding 560 000	140 797	130.4	75.6

- Note:** The fixed cost must be reduced on a pro-rata basis if the vehicle is used for business purposes for less than a full year.
  - The amount for the fixed cost (as per the value of your particular vehicle) must be divided by the total amount of kilometres that you travelled during the year of assessment. If the vehicle was used for business purposes for a period shorter than a year, the fixed cost component must be reduced pro rata. Fuel and maintenance cost rates are read from the schedule
  - Because the scale per kilometre in the above mentioned schedule is based on the **value** of the vehicle, it is important that you determine the value of your vehicle according to the following guidelines:
    - Where you acquired the vehicle under a bona fide agreement of sale or exchange, **the original cost** thereof to you (including any VAT) paid but **excluding** any finance charges or interest payable in respect of the acquisition thereof
    - Where you are leasing the vehicle (**financial lease**), as the recipient of an allowance, or was leased and you acquired ownership on termination of the lease, the **cash value** thereof as determined for VAT purposes plus any VAT paid by you
    - In any other case, the **market value** of the motor vehicle at the time you, as the recipient of an allowance, first obtained the vehicle or the right of use thereof, plus any VAT payable on that value.



### Example 1 – One vehicle for the full year

- A taxpayer owns a vehicle with a **value** of R62 000 and receive a travelling allowance of R4 000 per month for the **full tax year**. During the year of assessment, he travelled 30 000 kilometres and maintained a logbook for business kilometres of 15 000km travelled.

- The amount of the claim will be calculated programmatically as follows for 2015:*

Total distance travelled	30 000 km
Business kilometres travelled	15 000 km
Total allowance received for the year	R48 000
Fixed cost as per fixed cost schedule	R25 946

- Apply the formula:*

$$\frac{\text{Fixed Cost as per schedule}}{\text{Total distance travelled}} \times \frac{\text{No. of days used}}{365}$$

$$\square = \frac{R25\,946}{30\,000\text{km}} \times \frac{365\text{ days}}{365} \times 100$$

$$\square = 86.49\text{c}$$

Fixed cost per kilometre	=	86.49c
Add fuel cost element (per schedule)	=	92.3c
Add maintenance cost (per schedule)	=	<u>27.6c</u>
<b>Total cost per kilometre</b>	=	206.39c

- Multiply the total cost by the business kilometres

$$(15\,000\text{ km} \times 206.39\text{c}) / 100 = \underline{R309\,59}$$

- This amount will be automatically calculated and will be considered as the travel claim. If, however, the calculated amount exceeds the allowance received, the claim will be limited to the amount of the allowance.

### Example 2 – Two vehicles for part of the year

- All the details are the same as in example 1, except that the taxpayer used the vehicle for six months (183 days), during which he travelled 18 500 km. Thereafter, he purchased a new vehicle for R55 000, and travelled 12 000km during the six months (182 days) following the purchase (i.e. the balance of the year). The taxpayer maintained a logbook for business kilometres travelled:

- Vehicle 1 – 15 000 km
- Vehicle 2 – 7 000 km

- The amount of the claim will be calculated programmatically as follows for 2015:

#### VEHICLE 1

Total distance travelled	18 500 km
Business kilometres travelled	15 000 km
Total allowance received for the year	R48 000
Fixed cost as per fixed cost schedule	R25 946

- *Apply the formula:*
  - $= \frac{R25\ 946}{18\ 500\text{km}} \times \frac{183\ \text{days}}{365} \times 100$
  - = 70.31c

Fixed cost per kilometre	=	70.31c
Add fuel cost element (per schedule)	=	92.3c
Add maintenance cost (per schedule)	=	<u>27.6c</u>
<b>Total cost per kilometre</b>	=	<b>190.21c</b>
- *Multiply the total cost per kilometre by the deemed business kilometres*

$$(15\ 000\ \text{km} \times 190.21\text{c}) / 100 = \underline{R28\ 532}$$
  - In other words, the taxpayer is entitled to claim a deduction of R28 532 on the first vehicle. This claim will be added to the amount calculated in respect of vehicle two. Only then can it be determined whether or not the total claim exceeds the allowance received for the particular year of assessment.
- **VEHICLE 2**

Total distance travelled	12 000 km
Business kilometres travelled	7 000 km
Total allowance received for the year	R48 000
Fixed cost as per fixed cost schedule	R25 946
- *Apply the formula*
  - $\frac{R25\ 946}{12\ 000\text{km}} \times \frac{183\ \text{days}}{365} \times 100$
  - = 108.40c

Fixed cost per kilometre	=	108.40c
Add fuel cost element (per schedule)	=	92.3c
Add maintenance cost (per schedule)	=	<u>27.6c</u>
<b>Total cost per kilometre</b>	=	<b>228.30c</b>
- *Multiply the total cost per kilometre by the deemed business kilometres*
  - $(7\ 000\ \text{km} \times 228.30\text{c}) / 100 = \underline{R15\ 981}$
- In other words the taxpayer is entitled to claim a deduction of R15 981 for the second vehicle.
- Total deduction claimed in respect of the full year:
  - $R28\ 532 + R15\ 981 = R44\ 513$
- Because the total amount of the claim does not exceed the allowance received (i.e. R48 000) the amount will be considered as a deduction.

## 8.4 EMPLOYER PROVIDED VEHICLES

- Employers often provide their employees with a travel allowance to meet the cost of

business-related car travel expenses. Some employers alternatively provide their employees with the use of a company-owned motor vehicle for the same purpose. The right of use of a motor vehicle provided by an employer to an employee for **private or domestic** purposes is regarded as a taxable benefit in the hands of the employee

- The value to be placed on the private use of a motor vehicle is determined for each month or part of a month during which an employee was entitled to use the motor vehicle for private purposes
- The employer provided motor vehicle can either be that such motor vehicle:
  - was acquired by the employer under a bona fide agreement of sale or exchange concluded at arm's length
  - held by the employer under a lease (excluding "operating lease")
  - Was held by the employer under a lease (excluding "operating lease") and ownership was acquired by the employer on termination of the lease
  - In any other case, where the employer first obtained the vehicle or the right of use
- The value of the taxable fringe benefit is included in gross income and is equal to the **'value of private use'** less any consideration paid by the employee to the employer for the private use of the vehicle.
  - For employer provided vehicles under an operating lease the value of private use is:  
*Actual cost incurred under the operating lease + cost of fuel incurred on the same vehicle*
  - For employer provided vehicles other than an operating lease the value of private use is:  
*Fixed percentage per month x the determined value of the motor vehicle*
  - Note: the fixed percentage per month depends on whether or not the vehicle is subject to a maintenance plan
- **Reduction of the fringe benefit value (i.e. value of private use):**
  - The calculation for **'value of private use'** (i.e. fixed % per month x determined value of the motor vehicle or actual costs incurred under an "operating lease" plus fuel) is based on the assumption that the motor vehicle is only used for private purposes (i.e. the employee does not use it for any business purposes) and that the employer bears all of the operating expenses.
  - The Act, however, recognises that employees may use the motor vehicle for business purposes and may bear some of the costs associated with the motor vehicles.
  - The fringe benefit value may be reduced if accurate records are kept of distances travelled for business purpose. The fringe benefit is reduced on assessment. It cannot be reduced by the employer.

#### **8.4.1 EMPLOYER PROVIDED VEHICLE: OTHER THAN OPERATING LEASE**

- This section of the return is only applicable to years of assessment from 2012 and onwards and must only be completed if your employer granted you the benefit to use a motor vehicle(s) for business purposes.
- The cash equivalent of the taxable benefit will be reflected on your IRP5/IT3(a) Employee Tax Certificate next to the codes **3802** and/or **3852**.
- This section must be completed separately for each vehicle that was used for business purposes.

- The provisions for employer related vehicles: other than operating lease are applicable to years of assessment commencing on or after 1 March 2011.
  - Effective from 1 March 2011, you are required to make use of a logbook and keep accurate record of travelling costs incurred when claiming a deduction for the kilometres travelled against taxable amount on right of use of motor vehicles for the year of assessment. A logbook is available to all taxpayers, free of charge on the SARS website [www.sars.gov.za](http://www.sars.gov.za)
  - A logbook and an accurate record of travelling costs incurred, for example licence must be maintained.
  - If you did not receive a benefit to make use of employer's vehicle you must not request this section of the return.
- For more detailed information on this taxable fringe benefit, please refer to Interpretation Note: No. 72 - Right of Use of Motor Vehicle on the SARS website.
- The value of the taxable fringe benefit is included in gross income and is equal to the '**value of private use**' less any consideration paid by the employee to the employer for the private use of the vehicle
- The '**value of private use**' is calculated as:
  - *Fixed percentage per month x the determined value of the motor vehicle*
- Fixed percentage:
  - The fixed percentage is generally 3,5% per month.
  - However, the fixed percentage may be reduced to 3,25% of the determined value per month if the motor vehicle was the subject of a maintenance plan when it was acquired by the employer.
  - In order for the fixed percentage to be reduced, the maintenance plan must commence at the same time that the motor vehicle is acquired by the employer.
- Determined value of motor vehicle means:
  - Where the motor vehicle was acquired under a bona fide agreement of sale or exchange, it will be the original cost to the employer;
  - Where the motor vehicle is held by the employer under a lease (other than an operating lease), it will be the retail market value at the time the employer first obtained right of use of the vehicle.
  - The cash value of the motor vehicle if the motor vehicle is or was held under a lease as contemplated paragraph (b) of definition of 'instalment credit agreement' in the Value Added Tax Act.
  - In any other case, it will be the market value of the motor vehicle at the time when the employer first obtained the motor vehicle or the right of use thereof.
  - Note:
    - (a) A reduction in the determined value of the vehicle will apply where the employer acquired the vehicle or the right of the use of the vehicle not less than 12 months before the employee was granted the right of use. A depreciation allowance of 15% must be calculated using the reducing balance method.
    - (b) Where an employee who had the right of use of a motor vehicle is being transferred with the same motor vehicle from an associated institution to a new employer. The determined value will be the value as at the date on which the employee was first granted the right of use of the vehicle.
- Reduction for business use:

- On assessment, the value of the taxable fringe benefit will be reduced if the taxpayer has kept accurate records of the distances travelled for business purposes (e.g. a log book) for that year of assessment.
  - The amount of the business use reduction is calculated as follows:  
*Value of Private Use x (Business Mileage / Total Mileage)*
- Reduction when the employee incurs expenditure in relation to the motor vehicle
  - **Note:** the reductions discussed below are not applicable if the vehicle is held by the employer under an “operating lease”.
  - A taxpayer who bears the **full** cost of the licence, insurance or maintenance of the motor vehicle or the **full** cost of the fuel for the private use of the motor vehicle, is entitled to a reduction of the fringe benefit value provided that the taxpayer has kept accurate records of the distances travelled for business purposes (e.g. a log book) for that year of assessment.
  - For licence or insurance or maintenance costs, the reduction is calculated as:
    - *(Private mileage / total mileage) x full cost of licence or insurance or maintenance cost*
  - For fuel costs, the reduction is calculated as:
    - *Private mileage x deemed fuel rate per kilometre as per the Gazette.*
    - The gazette referred to above is the “Fixing of Rate per Kilometre in respect of Motor Vehicles for the Purposes of Section 8(1)(b)(ii) and (iii) of the Income Tax Act, 1962” and is published on the SARS website.
- Examples:

<b>Example: 1</b>	
<p>Employer DEF purchased a motor vehicle for R300 000 (VAT inclusive) for the sole use by Mr Taxpayer as from 1 March 2014. Mr Taxpayer maintains a logbook which indicates a total of 40 000 km travelled, of which 10 000 km are business kilometres. The employer pays all costs. Mr Taxpayer pays his employer R1 000 per month for the use of the motor vehicle. The employer was not entitled to an input tax claim for VAT.</p> <p>The value of the taxable benefit for Mr Taxpayer will be determined as follows:</p>	
Monthly value of private use (taxable fringe benefit) <i>(R300 000 x 3,5% less monthly consideration of R1 000 paid by Mr Taxpayer)</i>	9 500
Annual value of private use <i>(R9 500 x 12)</i>	<u>114 000</u>
<b>Less:</b> Business use reduction = <i>value of private use x business km / total km</i> = <i>(R114 000 x 10 000 km / 40 000 km)</i>	(28 500)
<b>Cash equivalent of the value of the taxable benefit</b> (i.e. subject to income tax on assessment)	<u><b>R 85 500</b></u>
<b>Example: 2</b>	
<p>Mr Taxpayer, an employee of Company ABC, has been granted the right to use Company ABC’s motor vehicle. The motor vehicle was acquired by Company ABC at a cost of R400 000 (including VAT) and included a maintenance plan. Mr Taxpayer maintains a logbook which proves that a total of 36 000 km were travelled during the year of assessment, of which 17 000 km are business kilometres. Mr Taxpayer is responsible for full cost of licence, insurance and fuel costs incurred on the motor vehicle, which amounted to R650, R16 200 and R30 000, respectively. Mr Taxpayer also pays Company ABC R1 000 per month for the use of the motor vehicle. Company ABC is not entitled to an input tax claim for VAT. Mr Taxpayer had the use of the motor</p>	

vehicle for the full 2015 year of assessment

The value of the taxable benefit for Mr Taxpayer will be determined as follows:

Monthly value of private use (taxable fringe benefit) <i>(R400 000 x 3,25% less monthly consideration of R1 000 paid by Mr Taxpayer)</i>	12 000
Annual value of private use <i>(R12 000 x 12)</i>	144 000
<b>Less:</b> Business use reduction <i>= value of private use x business km / total km = (R144 000 x 17 000 km / 36 000 km)</i>	(68 000)
<b>Less:</b> Licence cost reduction <i>= actual cost x private km / total km = (R650 x 19 000 km / 36 000 km)</i>	(343)
<b>Less:</b> Insurance cost reduction <i>= actual cost x private km / total km = (R16 200 x 19 000 km / 36 000 km)</i>	(8 550)
<b>Less:</b> Maintenance cost reduction <i>= not applicable as Mr Taxpayer does not bear the full maintenance costs</i>	(0)
<b>Less:</b> Fuel cost reduction <i>= private km x fuel rate per km for 2015 as per Gazette = (19 000 km x R1.479)</i>	(28 101)
<b>Cash equivalent of the value of the taxable benefit</b> (i.e. subject to income tax on assessment)	<b>R 39 006</b>

#### 8.4.1.1 LOGBOOK TO DETERMINE BUSINESS KILOMETRES TRAVELLED

- Select “Y” or “N” on the return to confirm if you used a logbook to determine business kilometres travelled.
- Your claim must be confirmed by way of a logbook. You must retain this logbook for a period of five years after the date of submission of the return, should SARS request it. The following minimum information relating to business kilometres travelled should be reflected:
  - Opening kilometres
  - Closing kilometres
  - Date on which the travel took place
  - The destination to and from
  - The kilometres travelled
  - The reason for the travel.
- Expenses that you incurred by travelling to and from your place of business from your residence are considered private expenses and are therefore not deductible.
- Effective from 1 March 2011 if you are a “judge” or a “Constitutional Court judge”, paragraph 7(8A) of the Seventh Schedule makes an exception in respect of the private kilometres travelled. The kilometres travelled between your place of residence and the courts over which you preside are deemed to be kilometres travelled for business purposes.
- Please note that without all the information required in this section, SARS will not be able to calculate your reduction claim and will therefore not consider any reduction

claim.

#### 8.4.1.2 DETAILS OF YOUR VEHICLE(S)

- The amount that will be allowed as a **deduction** will be calculated programmatically by SARS. This calculation can only be done if you supply the following information on your return (for each of the vehicles for which you are claiming a deduction for the year of assessment):
  - **Vehicle registration no.**
  - **Car make** (e.g. BMW or Volkswagen)
  - **Car model** (e.g. 125i (for BMW) or Polo (for Volkswagen))
  - **Year manufactured** (i.e. which is the year of initial registration of the vehicle)
  - **Cost price or cash value**
  - **Fringe Benefit Value** – insert the amount that is reflected next to source codes **3802** (use of motor vehicle) or **3852** (foreign use of motor vehicle) on your IRP5/IT3(a) certificate
    - If you have used more than one employer provided vehicle during the year of assessment, your employer should provide you with a letter specifying the value of the fringe benefit for each motor vehicle that was used during that period.

#### 8.4.1.3 DETAILS OF KILOMETRES TRAVELLED

- For each of the vehicles that you are claiming a deduction for, you must indicate the following:
  - **Starting date** – this is the beginning of the year of assessment or the date you started using the vehicle for business purposes during the year of assessment.
  - **Closing date** – this is the end of the year of assessment or the date you stopped using the vehicle for business purposes during the year of assessment
  - **Opening kilometres** – odometer reading as at the starting date
  - **Closing kilometres** – odometer reading as at the closing date
  - **Total kilometres** – total kilometres travelled with this vehicle, i.e. difference between opening and closing kilometres
  - **Business kilometres** – this will be the actual business kilometres according to your logbook.

#### 8.4.1.4 FULL COST INCURRED BY THE EMPLOYEE (NOT REIMBURSEMENT BY THE EMPLOYER)

- If your employer partially reimburses you (the employee) for the amounts paid for licence, insurance, maintenance, or private cost of fuel, you **may not** deduct any private expenses for the items so reimbursed.
- Select 'Y' or 'N' to indicate if you were fully or partially reimbursed by the employer for each of the following:
  - Insurance
  - License Fees
  - Maintenance
  - Fuel
- Insert the amount for the following expenses:
  - Insurance

- License Fees
  - Maintenance
- Select 'Y' or 'N' to indicate if a maintenance plan was included in the purchase price of the vehicle provided by your employer?
  - **Note:** The maintenance expense will not be allowed if the maintenance plan was included in the purchase price of the vehicle provided by the employer.
- **Adjustment to the cash equivalent benefit**
  - The cash equivalent benefit received will be reduced as follows on assessment:
    - **Business kilometres travelled:** cash equivalent x business kilometres/total kilometres
    - **Private kilometres travelled:**

Full cost paid by employee	Reduce cash equivalent benefit with
Cost of licence	Cost x private kilometres/total kilometres
Cost of insurance	Cost x private kilometres/total kilometres
Cost of maintenance	Cost x private kilometres/total kilometres
Cost of fuel for private use	Private kilometres x fuel rate per kilometre per Gazette

#### 8.4.2 EMPLOYER PROVIDED VEHICLE: OPERATING LEASE

- You can only claim deductions for an employer provided vehicle - other than an operating lease if your IRP5/IT3(a) certificate reflects income for either source codes **3816** and/or **3866**
- This section must be completed separately for each vehicle that was used for business purposes
- This legislative change to employer-provided motor vehicles (company cars) is effective from 1 March 2013 and is applicable to years of assessment from 2014 onwards
- The '**value of private use**' is calculated as:
  - *Actual cost incurred under the operating lease + cost of fuel incurred on the same vehicle*
- The business use reduction for each vehicle is calculated as the:
  - *Fringe Benefit Value x [Business km / Total km].* (See example in the table above)
  - The deduction for each vehicle is limited to the fringe benefit value for that specific vehicle
- Note: the lease agreement must satisfy the following conditions to be defined as an operating lease:
  - The employer must lease the vehicle from a lessor in the ordinary course of the lessor's business (not being a banking, financial services or insurance business);
  - The vehicle must be available to lease to the general public for a period of less than a month;
  - The costs of maintaining the vehicle (including any repairs due to normal wear and tear) must be borne by the lessor; and



- Subject to the claim a lessor may have against a lessee (e.g. employer) for failing to take proper care of the vehicle, the risk of loss or destruction of the vehicle must not be assumed by the lessee (e.g. employer).
- Where the above-mentioned requirements are not met (e.g. lease is defined as a finance lease), the fixed percentage per month of determined value method must be used to calculate the 'value of private use'

#### 8.4.2.1 LOGBOOK TO DETERMINE BUSINESS KILOMETRES TRAVELLED

- Select "Y" or "N" on the return to confirm if you used a logbook to determine business kilometres travelled.
- Your claim must be confirmed by way of a logbook. You must retain this logbook for a period of five years after the date of submission of the return, should SARS request it. The following minimum information relating to business kilometres travelled should be reflected:
  - Opening kilometres
  - Closing kilometres
  - Date on which the travel took place
  - The destination to and from
  - The kilometres travelled
  - The reason for the travel.
- Please note that without all the information required in this section, SARS will not be able to calculate your reduction claim and will therefore not consider any reduction claim.

#### 8.4.2.2 DETAILS OF YOUR VEHICLE(S)

- The amount that will be allowed as a **deduction** will be calculated programmatically by SARS. This calculation can only be done if you supply the following information on your return (for each of the vehicles for which you are claiming a deduction for the year of assessment):
  - **Vehicle registration no.**
  - **Fringe Benefit Value** – insert the amount that is reflected next to source codes **3816** (use of motor vehicle acquired by employer under operating lease) or **3866** (foreign use of motor vehicle acquired by employer under operating lease) on your IRP5/IT3(a) certificate.
    - If you have used more than one employer provided vehicle during the year of assessment, your employer should provide you with a letter specifying the value of the fringe benefit for each motor vehicle that was used during that period.

#### 8.4.2.3 DETAILS OF KILOMETRES TRAVELLED

- For each of the vehicles that you are claiming a deduction for, you must indicate the following:
  - **Starting date** – this is the beginning of the year of assessment or the date you started using the vehicle for business purposes during the year of assessment.
  - **Closing date** – this is the end of the year of assessment or the date you stopped using the vehicle for business purposes during the year of assessment

- **Opening kilometres** – odometer reading as at the starting date
- **Closing kilometres** – odometer reading as at the closing date
- **Total kilometres** – total kilometres travelled with this vehicle, i.e. difference between opening and closing kilometres
- **Business kilometres** – this will be the actual business kilometres according to your logbook.

#### **8.4.3 USE OF MOTOR VEHICLE FOR 2011 YEAR OF ASSESSMENT AND PRIOR YEARS**

- For the 2011 year of assessment and prior the following applies for the calculation of use of motor vehicle:
  - The taxable benefit which arises from the private use of a motor vehicle supplied by an employer is based on the assumption that the distance covered for private use (including travel between home and work) amounts to 10 000 km for the year. If the taxpayer travelled less than 10 000 km and has kept accurate records in the form of a logbook, a deduction may be claimed and the amount must be reflected in the “Other deductions” section of the return next to code **4046**
  - A copy of the log book must be retained for a period of five years after the date of submission of the return and must be available should SARS request it.
  - The reduction in the value of the benefit will not apply where more than one vehicle was made available to the taxpayer at the same time and only the benefit of the more expensive vehicle has been taken into account as a fringe benefit. This principle will apply unless less than 10 000 km have been travelled with both vehicles individually.

### **8.5 OTHER QUALIFYING DEDUCTIONS**

- In terms of the Income Tax Act, only certain deductions are allowed if a taxpayer earns a salary. Some of these deductions, such as pension fund and retirement annuity fund contributions, have already been addressed in this guide. The remaining deductions that may qualify, providing expenses were incurred, are the following:

#### **8.5.1 EXPENSES AGAINST LOCAL AND/OR FOREIGN TAXABLE SUBSISTENCE ALLOWANCE**

- If an allowance is reflected as code **3704** (local), the amount that can be claimed must be determined based on the actual expense amounts or the amount of deemed expenses in terms of section 8(1)(c)(ii) of the Income Tax Act. The expenses to be claimed must be reflected as code **4017** in the “Other deductions” section of the return.
- If the taxpayer received a foreign subsistence allowance, the allowance must be indicated as a code **3715** or **3754** on the IRP5/IT3(a) Employee Tax Certificate. The expenses to be claimed must be reflected as code **4019** in the “Other Deductions” section of the return.
- A schedule detailing the following must be prepared and retained for a period of five years to substantiate the claim:
  - The period in respect of which the expenses were claimed
  - The destination where the money was spent
  - The total number of days for which expenses were claimed
  - Specify whether local or foreign expenditure.

- Receipts for the expenses must be retained in support of the claim, should it be requested by SARS.

### **8.5.2 DONATIONS ALLOWABLE IN TERMS OF SECTION 18A TO APPROVED PUBLIC BENEFIT ORGANISATIONS**

- The deduction amount must be the same as the amount reflected on the receipt that was received. The donation amount will only qualify as a deduction if the receipt states that it is issued in terms of section 18A of the Income Tax Act. Enter the amount on the receipt next to the code **4011**.
- In terms of Section 18A the deduction for the year of assessment will be limited to 10% of taxable income (excluding any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit), and before taking into account any deduction in terms of this section. This limitation will be done programmatically by SARS. As from the 2015 year of assessment, the excess amount (if any) will be carried forward programmatically to the following year of assessment for possible deduction in subsequent years of assessment.

### **8.5.3 DEPRECIATION - SECTION 11(e)**

- Section 11(e) makes provision for the taxpayer to claim an amount representing the diminishing value of an asset which is owned by the taxpayer and used for the purpose of his/her trade.
- If the taxpayer owns an asset (for example a computer) and he/she is obliged to use the asset regularly to perform tasks relating to his/her profession, he/she will be entitled to claim depreciation on the asset. The amount calculated must be reflected next to the code **4027** in the "Other Deductions" section of the return.
- Interpretation Note: No. 47 (Issue 2) dated 11 November 2009, which replaced Practice Note 19, makes further provision that "small items" (an item that normally functions on its own and does not form part of a set) that are acquired and the cost thereof does not exceed R7 000 can be written off in full in the year in which the asset is acquired.
- Receipts or proof of purchase and payment of such items must be retained for a period of five years to substantiate the claim, should it be requested by SARS.

### **8.5.4 HOME OFFICE EXPENSES - SECTION 11(a)**

- The deduction of any expenses in respect of any residence/domestic premises is prohibited, except where a part of the residence/premises is occupied for purposes of trade. Such part of the premises will only be regarded as being used for trade if:
  - It is specifically equipped for purposes of the taxpayer's trade
  - It is used regularly and exclusively for such purposes.
- If the income against which the deduction is claimed flows from the holding of employment or an office, no deduction is allowed unless:
  - The income from such employment or office is derived mainly from commission or other variable payments, which are based on work performance and duties are mainly performed otherwise than in an office which is provided by an employer

- The taxpayer's duties are mainly performed in the study at his/her private residence.
- The following guidelines are given with regard to a claim for a study at home:
  - There must be a direct relationship between the incurring of the expenses and the production of income
  - The taxpayer must, in terms of the requirements of a service contract with his/her employer, maintain a study at his/her private residence
  - The study may be used only for business purposes
  - A schedule detailing the following must be prepared and retained for a period of five years should SARS request it:
    - What is the nature of the occupation and why is it necessary to maintain a study at home?
    - A copy of the service contract, service regulations or personnel code
    - Does the employer place an office at his/her disposal at the workplace? Full details of any restrictions in the use of this office are to be furnished, as well as a letter of confirmation from the employer
    - Is the work of such a nature that he/she is expected to work at home after hours? Full details of how frequently the home study is used as well as a statement confirming the use thereof is required from the employer
    - Is the taxpayer required to use the home study to interview or supply information to clients or employees after hours?
    - Is the home study specifically equipped for purposes of the trade?
    - Is the study used regularly and exclusively for his/her work?
    - To what extent is the study indispensable to the proper carrying out of his/her tasks?
- Should the taxpayer qualify for a deduction, the amount must be calculated on the following basis:
  - $A / B \times$  total costs, where
    - A = the area in m<sup>2</sup> of the area specifically equipped and used regularly and exclusively for trade
    - B = the total area in m<sup>2</sup> of the residence (including any outbuildings and the area used for trade in the residence)
    - Total costs = the costs incurred in the acquisition and upkeep of the property (excluding expenses of a capital nature).
- Repairs specifically made to the study will not be apportioned but allowed in full.
- Repairs to the building in general must not be included in total costs.
- Enter the amount calculated next to the code **4028**.

#### **8.5.5 TRAVEL EXPENSES (NO ALLOWANCE E.G. COMMISSION INCOME)**

- If you did not receive a travel allowance but incurred travel expenses in the production of your income, you may claim a deduction based on a logbook that must be retained for a period of 5 years after the date of submission of the return and must be available on request from SARS. The amount of your claim must be filled in next to code **4015**.

#### **8.5.6 AMOUNTS TAXED ON IRP5/IT3(a) EMPLOYEE TAX CERTIFICATE BUT COMPLY WITH EXEMPTIONS IN TERMS OF SECTION 10(1)(o)(ii)**

- Refer to the section on "Residence basis of taxation" above.

- Where remuneration is received for services rendered to an employer outside South Africa (if the employee is outside South Africa for a period exceeding 183 days in any twelve month period and is outside South Africa for a continuous period of 60 days during the twelve month period and the services were rendered during the period), such income received could be exempt in terms of section 10(1)(o)(ii). If, however, the income considered exempt is reflected as income on the IRP5/IT3(a) Employee Tax Certificate, the amount considered as exempt must be reflected as a deduction next to code **4041** in the "Other deductions" section of the Income Tax Return. Note that proof of entries and exits from the South Africa could be requested to prove compliance with the provisions as set out in section 10(1)(o)(ii).
  - This provision does not apply to employees of national, provincial or local governments and to employees of certain public entities.
- Source code 4041 may not be claimed against the following income sources, which may appear on the IRP5/IT3(a):
  - **3602** – Income non-taxable
  - **3652** – Foreign income non-taxable
  - **3703** – Reimbursive travel allowance non-taxable
  - **3753** – Foreign reimbursive travel allowance non-taxable.
- The corresponding field in the "Amounts considered Non-Taxable" section as well as the "Residency" section of the return must be completed.

#### **8.5.7 AMOUNTS REFUNDED IN TERMS OF SECTION 11(nA) AND 11(nB)**

- Certain amounts that were received from the employer and were taxed in a previous year of assessment and subsequently refunded to the employer during the current year of assessment (possibly due to resolute conditions attached to the obligation to pay), can be claimed as a deduction. Examples of these are:
  - Maternity leave payments
  - Bursaries
  - Restraint of trade, etc.
- The refund to the employer must be reflected next to the source code **4042**.

#### **Example:**

A taxpayer received a taxable fringe benefit for a bursary to the amount of R10 000 from his/her employer during the 2014 year of assessment and was subsequently taxed on the amount in the 2014 year of assessment. The conditions stated in the contract determine that the taxpayer will remain an employee for the duration of two years, following receipt of the bursary. One year after receiving the bursary (2015), the taxpayer resigns. Because the taxpayer fails to fulfil his/her conditions of the contract, he/she must refund the R10 000 to the employer. Because this amount was fully taxed at the time of receipt, the taxpayer can now claim a deduction for the amount paid back to the employer.

#### **8.5.8 ALLOWABLE ACCOUNTANCY FEES – SECTION 11(a)**

- The deduction for Accountancy / Administration Fees for the completion of Income Tax returns will be allowed when business income or any of the following income sources are applicable:

- Commission
  - Local Interest
  - Royalties
  - Other Receipts and Accruals
  - Foreign Dividends
  - Foreign Interest
  - Other Foreign Income
  - Pension annuity
  - Retirement Annuity
  - Purchased annuity
- Only professional fees which were actually paid or are payable for the completion of the Income Tax return, can be considered as a deduction
  - No deduction will be allowed against remuneration in the form of salary or wages.
  - Investment income will only be considered if the amount was taxable
  - Since interest income up to R23 800 for persons under 65 years and up to R34 500 for persons over 65 years is exempt from Income Tax for the 2015 year of assessment, fees paid will only be allowed as a deduction to the extent that it does not create a loss
  - Note that annuity income is not considered to be investment income for the purpose of the deduction in respect of allowable accountancy fees.
  - In the case of a pensioner whose financial affairs (pensions, annuities, investment income, etc.) are administered by a banking institution, board of executors or similar institution, the administration fees paid to the institution including any fees for the completion of tax returns will qualify for deduction
  - The amount paid or payable must be completed next to source code **4043**.
  - For more information refer to Practice Note: 37 on the SARS website.

#### **8.5.9 LEGAL COSTS - SECTION 11(c)**

- Legal cost directly related to a salary package that will result in the taxpayer receiving an amount that is taxable, can be claimed. All documents and proof supporting the claim must be available on request.
- These amounts must be completed next to source code **4044**.

#### **8.5.10 BAD AND DOUBTFUL DEBT - SECTION 11(i) and (j)**

- You are entitled to claim a deduction in respect of bad debt and/or doubtful debt up to and as at the time when you regard the debt as bad or doubtful, provided this amount was included in your income for the current or previous year of assessment. The determination of when a debt is bad/doubtful must be made at the time when the deduction is claimed.
- The facts and circumstances must be determined for each debt and debtor.
- When claiming this deduction(s) the following information must be retained by the taxpayer for a period of five years to be available should SARS request it:

- The name of the debtor
  - The date when the debt was incurred
  - The reason for writing the debt off
  - The circumstances under which the debt was incurred
  - Circumstances of the debtor (e.g. loss of employment, economic factors, etc.).
- The amount in respect of provision for doubtful debt claimed as a deduction under section 11(j) is subject to the discretion of the Commissioner. The amount of the allowance will be determined at the end of the year of assessment when the information with regard to the doubtful debts is furnished by you.
- The amount(s) must be completed next to the source code **4045**.

**Example:**

Where an employer has issued the taxpayer with an IRP5/IT3(a) Employee Tax Certificate where the amount was included as income received and the taxpayer in fact has not received the applicable amount.

#### **8.5.11 SECTION 8C LOSSES**

- Section 8C makes provision for any loss incurred by a director or an employee as a result of the vesting of any equity instrument during a year of assessment. All documents to support your claim must be kept for a period of 5 years after the date of submission of the return and must be made available to SARS should it be requested.
- The loss amount must be completed next to source code **4031**.

#### **8.5.12 HOLDERS OF A PUBLIC OFFICE - SECTION 8(1)(d)**

- Any allowance granted to a holder of a public office to enable him/her to pay expenses incurred by him/her relating to his/her office, is deemed to have been expended to the extent that he/she has incurred the following expenses for his/her office:
  - Secretarial services, telephone, stationery, office accommodation, postage, traveling or hospitality extended at any official or civic function which the holder of such office is by reason of such office normally expected to arrange
  - Subsistence and incidental costs while away from his/her usual place of residence.
- The amount must be completed next to the source code **4047**.

#### **8.5.13 COMMISSION INCOME EXPENDITURE - SECTION 11(a)**

- If a taxpayer earns remuneration mainly in the form of commission and he/she has incurred expenses that are not specifically addressed in the sections above:
  - Such expense items, with the exclusion of travel expenses, must be added together and the total amount must be inserted in the field "Other" next to the code **4016**, and
  - A detailed description must be provided.
- All calculations, receipts and other supporting documentation must be retained for a period of five years after the date of submission of the return and must be made

available to SARS should it be requested.

- These “Other Deductions” will only be accepted where income source code 3606 is available and where the 3606 amount exceeds 50% of the total of the amounts of codes 3697 and 3698 on your IRP5/IT3(a).

## **9 STATEMENT OF LOCAL AND FOREIGN ASSETS AND LIABILITIES**

- The statement of assets and liabilities (local and foreign) in the ITR12 is mandatory for completion if you:
  - Answered “Yes” for any of the following fields
    - Did you receive any foreign income apart from foreign Interest and foreign dividend income and excluding foreign capital gain transactions?
    - Did you participate in any local farming operations?
    - Did you receive local business, trade or professional income (including rental income)?
- The statement of assets and liabilities is optional if the source code in the trading schedule is 4210 and 4211
- All local asset and liability items must be listed individually.
- The foreign currency value of the assets and liabilities must be converted to rand using the exchange rate as at the end of the year of assessment

## **10 VOLUNTARY DISCLOSURE PROGRAMME (VDP)**

- What is the purpose of the Voluntary Disclosure Programme (VDP)?
  - The purpose of the VDP is to allow taxpayers an opportunity to regularise their tax affairs with SARS.
  - Taxpayers must voluntarily apply to SARS to disclose their defaults or non-compliance.
  - A VDP application number will be allocated by SARS.
  - Once the VDP application has been evaluated by the VDP Unit, and where voluntary disclosure relief is granted, a written agreement will be concluded between the taxpayer and SARS in order to effect the necessary assessments.
- Should you require more information, a Comprehensive Guide concerning VDP is available on the SARS website [www.sars.gov.za](http://www.sars.gov.za).
- If you have applied for voluntary disclosure, please insert the VDP application number in the field provided on your return.
- Note: When completing your return, remember include all income and expenditure applicable for the tax year as per the VDP agreement concluded with SARS.



## 11 STATUTORY RATES OF TAX APPLICABLE TO INDIVIDUALS

### 11.1 RATES FOR THE 2015 YEAR OF ASSESSMENT

Taxable income	Rate of tax
0 – 174 550	18% of taxable income
174 551 – 272 700	31 419 + 25% of taxable income above 174 550
272 701 – 377 450	55 957 + 30% of taxable income above 272 700
377 451 – 528 000	87 382 + 35% of taxable income above 377 450
528 001 – 673 100	140 074 + 38% of taxable income above 528 000
673 101 and above	195 212 + 40% of taxable income above 673 100

- Rebates:
  - Primary rebate R12 080
  - Secondary rebate (for persons 65 years and older) R6 750
  - Tertiary rebate (for persons 75 years and older) R2 250

### 11.2 RATES FOR THE 2016 YEAR OF ASSESSMENT

Taxable income	Rate of tax
0 – 181 900	18% of taxable income
181 901 – 284 100	32 742 + 26% of taxable income above 181 900
284 101 – 393 200	59 314 + 31% of taxable income above 284 100
393 201 – 550 100	93 135 + 36% of taxable income above 393 200
550 101 – 701 300	149 619 + 39% of taxable income above 550 100
701 301 and above	208 587 + 41% of taxable income above 701 300

- Rebates:
  - Primary rebate R12 726
  - Secondary rebate (for persons 65 years and older) R7 110
  - Tertiary rebate (for persons 75 years and older) R2 367

## 12 CONCLUSION

- Should you require any further information which might not be addressed in this brochure, visit the SARS website [www.sars.gov.za](http://www.sars.gov.za) or contact your nearest SARS branch or the SARS Contact Centre on 0800 00 7277 for assistance.
- Taxpayers **who complete a paper/manual return must please note the following:** The ITR12 return contains a unique printed barcode for purposes of capturing and storing the return via a scanning process. For this reason, only the original completed ITR12 return that was posted to you must be returned to SARS. No copies or self-printed forms will be accepted.

## **DISCLAIMER**

The information contained in this guide is intended as guidance only and is not considered to be a legal reference, nor is it a binding ruling. The information does not take the place of legislation and readers who are in doubt regarding any aspect of the information displayed in the guide should refer to the relevant legislation, or seek a formal opinion from a suitably qualified individual.

### **For more information about the contents of this publication you may:**

- Visit the SARS website at [www.sars.gov.za](http://www.sars.gov.za)
- Visit your nearest SARS branch
- Contact your own tax advisor/tax practitioner
- If calling from within South Africa, contact the SARS Contact Centre on 0800 00 SARS (7277)
- If calling from outside South Africa, contact the SARS Contact Centre on +27 11 602 2093 (only between 8am and 4pm South African time).