

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>BUSINESS AND TRADE</b>			
<b>1. DETERMINING INCOME</b>			
<b>1.1 Gross income</b>			
1.1.1 The elements			2013 weekly tax deduction tables
			2013 fortnightly tax deduction tables
			2013 monthly tax deduction tables
			2013 annual tax deduction tables
			2014 weekly tax deduction tables
			2014 fortnightly tax deduction tables
			2014 monthly tax deduction tables
			2014 annual tax deduction tables
			2015 weekly tax deduction tables
			2015 fortnightly tax deduction tables
			2015 monthly tax deduction tables
			2015 annual tax deduction tables
			2016 Annual tax deduction tables
			2016 Monthly tax deduction tables
			2016 Fortnightly tax deduction tables
			2016 Weekly tax deduction tables
			2017 Annual tax deduction tables
			2017 Monthly tax deduction tables
			2017 Fortnightly tax deduction tables
			2017 Weekly tax deduction tables
			2017 Other Employment tax deduction tables
			2018 Annual tax deduction tables
			2018 Monthly tax deduction tables
			2018 Fortnightly tax deduction tables
			2018 Weekly tax deduction tables
			2018 Other Employment tax deduction tables

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
			2019 Annual tax deduction tables
			2019 Monthly tax deduction tables
			2019 Fortnightly tax deduction tables
			2019 Weekly tax deduction tables
1.1.2 Residence		Interpretation Note: No. 6 (issue 2) – 3 November 2015: Resident – Place of Effective Management (Companies)	
		Interpretation Note: No. 6 (issue 2) – Resident – Place of Effective Management (Companies)	
		Interpretation Note: No 3 (Issue 2) – 20 June 2018: Resident: definition in relation to a natural person – ordinarily resident	
1.1.3 Receipt and accrual		Interpretation Note: No. 58 (issue 2) – 4 October 2012: The Brummeria case and the right to use loan capital interest free	
1.1.4 Source			
1.1.5 Capital or revenue on gross income			Hybrid equity instrument analysis diagram
			Determine if a share is a hybrid equity instrument
1.1.6 Specific inclusions			
<b>1.2 Exempt income</b>			
1.2.1 Exempt amounts			
1.2.2 Persons unconditionally exempt from tax			
1.2.3 Persons conditionally exempt from tax	Form EI1 – Application for exemption from income tax		SARS Tax Exemption Guide for Public Benefit Organisations in South Africa
	Form EI2 – Public benefit organisation written undertaking		

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
1.2.4 Exempt receipts and accruals		Interpretation Note: No. 16 – 2 February 2017 (Issue 2): Exemption from income tax: foreign employment income	
		Interpretation Note: No. 59 – Tax Implications of The Receipt or Accrual of Government Grants and Government Scrapping Payments	
		BCR 4 – Distributions Made To Participatory Interest Holders In A Collective Investment Scheme Which Are Reinvested With The Scheme	
		BCR 17 – Creation of a Permanent Establishment if a Foreign Partnership Carries on Business in South Africa	
		BCR 20 – Transfer of Pension and Provident Fund Contributions from South African Pension and Provident Funds to Foreign Pension and Provident Funds	
		BCR 26 – Tax Status Of Bursaries Awarded To Students	
		BPR 5 – Whether dividend income received by a trust retains its nature in the hands of the beneficiaries on distribution thereof, by the trust, in the same tax year	
		BPR 42 – Determination of who qualifies as a “film owner” for purposes of section 24F	

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
		BPR 52 – Repatriation of profits in the form of foreign dividends paid by a foreign subsidiary to a resident company which was previously exempt from income tax	

## 2. DETERMINING EXPENDITURE AND LOSSES

### 2.1 Incentives

2.1.1 Exemption			
2.1.2 Accelerated or enhanced allowances and deductions		Interpretation Note: No. 86 – 8 December 2015: Additional investment and training allowances for industrial policy projects	
2.1.3 Deduction of capital expenditure related to land			

### 2.2 Deductions

2.2.1 Introduction to deductions			
2.2.2 Income from trade		Interpretation Note: No. 33 (issue 5) – 5 May 2017: Assessed Losses: Companies: The “Trade” and “Income from Trade” Requirements	
		Interpretation Note: No. 51 (issue 4) – 5 May 2017: Pre-trade expenditure and losses	
		Practice Note: No. 31 – 3 October 1994 Income Tax: Interest paid on moneys borrowed	
2.2.3 Expenditure and losses			
2.2.4 Actually incurred			
2.2.5 Production of income			
2.2.6 Capital or revenue on deductions			
2.2.7 Specific deductions	Form E11 – Application for exemption from income tax		
<b>2.3 Trading stock</b>			
2.3.1 Definitions of trading stock			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
2.3.2 Application			
2.3.3 Valuation		Practice Note: No 36 – Date: 13 January 1995 Income Tax: Valuation of trading stock	
2.3.4 Deemed income		Interpretation Note: No 65 (issue 7) – 7 February 2017: Trading stock – inclusion in income when applied, distributed or disposed of otherwise than in the ordinary course of trade	Trading stock utilisation flowchart
<b>2.4 Prohibited deductions</b>			
2.4.1 Natural persons		Interpretation Note: No. 13 (issue 3) – 15 March 2011: Deductions: Limitation of Deductions for Employees and Office Holders	Home office expenses decision chart
		Interpretation Note: No. 28 (issue 2) – 15 March 2011: Deductions of Home Office Expenses Incurred by Persons in Employment or Persons Holding an Office	
2.4.2 Personal service providers and labour brokers		Interpretation Note: No 35 (Issue 4) – 26 March 2018: Employees' tax: Personal service providers and labour brokers	Personal service provider process flow
2.4.3 Income and trade			
2.4.4 Provisions and reserves			
2.4.5 Criminal activities		Interpretation Note: No. 54 (Issue 2) – 25 January 2017: Deductions – Corrupt, Fines And Penalties	
2.4.6 Subsidised and indemnified amounts			
2.4.7 Miscellaneous prohibitions			
<b>2.5 Assessed losses</b>			
2.5.1 Assessed losses – Introduction		Interpretation Note: No. 33 (issue 5) – 5 May 2015: Assessed losses: Companies: The “trade” and “income from trade” requirements	

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
2.5.2 Companies		Interpretation Note: No. 33 (issue 5) – 5 May 2015: Assessed losses: Companies: The “trade” and “income from trade” requirements	
2.5.3 Persons other than companies			
2.5.4 Ring fenced losses on tax avoidance transactions			
2.5.5 Ring fenced losses on suspicious trade			Flowchart to determine circumstances in which section 20A applies
<b>2.6 Debt waiver</b>			
2.6.1 Application of section 19 and para 12A pre 1 January 2018			
2.6.2 Application of section 19 and para 12A post 1 January 2018			
2.6.3 Debt waiver ignored			
2.6.4 Pre-valuation date assets			
<b>2.7 Connected persons</b>			
2.7.1 Application of definition		Interpretation Note: No. 67 (issue 3) – 8 December 2017: Connected persons	

### 3. ACQUIRING AND DISPOSING AN ASSET

#### 3.1 Lease or buy

3.1.1 Purchase			
3.1.2 Lease agreements			
<b>3.2 Allowance assets</b>			
3.2.1 Buildings		Practice Note 42 – 27 November 1995 Income Tax: processes of manufacture, processes similar to a process of manufacture and processes not regarded as processes of manufacture or processes similar to a process of manufacture	SARS Guide to Building Allowances
3.2.2 Mass transportation infrastructure			
3.2.3 Plant and machinery			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
3.2.4 Ships and aircraft			
3.2.5 Rolling stock			
3.2.6 Implements, utensils and articles			
3.2.7 Intangibles			
3.2.8 Leases		Interpretation Note: No. 53 (issue 2) – 9 October 2015: Limitation of allowances granted to lessors of affected assets	
<b>3.3 Disposal of assets</b>			
3.3.1 Revenue or capital			
3.3.2 Recoupment and losses			
3.3.3 Capital gains and losses			
3.3.4 Deemed disposals			Model Tax Convention on Income and on Capital 2014

#### 4. FINANCING OF OPERATIONS

4.1 Interest treatment			
4.1.1 Interest			Effect of definition of "interest" in terms of section 24J
4.1.2 Time of accrual and incurral			Treatment of interest on an income instrument
4.1.3 Character of accrual or incurral			
4.1.4 Denial of deduction			Summary of hybrid instruments and hybrid interest
<b>4.2 Deemed interest</b>			
4.2.1 Dividends treated as income			Hybrid equity instrument analysis diagram
			Summary of hybrid instruments and hybrid interest
<b>4.3 Sharia</b>			
4.3.1 Types of transaction			

#### 5. TRANSACTING CROSS BORDER

5.1 Foreign currency translation			
5.1.1 Recording the transaction			Average exchange rates to be used in the translation of amounts in foreign currencies to South African Rand
5.1.2 Exchange items			Example to calculate average exchange rate

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
5.1.3 Tax events			
5.1.4 Capital gains tax on transacting cross border			
<b>5.2 Paid foreign taxes</b>			
5.2.1 Unilateral relief - rebate	Form FTW01 – Return of foreign tax withheld	Interpretation Note: No. 18 (issue 3) – 26 June 2015: Rebates and deduction for foreign taxes on income	
5.2.2 Unilateral relief - deduction			
5.2.3 Bilateral relief			Status Overview of all DTAs and Protocols
			Algeria DTA
			Australia DTA
			Australia Protocol
			Austria DTA
			Austria Protocol
			Belarus DTA
			Belgium DTA
			Botswana DTA
			Botswana Protocol
			Brazil DTA
			Brazil Protocol
			Bulgaria DTA
			Cameroon DTA
			Canada DTA
			Chile DTA
			China (People's Republic) DTA
			Croatia DTA
			Cyprus DTA
			Cyprus Protocol
			Czech Republic DTA
			Democratic Republic of Congo DTA
			Denmark DTA
			Egypt DTA
			Ethiopia DTA
			Finland DTA
			France DTA
			Germany (Federal Republic) DTA
			Ghana DTA
			Grenada DTA
			Greece DTA
			Hong Kong DTA
			Hungary DTA
			India DTA

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
			India Protocol DTA
			Indonesia DTA
			Iran DTA
			Ireland DTA
			Ireland Protocol
			Israel DTA
			Italy DTA
			Japan DTA
			Kenya DTA
			Korea DTA
			Kuwait DTA
			Lesotho DTA
			Luxembourg DTA
			Malawi DTA
			Malaysia DTA
			Malaysia Protocol
			Malta DTA
			Malta Protocol
			Mauritius DTA
			Mexico DTA
			Mozambique DTA
			Namibia DTA
			Netherlands DTA
			Netherlands Protocol
			New Zealand DTA
			Nigeria DTA
			Norway DTA
			Norway Protocol
			Oman Sultanate DTA
			Oman Protocol
			Pakistan DTA
			Poland DTA
			Portugal DTA
			Qatar DTA
			Romania DTA
			Russian Federation DTA
			Rwanda DTA
			Saudi Arabia DTA
			Seychelles DTA
			Seychelles Protocol
			Sierra Leone DTA
			Singapore DTA
			Slovak Republic DTA
			Spain DTA
			Swaziland DTA
			Sweden DTA

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
			Sweden Protocol
			Switzerland DTA
			Taiwan DTA
			Tanzania DTA
			Thailand DTA
			Tunisia DTA
			Turkey DTA
			Uganda DTA
			Ukraine DTA
			United Arab Emirates DTA
			United Kingdom DTA
			United Kingdom Protocol
			United States of America DTA
			USA FATCA Intergovernmental Agreement
			Zambia DTA
			Zimbabwe DTA
<b>5.3 Royalties and interest payments to non residents</b>			
5.3.1 Royalties			
5.3.2 Deductibility of royalties			
5.3.3 Non-resident sportpersons and artistes	Form NR01 – Notification of performance of foreign entertainer or sportsperson		Non-resident entertainers and sportpersons
5.3.4 Non-resident sellers of immovable property	Form NR02 – Declaration by purchaser for sale of immovable property in South Africa by non-resident		Withhold tax from amount paid to non-resident seller of immovable property
	Form NR03 – Tax directive application by non-resident seller of immovable property in South Africa		
	Form IRP6(3) – Payment advice for the voluntary additional payment of provisional tax		
5.3.5 Interest			
5.3.6 Service fees			
<b>5.4 Source</b>			
5.4.1 Statutory source			4-Step approach to determine source
5.4.2 Source at common law			
<b>5.5 Transfer pricing</b>			
5.5.1 Cross-border charges			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
5.5.2 Transfer pricing rules			External Business Requirements Specification (BRS): Country-by-Country and Financial Data Reporting
			South Africa draft list of jurisdictions without CbC as at 17 October 2017
			List of signatories to the MCAA
			How to complete and submit your country-by-country information
5.5.3 Thin capitalisation			
5.5.4 Headquarter companies			
<b>5.6 Foreign Subsidiaries</b>			
5.6.1 Controlled foreign companies	Form IT10A – Controlled foreign company prior to 2012		Foreign business establishment decision tree
	Form IT10B – Controlled foreign company 2012 onward		Summary diagram of when a company is a CFC
5.6.2 Participation exemption			
5.6.3 Corporate relief provisions			
5.6.4 Deferral of foreign exchange differences			
<b>5.7 Immigrating and emigrating</b>			
5.7.1 Immigration			Assets of an immigrant
5.7.2 Emigration			Assets of an emigrant
			Emigration facilities as issued by the South African Reserve Bank under Financial Surveillance and Exchange Control – section 20T

## 6. SPECIALIST TAX PAYERS

<b>6.1 Farming</b>			
6.1.1 Pastoral, agricultural or farming operations			SARS Income from farming disclosure and instructions
			Source codes for agriculture, forestry and fishing

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
6.1.2 Special provisions		Interpretation Note: No. 29 (issue 2) – 19 February 2013: Farming operations: Equalised rates of tax	
6.1.3 Types of farming operations		Interpretation Note: No. 69 (issue 2) – 23 November 2017: Game farming	
6.14 Cessation and commencement of farming operations			
<b>6.2 Mineral Extraction</b>			
6.2.1 Mining			
6.2.2 Oil and gas			
<b>6.3 Non profit Organisations</b>			
6.3.1 Public benefit organisations	Form EI1 – Application for exemption from income tax		Quick Guide on How to Complete the IT12EI Return for Exempt Organisations
	Form EI2 – Public benefit organisation written undertaking		Tax Exemption Guide for Public Benefit Organisations in South Africa
	Form EI2B – Foreign branch approved as a public benefit organisation		Basic Guide to Income Tax for Public Benefit Organisations
			How to Register on eFiling and Complete the IT12EI Return for Exempt Organisations
			Tax Guide for Recreational Clubs
6.3.2 Recreation clubs	Form EI1 – Application for exemption from income tax		Quick Guide on How to Complete the IT12EI Return for Exempt Organisations
	Form EI2C – Income tax exemption recreational clubs		How to Register on eFiling and Complete the IT12EI Return for Exempt Organisations
6.3.3 Professional organisations			Quick Guide on How to Complete the IT12EI Return for Exempt Organisations
			Tax Guide for Recreational Clubs
<b>6.4 Short and long-term insurers</b>			
6.4.1 Short-term Insurers			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
6.4.2 Long-term Insurers		Interpretation Note: No 102 – 17 July 2018: Classification of Risk Policy and the once-off election to transfer certain policies or classes of policies issued before 2016 to The Risk Policy Fund	
<b>6.5 Small and micro businesses</b>			
6.5.1 Small business corporations			Extract of Annexure B Interpretation Note 9
6.5.2 Micro businesses			Annexure A of Sars Tax Guide for Micro Businesses
6.5.3 Capital gains tax relief			
6.5.4 Small business funding Entity			
<b>6.6 Other special tax payers</b>			
6.6.1 Sporting bodies		Interpretation Note: No. 46 (issue 4) – 6 November 2012	
6.6.2 Film owners			
6.6.3 Toll road operators			
6.6.4 Bodies corporate	Form E11 – Application for exemption from income tax	Interpretation Note: No. 64 (Issue 3) – 17 August 2015: Income tax exemption: bodies corporate, share block companies and associations of persons managing the collective interests common to all members	
6.6.5 International shipping			
6.6.6 Special economic zones			Brochure on the Special Economic Zone Tax Incentive

## 7. CAPITAL GAINS TAX

<b>7.1 Disposal of an asset</b>			
7.1.1 Maps to capital gains tax			Comprehensive Guide to Capital Gains Tax
			The ABC of Capital Gains Tax for Individuals

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>MERGERS, ACQUISITIONS AND STARTUPS</b>			
<b>8. RESTRUCTURING</b>			
<b>8.1 Transferring assets</b>			
8.1.1 General principles - transferring assets			Transferor decision tree
8.1.2 The corporate restructure rules - transferring assets			
8.1.3 Asset-for-share transaction			Section 42: Asset-for share transaction – corporate restructure rules matrix
8.1.4 Intra group transaction			Section 45: Intra-group transaction
<b>8.2 Merging businesses</b>			
8.2.1 Taxation principles on merging of a business			
8.2.2 The corporate restructure rules - merging businesses			Section 44: Comparison of group relief – amalgamation transaction
<b>8.3 Unbundling</b>			
8.3.1 Unbundling - General principles			
8.3.2 Unbundling transaction			Section 46: Unbundling transaction
8.3.3 Limitation of expenditure			
<b>8.4 Liquidations</b>			
8.4.1 Liquidations - General principles			
8.4.2 Liquidation distributions			Section 47: Liquidation distribution
8.4.3 Limitation on interest deductions			
<b>8.5 Share Buy Backs</b>			
8.5.1 The elements of a share buy-back			
8.5.2 Share buy-backs – tax consequences			
<b>8.6 Share substitutions</b>			
8.6.1 Share substitutions – general principles			
8.6.2 Substitutive share-for-share transaction			Section 43: Substitutive share-for-share transaction – corporate restructure rules

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>9. ACQUIRING &amp; SELLING A BUSINESS</b>			
9.1 Asset and share sale			
9.1.1 Introduction to asset and sale share			
9.1.2 Asset sale			
9.1.3 Share sale			

<b>10. JOINT VENTURES AND PARTNERSHIPS</b>			
10.1 Joint ventures and partnerships			
10.1.1 Incorporated joint ventures			
10.1.2 Partnership			
10.1.3 Entry into a partnership			
10.1.4 Leaving a partnership			
10.1.5 Limited partners			
10.1.6 Foreign partnership			Illustration of when tax exemptions may apply

<b>11. FUNDING THE TRANSACTION</b>			
11.1 Equity Finance			
11.1.1 Share and equity share			
11.1.2 Control			
11.1.3 Beneficial owner			
11.1.4 Dividend, return of capital and other disposal			
11.1.5 Hybrid instruments			Determine if a share is a hybrid equity instrument
			Summary of hybrid instruments and hybrid interest
11.2 Debt finance			
11.2.1 Accrual and incurral of interest			
11.2.2 Non-resident lenders			
11.2.3 Transfer pricing and thin capitalisation			
11.2.4 Hybrid debt			Summary of hybrid instruments and hybrid interest

<b>12. STARTING A NEW BUSINESS</b>			
12.1 Preproduction Expenditure			
12.1.1 Preparation for trade		Interpretation Note: No. 51 (issue 4) – 5 May 2017: Pre-trade expenditure and losses	

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
12.1.2 Qualifying expenditure		Interpretation Note: No. 51 (issue 4) – 5 May 2017: Pre-trade expenditure and losses	

**INVESTMENT AND WEALTH MANAGEMENT**

<b>13. CHOOSING A HOLDING STRUCTURE</b>			
13.1 Company			
13.1.1 Definition for company			
13.1.2 General tax treatment			
13.1.3 Special tax provisions			
13.1.4 Close corporations			
13.2 Headquarter companies			
13.2.1 Definitions for headquarter companies			
13.2.2 Year of assessment and rates of tax for headquarter companies			
13.2.3 Special provisions applicable to headquarter companies			
13.3 Venture Capital Company			
13.3.1 Approval of a VCC	Form VCC001 – Venture capital company application for SARS approval		Venture Capital Companies SARS guide
13.3.2 Post approval of the VCC			Venture Capital Companies SARS guide
13.3.3 Qualifying company			
13.3.4 Deduction and recoupment			Venture Capital Companies SARS guide
13.4 Individuals, Partnerships and Trusts			
13.4.1 Definitions for individuals, partnerships and trusts			
13.4.2 General tax treatment of individuals, partnerships and trusts			
13.4.3 Special tax provisions for individuals			
13.4.4 Taxable income on partnerships			
13.4.5 Capital gains tax and partnerships			



Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>14. ACQUIRING AN ASSET</b>			
<b>14.1 Property acquisitions</b>			
14.1.1 Direct acquisition of property			Transfer Duty Guide  Guide for Transfer Duty via eFiling
14.1.2 Indirect acquisition of property		Interpretation Note: No. 97 – 8 December 2017: Taxation of REITs and Controlled Companies	
14.1.3 Foreign property	Form FIA 001 – Application for a tax clearance certificate (in respect of foreign investment allowance for individuals)		Average Exchange Rates Specific Provisions Income Tax Act
<b>14.2 Equities acquisitions</b>			
14.2.1 Equities – direct acquisition		Interpretation Note: No. 43 (issue 6) – 16 February 2017: Circumstances in which certain amounts received or accrued from the disposal of shares are deemed to be of a capital nature	Quick guide to dividends tax  Declaration of Dividends Tax via eFiling  External guide to Securities Transfer Tax
14.2.2 Equities – indirect acquisition			
14.2.3 Preference shares			
14.2.4 Foreign equities	Form FIA 001 – Application for a tax clearance certificate (in respect of foreign investment allowance for individuals)		Guide to Tax Compliance Status Functionality on eFiling
14.2.5 Hedge funds			
<b>14.3 Gilts</b>			
14.3.1 Gilt direct acquisition			
14.3.2 Gilt indirect acquisition			Summary of the tax consequences of amounts received by a portfolio of a CIS and distributed to the holders of participatory interests in such portfolio

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
14.3.3 Foreign gilts	Form FIA 001 – Application for a tax clearance certificate (in respect of foreign investment allowance for individuals)		Guide to Tax Clearance Certificate for Foreign Investment Allowance (rename)

<b>15 INVESTING CROSS BORDER</b>			
15.1.1 Dividends			Tax Brochure for Non Residents
15.1.2 Interest on dividends and gains	Withholding tax on interest (WTI) declaration		Tax Brochure for Non Residents
15.1.3 Royalties on dividends and gains	Withholding tax on royalties (WTR) declaration		Tax Brochure for Non Residents
15.1.4 Sale of assets			
15.1.5 Foreign investment entity			

<b>16. INVESTING FOR RETIREMENT</b>			
<b>16.1 RAs, pension and provident funds</b>			
16.1.1 Retirement funds and tax			
16.1.2 Contributions to retirement funds			
16.1.3 Retirement or withdrawal benefits from funds	Example of IRP5/IT3(a) – Employee tax certificate		SARS' Completion guide for IRP3(a) and IRP3(s) forms
16.1.4 Taxation post retirement			
16.1.5 Public sector funds			
<b>16.2 Endowments</b>			
16.2.1 Taxation of endowments			
16.2.2 Key man policies			

<b>17. MAKING DONATIONS</b>			
<b>17.1 Deductibility</b>			
17.1.1 Donations in cash or kind subject to a limit			
17.1.2 Responsibilities	Donation receipt template		
<b>17.2 Taxability</b>			
17.2.1 Exemptions	Form IT144 – Declaration by donor/donee		
17.2.2 Maximum amounts not subject to donations tax			
17.2.3 Rates			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
17.2.4 Anti-avoidance			
17.2.5 Value of donations			
17.2.6 Donations and CGT			
17.2.7 Donations and trusts			

## 18. TRUSTS & ESTATES

18.1 Trusts			
18.1.1 Registration	Example of Form ITR12T – Information to create the income tax return for a trust		Step-by-Step Guide to Complete your ITR12T via eFiling
	Form IT77TR – Application for registration as a Taxpayer or Changing of Registered Particulars: Trust		Comprehensive Guide to the ITR12T return for Trusts
	Form J344 – Undertaking and bond of security		Chief Master's Directive 1 of 2012 – Payment fees due to the Master
	Form J401 – Trust registration and amendments		Chief Master's Directive 3 of 2017 – Increase of Master's fees
	Form J405 – Undertaking by auditor / accountant		Registering an inter vivos trust
	Form J417 – Acceptance of trusteeship by trustee		Documents required to register a trust for income tax
18.1.2 Duration of a trust			
18.1.3 Tax residence of a trust		Interpretation Note: No. 6 (Issue 2) – 3 November 2015: Resident – place of effective management (companies)	
18.1.4 Types of trust for South African tax purposes			SARS Guide to the Taxation of Special Trusts
18.1.5 Rates of tax			SARS Guide for Tax Rates Duties Levies
18.1.6 Taxation of trusts			
18.1.7 Taxation of offshore trusts			Mechanics of section 25B(2A) flowchart
18.1.8 Capital gains and trusts			Comprehensive Guide to Capital Gains Tax

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
18.2 Estates			
18.2.1 Deceased estates – date of death before 1 March 2016		Interpretation Note: No. 25 (Issue 3) – 12 March 2014: Resident: definition in relation to a natural person – application of the physical presence test in the year of death or insolvency	
18.2.2 Deceased estates – date of death on or after 1 March 2016			
18.2.3 Estate duty	Form REV267 – Return of information required in terms of section 7 of the Estate Duty Act		
18.2.4 Insolvent estates			

## 19. INCOME FROM INVESTMENTS

19.1 Ordinary Shares			
19.1.1 Ordinary shares – dividends			JSE Limited Listings Requirements – paragraphs 5.68 and 5.72 to 5.81
			A Quick Guide to Dividends Tax
			Declaration of dividends tax via eFiling
19.1.2 Disposal of ordinary shares and dividend stripping		Interpretation Note: No. 43 (issue 6) – 16 February 2017: Circumstances in which certain amounts received or accrued from the disposal of shares are deemed to be of a capital nature	Tax Guide for Share Owners
19.1.3 Return of capital			
19.2 Gilts			
19.2.1 Taxation on instruments			
19.2.2 foreign instruments			
19.2.3 Derivative type instruments			
19.3 Considering Personal Assets			
19.3.1 Personal use assets			
19.3.2 Primary residence			
19.3.3 Other issues regarding personal assets			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>19.4 Tax free investments</b>			
19.4.1 Tax incentives designed to promote savings			

**EMPLOYMENT****20. DETERMINING REMUNERATION**

<b>20.1 Salaries &amp; wages</b>			
20.1.1 Gross income and remuneration			
20.1.2 Employee	Form IRP3(d) – Application for tax directive: directors' remuneration	Interpretation Note: No 17 (Issue 4) – 14 March 2018: Employees' Tax: Independent Contractors	Common law dominant impression test grid
	Form IRP30A – Application for an exemption certificate in respect of employee's tax	Interpretation Note: No. 35 (Issue 4) – 26 March 2018: Employees' Tax: Personal Service Providers and Labour Brokers	Summary of process to be used to determine the status of suppliers flowchart
	Example of IRP5/IT3(a) – Employee tax certificate		Guide for Employers iro Employees Tax for 2019
			Personal service provider process flowchart
			Determining if the person falls under paragraph (a) or (b), (c), or (e) of the definition of "employee" flowchart
20.1.3 Deductions on salaries and wages		Interpretation Note: No. 13 (Issue 3) – 15 March 2011: Deductions: Limitation Of Deductions For Employees And Office Holders	
20.1.4 Other amounts included in Gross Income		Interpretation Note: No. 7 – 27 March 2002: Restraint of trade payments	
20.1.5 Employers and Pay As You Earn	Form EMP101e – Payroll taxes: application for registration		Completion of the Monthly EMP201 declaration
	Form EMP123 – Employees tax: application for the cancellation of registration of a person in respect of all his business		Guide for Completion of Employer Registration Application Forms

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
	Form EMP123T – Employees tax: application for the cancellation of registration of a separately registered business/branch/division		Using the PAYE Reconciliation Assistant on easyFileEmployer
	Example of Form EMP501 – Employer reconciliation declaration		Registration of Employees for Income Tax Purposes
	Example of IRP5/IT3(a) – Employee tax certificate		A Step-by-Step Guide to the Employer Reconciliation Process
			2018 Annual Tax Deduction Tables
			2019 Annual Tax Deduction Tables
			Guide for Codes Applicable to Employees Tax Certificates 2019
			How to Complete the Registration Amendments and Verification Form (RAV01)
			Guide for Employers in respect of Employees Tax for 2018
<b>20.2 Fringe benefits</b>			
20.2.1 Taxation of fringe benefits	Sample of possible cost-to-company inclusions		Cost-to-company implementation plan flowchart
			Table of possible benefits to be included in cost-to-company negotiations
20.2.2 Cash equivalent value of fringe benefits	Example of IRP5/IT3(a) – Employee tax certificate		Seventh Schedule List of Benefits
			Guide for Employers in respect of Fringe Benefits
			Interest Table 3 – Rates at which interest-free or low interest loans are subject to income tax
20.2.3 Non-taxable fringe benefits			
20.2.4 Anti-avoidance			
20.2.5 Administration and penalties	Example of IRP5/IT3(a) – Employee tax certificate		FAQs EMP501 reconciliation assistant

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>20.3 Allowances</b>			
20.3.1 The meaning of allowance			
20.3.2 Tax treatment of allowances, advances and reimbursements			Guide for Employers in respect of Allowances (2019 tax year)
20.3.3 Disclosure of allowances			
<b>20.4 Incentives</b>			
20.4.1 Employment and types of incentive	Form IRP3(b) – Application for tax directive: fixed percentage	Interpretation Note: No. 13 (issue 3) – 15 March 2011: Deductions: Limitation Of Deductions For Employees And Office Holders	
		Interpretation Note: No. 16 – 2 February 2017 (Issue 2): Exemption from income tax: foreign employment income	
	Form IRP3(c) – Application for tax directive: fixed amount	Interpretation Note: No. 58 (Issue 2) – 4 October 2012: The Brummeria Case And The Right To Use Loan Capital Interest Free	
20.4.2 Timing of withholding tax			
20.4.3 Share incentive schemes		Interpretation Note: No. 55 (issue 2) – 30 March 2011	SARS' Completion guide for IRP3(a) and IRP3(s) forms
<b>20.5 Bursaries and scholarships</b>			
20.5.1 Taxation of bursaries and scholarships		Interpretation Note: No. 66 – 1 March 2012: Scholarships Or Bursaries	Diagram to determine whether a bursary and scholarship will qualify for an exemption or not
20.5.2 Salary sacrifice			
<b>20.6 Termination of employment</b>			
20.6.1 Taxation of amounts paid on termination			
20.6.2 Proceeds from insurance			
20.6.3 Lump sums from retirement funds			SARS Guide on the calculation of the tax payable on lump sum benefits
20.6.4 Other issues arising from termination of employment			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>21. TRAINING STAFF</b>			
<b>21.1 Learnerships</b>			
21.1.1 Learnership allowances	Form IT180 – Declaration by employer for the purpose of claiming a deduction for an allowance in respect of a learnership agreement or contract of apprenticeship	Interpretation Note: No. 20 (issue 7) – 12 October 2017: Additional deduction for learnership allowance	SETA's contact details
	Annexure 2 – private sector		Guidelines on SETA Grant Regulations (2015 edition)
			List of SETAs and SIC Codes (3 July 2013)
<b>22. FUNDING EMPLOYEE RETIREMENT</b>			
<b>22.1 Employer contributions</b>			
22.1.1 Nature of qualifying funds			
<b>23. WORKING CROSS BORDER</b>			
<b>23.1 Inbound (foreigner working locally)</b>			
23.1.1 Tax treaty or no tax treaty			Flowchart to determine if non-resident individual is liable to tax in South Africa
23.1.2 Representative employer and registration	Form EMP101e – Payroll taxes: application for registration		
23.1.3 Benefits, allowances and advances		Interpretation Note: No. 3 – 4 February 2002: Resident: Definition in relation to a natural person – ordinarily resident	
		Interpretation Note: No. 14 (issue 3) – 20 March 2013: Allowances, Advances and Reimbursements	
23.1.4 Foreign entertainers and sports persons	Form NR01 – Notification of performance of foreign entertainer or sportsperson		
23.1.5 Resident for tax purposes		Interpretation Note: No. 3 (issue 2) – 20 June 2018: Resident: Definition in relation to a natural person – ordinarily resident	Physical presence test calculator
23.1.6 Exemptions on tax for foreign employees			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>23.2 Outbound (SA employees working abroad)</b>			
23.2.1 Exemptions for working abroad		Interpretation Note: No. 14 (issue 3) – 20 March 2013: Allowances, Advances and Reimbursements	
		Interpretation Note: No. 16 (issue 2) – 2 February 2017: Exemption from income tax: foreign employment income	
		Interpretation Note: No. 34 (issue 2) – 2 February 2017: Exemption from income tax: remuneration derived by a person as an officer or crew member of a ship	
23.2.2 Remuneration when working abroad		Interpretation Note: No. 14 (issue 3) – 20 March 2013: Allowances, Advances and Reimbursements	
		Interpretation Note: No. 16 (issue 2) – 2 February 2017: Exemption from income tax: foreign employment income	

## 24. FUNDING POST RETIREMENT OBLIGATIONS

### 24.1 Lump sum payments

24.1.1 Deduction of post-retirement obligations			
---	--	--	--

## ADMINISTRATION AND COMPLIANCE

### 25. RATES, REBATES AND INCLUSIONS

#### 25.1 Individuals and special trusts

25.1.1 Definitions for individuals and special trusts			Guide on income tax and the individual
			Comprehensive guide to the ITR12 return for individuals
25.1.2 Rates of tax for individuals and special trusts			
25.1.3 Rebates for individuals and special trusts			Guide on the determination of medical tax credits
25.1.4 Capital gains tax for individuals and special trusts			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>25.2 Companies and trusts</b>			
25.2.1 Definitions for companies and trusts			
25.2.2 Rates of tax for companies and trusts			
25.2.3 Capital gains tax on companies and trusts			
<b>25.3 Insurance funds</b>			
25.3.1 Definition of insurance funds			
25.3.2 Rates of tax for insurance funds			
25.3.3 Capital gains tax on insurance funds			
<b>25.4 Interest payable</b>			
25.4.1 Interest payable to and by SARS			Interest Rate Table 2 – Interest rates payable on credit amounts (overpayment of provisional tax) under section 89quat(4) of the Income Tax Act

## 26. DEALING WITH SARS

### 26.1 SARS Registration

26.1.1 Requirements to render a return			
26.1.2 Time to register			
26.1.3 Procedure for registration	Form IT77 – Application for registration as a taxpayer or changing of registered particulars: individual		
	Form IT77(C) – Application for registration as a taxpayer or changing of registered particulars: company		
	Form IT77TR – Application for registration as a taxpayer or Changing of registered particulars: trust		
	Form CR1 – Application for registration of primary/secondary/tertiary co-operative		

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
	Form CR4 – Notice of appointment of auditor and consent to act as auditor, or resignation by auditor and removal of auditor		
	Form CR8 – Application for exemption from full compliance with auditing requirements		
	Form CRA01 – Confirmation of entity residential/business address		
	Authority on special power of attorney by tax practitioner		
	Special power of attorney		
	Special power of attorney to tax practitioner		
<b>26.2 Returns</b>			
26.2.1 Who must submit a return	Form IT144 – Declaration by donor/donee		Comprehensive Guide to the ITR12 return for individuals
26.2.2 Time to submit a return			Comprehensive Guide to the ITR12 return for individuals
26.2.3 Form of return			How to complete the company Income Tax return ITR14 eFiling
			How to complete the return of income: Trust (IT12TR)
			How to complete your individual Income Tax return (ITR12)
			How to eFile your provisional tax return
			How to eFile your personal income tax return
			Comprehensive Guide to the ITR12 return for individuals
26.2.4 Record keeping			
<b>26.3 SARS information rights</b>			
26.3.1 Powers of SARS officials			
26.3.2 Conduct of investigations, audits and enquiries and legal privilege			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
26.3.3 Search and seizure			
<b>26.4 SARS Assessments</b>			
26.4.1 Definitions for SARS assessments	Form VAT201 – Return for remittance of tax		A guide to completing and submitting the DTR02 dividends tax return
			Dispute resolution flowchart
			Completion of the Monthly EMP201 declaration
26.4.2 Types of assessments			
26.4.3 Recording and withdrawing of assessments			
26.4.4 Finality of assessments			
<b>26.5 Penalties and interest imposed by SARS</b>			
26.5.1 Power to impose penalties			
26.5.2 Understatement penalties			Guide to Understatement Penalties
			Short Guide to the Tax Administration Act 2011
26.5.3 Procedure for imposing penalties			
26.5.4 Interest on late payment or underpayment of tax			Interest Rate Table 1 – Interest rates in respect of the various Acts administered by SARS
<b>26.6 Paying Income Tax</b>			
26.6.1 Provisional payment		Interpretation Note: No. 1 (Issue 2) – 30 March 2016: Provisional tax estimates	Interest Rate Table 2 – Interest rates payable on credit amounts (overpayment of provisional tax) under section 89quat(4) of the Income Tax Act
26.6.2 PAYE	Form EMP101e – Payroll taxes: application for registration	Interpretation Note: No. 17 (issue 3) – 31 March 2010: Employees' Tax: Independent Contractors	A guide to accessing the new features for the monthly employer declaration (EMP201) on eFiling
			A guide for employers to the new monthly declaration process
			A step-by-step guide to the employer reconciliation process
			Guide for completion and submission of employees' tax certificates 2019

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
			Guide for validation rules applicable to reconciliation declarations 2019
			Guide for codes applicable to employees' tax certificates 2019
			Guide for employers in respect of employees' tax for 2018
			Guide for employers in respect of employees' tax for 2019
26.6.3 Non-residents	Form NR01 – Notification of performance of foreign entertainer or sportsperson		
	Form WTR01 – Withholding tax on royalties		
	Withholding tax on royalties (WTR) declaration		
	Form NR02 – Declaration by purchaser for sale of immovable property in South Africa by a non resident		
	Form NR03 – Tax directive application by non resident seller of immovable property in South Africa		
26.6.4 Refunds			
<b>26.7 SARS collection rights</b>			
26.7.1 Debts due to SARS			
26.7.2 Civil judgments			
25.7.3 Sequestration, liquidation or winding-up			
25.7.4 Liabilities of third parties			
26.7.5 Assets of a taxpayer			
26.7.6 Application for refund			
26.7.7 Write-off or compromise			
<b>26.8 Delivery of documents to SARS</b>			
26.8.1 Delivery to persons other than a company			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
26.8.2 Delivery to companies			
26.8.3 Deemed receipt			
26.8.4 Defect override			
<b>26.9 Electronic communication</b>			
26.9.1 Rules for electronic communication			
<b>26.10 Tax clearance certificates</b>			
26.10.1 Procedure for applying	Form FIA 001 – Application for a tax clearance certificate (in respect of foreign investment allowance for individuals)		Guide to the Tax Compliance Status Functionality on eFiling
	Form IT21(a) – Application for tax clearance certificate (emigration)		
	Form TCC001 – Application for a tax clearance certificate		
<b>26.11 Office of the Tax Ombud</b>			
26.11.1 Tax Ombud			

## 27. DISPUTES WITH SARS

### 27.1 Dispute resolution

27.1.1 Request for reasons			Dispute resolution flowchart
27.1.2 Objections	Form ADR1 – Notice of objection	Interpretation Note - No. 15 (issue 4) – 20 November 2014: Exercise of discretion in case of late objection or appeal	Chapter 6 extract from guide on tax dispute resolution
	Form POA-02 – General power of attorney (for manual completion)		
27.1.3 Appeals	Form ADR2 – Notice of appeal		Chapter 8 extract from guide on tax dispute resolution
			Chapter 11 extract from guide on tax dispute resolution
27.1.4 Settlements			Chapter 9 extract from Guide on Tax Dispute Resolution
27.1.5 Administrative justice			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>28. MANAGING YOUR RISK</b>			
<b>28.1 GAAR</b>			
28.1.1 Impermissible tax avoidance arrangement			
28.1.2 Burden of proof			
28.1.3 SARS' powers			
28.1.4 GAAR notice periods			
28.1.5 GAAR - incidental matters			
<b>28.2 Reportable arrangements</b>			
28.2.1 Reportable arrangement - the elements			Reportable Arrangement Guide
28.2.2 Exclusion			
28.2.3 Participants			
28.2.4 Duty to report	Form RA01 - Reporting reportable arrangements (reported in terms of sections 80M - 80T of the Income Tax Act)		
28.2.5 Incidental matters			
<b>28.3 Voluntary disclosure</b>			
28.3.1 Who may apply			External Guide - Voluntary Disclosure Programme
28.3.2 Requirements for a valid voluntary disclosure			External Guide - Voluntary Disclosure Programme
			Guide for Treatment of PAYE for VDP Purposes - External Guide
			Special Voluntary Disclosure Programme: Exchange Control Relief - External Guide
			Special Voluntary Disclosure Programme - External Guide
			Special Voluntary Disclosure Programme: Tax Relief - External Guide
28.3.3 Nature of relief			
28.3.4 Agreement			

Guidance Note	Forms and Precedents	Notes and Rulings	Other Resources
<b>28.4 Advanced rulings</b>			
28.4.1 Application for ruling			
28.4.2 Processing the application			
28.4.3 Binding rulings			
28.4.4 Publication			
28.4.5 Binding general rulings			
28.4.6 Non-binding opinion			
<b>28.5 Criminal offences</b>			
28.5.1 Types of offences			
<b>28.6 Public officer</b>			
28.6.1 Appointment of a public officer			
<b>28.7 International exchange of information</b>			
28.7.1 Cross border exchange of information			FAQ Guide to Common Reporting Standards
			Automatic exchange of information administrative penalty
			TIEA between South Africa and Argentina
			Automatic exchange portal online support for the implementation of automatic exchange of information in tax matters
			Common Reporting Standard handbook on the implementation of Standard for Automatic Exchange of Financial Information in Tax Matters