

2023/2024

TAX GUIDE

FINDING SOLUTIONS IN

the journey

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2023/2024 BUDGET HIGHLIGHTS

- Personal Income tax
 - ◆ Granting tax relief by adjusting personal income tax brackets and rebates for the effect of inflation.
- Fuel & RAF levies
 - ◆ No change to the general fuel levy or the Road Accident Fund (RAF) levy.
- Excise duties
 - ◆ Increases of 4.9% in excise duties on alcohol and tobacco.
- Solar
 - ◆ An expanded tax incentive for businesses of 125% of the cost of renewable energy assets used for electricity generation, brought into use during a period of 2 years from 1 March 2023.
 - ◆ A tax rebate to individuals for rooftop solar PV panels of 25% of the cost for a limited period, subject to certain conditions, and capped at R15 000 per individual.
- Transfer Duty
 - ◆ Adjustments to tax tables to take into account the effect of inflation.
- Retirement fund lump sum benefits including withdrawal benefits.
 - ◆ Adjustments to both tax tables to take into account the effect of inflation.
- Two-pot retirement system
 - ◆ The first phase of legislative amendments to the retirement system is due to take effect on 1 March 2024.
- Research and development tax incentive
 - ◆ The incentive is to be refined and extended for 10 years from 1 January 2024.
- Diesel fuel refund levy
 - ◆ The levy refund will be extended to manufacturers of foodstuff for a period of 2 years, from 1 April 2023 until 31 March 2025

COMPARATIVE TAX RATES

| CATEGORY | 2022 | 2023 | 2024 |
|---|-----------|-----------|-----------|
| NATURAL PERSONS | | | |
| ■ Maximum marginal rate | 45% | 45% | 45% |
| ■ Reached at a taxable income | 1 656 600 | 1 731 600 | 1 817 000 |
| ■ Minimum rate | 18% | 18% | 18% |
| ■ Up to taxable income of | 216 200 | 226 000 | 237 100 |
| ■ CGT inclusion rate | 40% | 40% | 40% |
| COMPANIES & CC's | | | |
| ■ Normal tax rate | 28% | 28%* | 27% |
| ■ Dividends Tax | 20% | 20% | 20% |
| ■ CGT inclusion rate | 80% | 80% | 80% |
| TRUSTS (other than special trusts) | | | |
| ■ Flat rate | 45% | 45% | 45% |
| ■ CGT inclusion rate | 80% | 80% | 80% |
| DONATION TAX | | | |
| ■ First R30m cumulative donations | 20% | 20% | 20% |
| ■ Cumulative donations in excess of R30m | 25% | 25% | 25% |
| ESTATE DUTY | | | |
| ■ Dutiable estate up to R30m | 20% | 20% | 20% |
| ■ Dutiable estate in excess of R30m | 25% | 25% | 25% |
| VAT | 15% | 15% | 15% |
| SMALL BUSINESS CORPORATIONS | | | |
| ■ Maximum marginal rate | 28% | 28%* | 27% |
| ■ Reached at a taxable income | 550 000 | 550 000 | 550 000 |
| ■ Minimum rate | 0% | 0% | 0% |
| ■ Up to a taxable income of | 87 300 | 91 250 | 95 750 |
| MICRO BUSINESS – refer to page 23 | | | |

*For tax years ending on or after 31 March 2023 the tax rate is reduced to 27%

NATURAL PERSON TAX RATES: 29 FEBRUARY 2024

| TAXABLE INCOME | RATES OF TAX |
|-----------------------|---|
| R0 - R237 100 | + 18% of each R1 |
| R237 101 - R370 500 | R42 678 + 26% of the amount above R237 100 |
| R370 501 - R512 800 | R77 362 + 31% of the amount above R370 500 |
| R512 801 - R673 000 | R121 475 + 36% of the amount above R512 800 |
| R673 001 - R857 900 | R179 147 + 39% of the amount above R673 000 |
| R857 901 - R1 817 000 | R251 258 + 41% of the amount above R857 900 |
| R1 817 001 and above | R644 489 + 45% of the amount above R1 817 000 |

NATURAL PERSON TAX RATES: 28 FEBRUARY 2023

| TAXABLE INCOME | RATES OF TAX |
|-----------------------|---|
| R0 - R226 000 | + 18% of each R1 |
| R226 001 - R353 100 | R40 680 + 26% of the amount above R226 000 |
| R353 101 - R488 700 | R73 726 + 31% of the amount above R353 100 |
| R488 701 - R641 400 | R115 762 + 36% of the amount above R488 700 |
| R641 401 - R817 600 | R170 734 + 39% of the amount above R641 400 |
| R817 601 - R1 731 600 | R239 452 + 41% of the amount above R817 600 |
| R1 731 601 and above | R614 192 + 45% of the amount above R1 731 600 |

NATURAL PERSON TAX RATES: 28 FEBRUARY 2022

| TAXABLE INCOME | RATES OF TAX |
|-----------------------|---|
| R0 - R216 200 | + 18% of each R1 |
| R216 201 - R337 800 | R38 916 + 26% of the amount above R216 200 |
| R337 801 - R467 500 | R70 532 + 31% of the amount above R337 800 |
| R467 501 - R613 600 | R110 739 + 36% of the amount above R467 500 |
| R613 601 - R782 200 | R163 335 + 39% of the amount above R613 600 |
| R782 201 - R1 656 600 | R229 089 + 41% of the amount above R782 200 |
| R1 656 601 and above | R587 593 + 45% of the amount above R1 656 600 |

| Rebates: Natural persons | 2022 | 2023 | 2024 |
|----------------------------------|---------|---------|---------|
| Primary | R15 714 | R16 425 | R17 235 |
| Secondary (Persons 65 and older) | R8 613 | R9 000 | R9 444 |
| Tertiary (Persons 75 and older) | R2 871 | R2 997 | R3 145 |

| Thresholds: Natural persons | 2022 | 2023 | 2024 |
|-----------------------------|----------|----------|----------|
| Below age 65 | R87 300 | R91 250 | R95 750 |
| Age 65 to below 75 | R135 150 | R141 250 | R148 217 |
| Age 75 and over | R151 100 | R157 900 | R165 689 |

| Interest Exemption: Natural persons | 2022 | 2023 | 2024 |
|--|---------|---------|---------|
| Below age 65 | R23 800 | R23 800 | R23 800 |
| Age 65 and above | R34 500 | R34 500 | R34 500 |

Travelling allowance for the tax year ending 2024

When a travel allowance has been received, the employee must determine the allowable deduction for business travel. There are two ways in which this could be done:

- Using actual business expenditure (The value of the vehicle is limited to R800 000 for purposes of calculating wear and tear, which must be spread over seven years, while finance costs are also limited to a debt of R800 000. For a leased vehicle the instalments in a year of assessment may not exceed the fixed cost component in the table), or
- Using a deemed cost per kilometre as per the following table:

| WHERE THE VALUE OF THE VEHICLE IS (Including VAT) R | FIXED COST R p.a. | FUEL COST c/km | MAINTENANCE COST c/km |
|---|-------------------|----------------|-----------------------|
| 0 - 100 000 | 33 760 | 141.5 | 43.8 |
| 100 001 - 200 000 | 60 329 | 158.0 | 54.8 |
| 200 001 - 300 000 | 86 958 | 171.7 | 60.4 |
| 300 001 - 400 000 | 110 554 | 184.6 | 65.9 |
| 400 001 - 500 000 | 134 150 | 197.6 | 77.5 |
| 500 001 - 600 000 | 158 856 | 226.6 | 91.0 |
| 600 001 - 700 000 | 183 611 | 230.5 | 102.1 |
| 700 001 - 800 000 | 209 685 | 234.3 | 113.1 |
| exceeding 800 000 | 209 685 | 234.3 | 113.1 |

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 actual distance travelled during a tax year and the distance travelled for business purposes substantiated by a log book are used to determine the costs which may be claimed against a travel allowance.

Employees' tax is based on 80% of the travel allowance. However, if the employer is satisfied that at least 80% of the use of a motor vehicle will be for business purposes, employees' tax may be based on 20% of the travel allowance.

When the following criteria are met, no employees' tax is payable on a reimbursive travel allowance paid by an employer to an employee:

| Description | 2022 | 2023 | 2024 |
|---|-----------|-----------|-----------|
| Maximum distance travelled for business purposes per annum: | unlimited | unlimited | unlimited |
| Maximum rate per kilometre paid (cents): | 382 | 418 | 464 |

This alternative is not available if other compensation in the form of a travel allowance or reimbursement (other than for parking or toll fees) is received from the employer in respect of the vehicle. In such an instance the reimbursive travel allowance will be taxable and expenditure for business travel could be claimed in the same manner as with a normal travel allowance.

Right of use of motor vehicle

When an employee receives the right to use a motor vehicle the following provisions apply:

- Where the vehicle is owned by the employer, the taxable value is 3,5% of the determined value (Vehicles purchased before 1 March 2015: The cash cost including VAT; Vehicles purchased on/after 1 March 2015: Retail market value) per month of each vehicle. Where the vehicle is the subject of a maintenance plan at the time that the employer acquired the vehicle the taxable value is 3,25% of the determined value.
- Where the vehicle is rented by the employer, the monthly taxable value is equal to the actual costs incurred by the employer under the lease (rental and insurance for example) as well as the cost of fuel for the vehicle.
- 80% of the fringe benefit must be included in the employee's remuneration for the purposes of calculating PAYE. The percentage is reduced to 20% if the employer is satisfied that at least 80% of the use of the motor vehicle for the tax year will be for business purposes.

- On assessment the fringe benefit for the tax year is reduced by the ratio of the distance travelled for business purposes substantiated by a log book divided by the actual distance travelled during the tax year.
- On assessment further relief is available for the cost of licence, insurance, maintenance and fuel for private travel if the full cost thereof has been borne by the employee and if the distance travelled for private purposes is substantiated by a log book.

Subsistence allowances and advances

Where an advance or allowance is received by an employee for meals and other incidental costs, he / she can deduct either:

- The amount actually spent (limited to the advance or allowance), or
- For a day trip where employee is not spending at least one night away from his/her normal place of residence, an amount not exceeding R161.
- The daily amounts set out in the table below where the employee is obliged to spend at least one night away from his/her usual place of residence on business. When the deemed amounts are used, the employee does not have to produce proof of the amounts spent and the allowance is not subject to employees' tax.

| Cost | 2022 | 2023 | 2024 |
|--|---------------------|------|------|
| Meals and incidental cost in South Africa | R452 | R493 | R522 |
| Incidental cost only in South Africa | R139 | R152 | R161 |
| Daily amount for travel outside South Africa | As per SARS website | | |

Residential accommodation

The fringe benefit to be included in gross income is calculated in the following different ways, depending on the circumstances:

- Using a formula less the amount paid by the employee
- Using the lower of a formula or the cost borne by the employer less the amount paid by the employee
- When holiday accommodation has been provided, the fringe benefit will be the rental cost of the employer or prevailing market rate per day depending on the circumstances

Low-cost housing

No fringe benefit will arise if an employee acquires a house from their employers at a discount (i.e. at a price below market value) if the following requirements are met:

- The employee does not earn more than R250 000 in salary during the year of assessment in which the acquisition took place
- The market value of the property that is acquired may not exceed R450 000, and
- The employee may not be a connected person in relation to the employer

Interest-free or low interest loans to finance the above stated low cost housing will not be regarded as a fringe benefit if the loan also does not exceed R450 000.

Interest-free or low-interest loans

The difference between interest charged at the official rate and the actual amount of interest charged on employee loans, is to be included in gross income.

Short-term loans granted at irregular intervals to employees are, however, exempted to the extent that it does not exceed R3 000.

Bursaries

Bursaries are exempt from tax where:

- the bursary is granted to an employee who agrees to reimburse the employer for the bursary if the employee fails to complete his studies for reasons other than death, ill-health or injury, or
- the bursary is granted to a relative of an employee that earns less than R600 000 per annum and to the extent that the bursary does not exceed R20 000 (R30 000 for disabled relative) grade R to matric and R60 000 (R90 000 for disabled relative) for further education. The bursary cannot be as a result of any salary deduction taken by the employee.

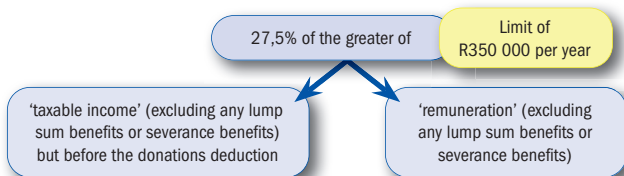
Medical fund contributions

Medical fund contributions paid on behalf of an employee is a fringe benefit. As a result the employee is deemed to have made the payment to the scheme and may get a tax credit.

DEDUCTIONS

Contributions to pension, provident and retirement annuity funds

With effect 1 March 2016, the tax deduction calculation for the three different funds, pension, provident and retirement annuity funds are identical. The deduction will be limited to:



The above deduction is however limited to taxable income before this deduction and before any taxable capital gain. This deduction can therefore not create an assessed loss.

Excess contributions not allowed as deductions are carried forward to the following year of assessment. Contributions made by employers on behalf of employees would be a taxable fringe benefit in the hands of the employees but will also be regarded as a contribution made by the employee, therefore deductible in the hands of the employee subject to the above limitations.

Medical and disability expenses

All taxpayers are entitled to a monthly "tax rebate" (i.e. credit) in respect of any medical scheme contributions made for the benefit of themselves and their dependants as follows:

| | 2022 | 2023 | 2024 |
|--------------------------|------|------|------|
| Taxpayer | R332 | R347 | R364 |
| First dependant | R332 | R347 | R364 |
| Per additional dependant | R224 | R234 | R246 |

For additional (e.g. out-of-pocket) medical expenses incurred by individual taxpayers, a tax rebate is available as follows:

- Where the taxpayer is 65 and older or where the taxpayer, taxpayer's spouse or child is a person with a disability: 33.3% of the value of the amount by which the aggregate of the medical scheme fees that exceed 3 × the standard medical scheme credits, and all qualifying medical expenses (other than medical scheme contributions)
- Other taxpayers: 25% of the value of the amount by which the aggregate of the medical scheme fees that exceed 4 × the standard medical scheme credits, and all qualifying medical expenses (other than medical scheme contributions), exceed 7.5% of the taxpayer's taxable income (excluding any retirement fund lump sum benefit, retirement fund lump sum withdrawal benefit and severance benefit including capital gains)

HOME OFFICE COST

Employees:

For an employee to claim home office cost deduction, the home office must be specifically equipped for the purpose of the employee's trade, regularly and exclusively used for such purposes, and:

- if the remuneration earned is mainly in the form of commission or other similar variable payments, then home office cost can be deducted if the duties of such employee are mainly performed otherwise than in an office provided by his or her employer, or
- If the remuneration earned is not mainly in the form of commission or other similar variable payments, then home office cost can be deducted if the duties of such employee are mainly performed in such home office

Independent contractors:

Taxpayer not earning income from employment can deduct home office cost incurred in the production of income from a trade being carried on that is not of a capital nature. However, private and domestic expenditure cannot be deducted.

LUMP SUM BENEFITS

Retirement fund lump sum withdrawal benefits

| BENEFIT | RATES OF TAX |
|-----------------------|--|
| R0 – R27 500 | 0% of benefit |
| R27 501 – R726 000 | 18% of benefit above R27 500 |
| R726 001 – R1 089 000 | R125 730 + 27% of benefit above R726 000 |
| R1 089 001 and above | R223 740 + 36% of benefit above R1 089 000 |

- tax determined by applying the tax table to the aggregate of that lump sum plus all other retirement fund lump sum withdrawal benefits accruing from March 2009 and all retirement fund lump sum benefits accruing from October 2007 plus severance benefits accrued from March 2011, less
- tax determined by applying the tax table to the aggregate of benefits mentioned above excluding lump sums withdrawals received for the year

Retirement fund lump sum benefits or severance benefits

| BENEFIT | RATES OF TAX |
|-----------------------|--|
| R0 – R550 000 | 0% of benefit |
| R550 001 – R770 000 | 18% of benefit above R550 000 |
| R770 001 – R1 155 000 | R39 600 + 27% of benefit above R770 000 |
| R1 155 001 and above | R143 550 + 36% of benefit above R1 155 000 |

- tax determined by applying the tax table to the aggregate of that lump sum plus all other retirement fund lump sum benefits accruing from October 2007 and all retirement fund lump sum withdrawal benefits accruing from March 2009 plus severance benefits accrued from March 2011, less
- tax determined by applying the tax table to the aggregate of benefits mentioned above excluding retirement lump sums and severance benefits received for the year

PROVISIONAL TAX

Provisional tax is payable by all taxpayers except natural persons if:

- That person does not derive any income from the carrying on of any business, and
- Taxable income of that person for the year of assessment will not exceed the tax threshold, or
- The taxable income of that person for the year of assessment which is derived from interest, foreign dividends and rental will not exceed R30 000, or
- any person that derives any remuneration from an employer that is registered for employees tax.

First provisional payment

The first payment is due six months before the end of the tax year. The payment must be based on the basic amount or a lower estimate approved by SARS.

Second provisional payment

The second payment is due on the last day of the tax year. The payment must be based on an estimate of the taxable income for the year. The following two tier model is in force:

- Taxable income less than R1 million – the estimate must be equal to the lesser of the basic amount or 90% of the actual taxable income
- Taxable income greater than R1 million – the estimate must be equal to at least 80% of the actual taxable income

Third Provisional payment

The third provisional payment is due six months after a taxpayer's year-end. In the case of a taxpayer with a February year-end, the "top-up" payment can be made by the end of September of every year.

Basic amount

The basic amount is computed as the taxable income (excluding capital gains and retirement fund lump sum benefits) of the latest preceding year of assessment issued by SARS more than 14 days before submission of the provisional tax return. The taxable income must be increased by 8% per annum if that assessment is more than 18 months old.

General provisions

Any Employee's remuneration is subject to monthly deductions referred to as **PAYE**. Apart from salaries, commission etc. the following income/payments are also subject to **PAYE**:

- 80% of any travel allowance reduced to 20% if the employer is satisfied that the employee travels at least 80% of the time for business
- The portion of any reimbursive travel allowance that exceeds the tax-free limit per kilometre
- Remuneration paid to labour brokers/personal service providers
- Annuities from Annuity Funds
- Payments to Personal Service Providers (PSP's)

See PSP process flow for more detail on entities that will be considered PSP's. A PSP is subject to employees' tax at the rate of 27%* if it is a company and 45% if it is a trust. Expenses to be deducted by a PSP are also limited.

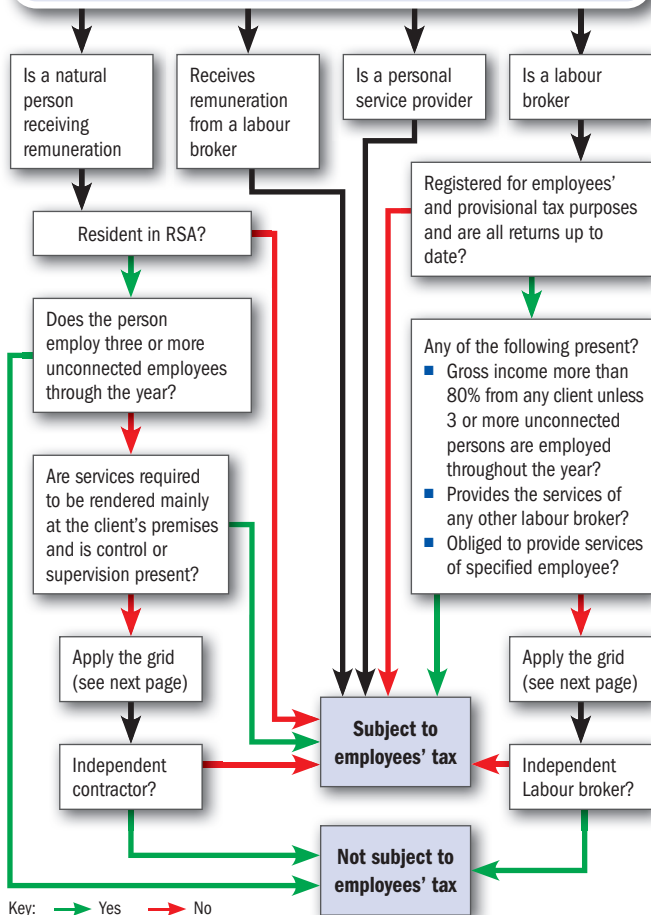
Directors of companies are subject to PAYE according to the same rules applying to other employees.

Part-time, casual and temporary employees are subject to PAYE at a flat rate of 25%.

Variable remuneration, such as overtime pay, bonus, commission, night shift and standby allowance or reimbursement of any expenditure accrue to the employee only on the date that it is paid. The employer is also only deemed to have incurred the variable remuneration on the date of payment. Unpaid remuneration in the year of death is not regarded as variable remuneration.

*For tax years ending before 31 March 2023 the tax rate is 28%

The employee is defined as a person who:

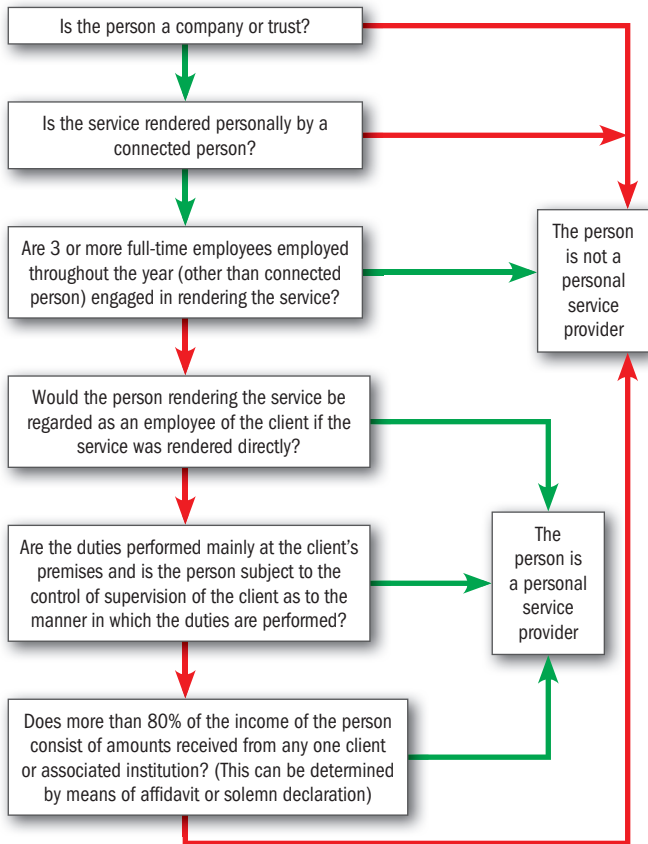


Common law dominant impression test grid

| | Indicator | Suggests employee status | Suggests independent contractor status |
|-----------------|---|---|---|
| Near-conclusive | Control of manner of working | Employer instructs (has right to) which tools/equipment, or staff, or raw materials, or routines, patents, technology | Person chooses which tools/equipment, or staff, or raw materials, or routines, patents, technology |
| | Payment regime | Payment by rate \times time-period, but regardless of output or results | Payment by a rate \times time-period but with reference to results , or payment by output or "results in a time period" |
| | Person who must render the service | Person obliged to be render service personally, hires & fires only with approval | Person, as employer, can delegate to, hire & fire own employees, or can subcontract |
| | Nature of obligation to work | Person obliges to be present, even if there is no work to be done | Person only present and performing work if actually required, and chooses to |
| | Employer (client) base | Person bound to an exclusive relationship with one employer (particularly for independent business test) | Person free to build a multiple concurrent client base (esp. if tries to build client base - advertises etc.) |
| | Risk/Profit & loss | Employer bears risk (pays despite poor performance/slow markets) (particularly for independent business test) | Person bears risk (bad workmanship, price hikes, time over-runs) |
| Persuasive | Instructions/Supervision | Employer instructs on location, what work, sequence of work etc. or has the right to do so | Person determines own work, sequence of work etc. Bound by contract terms, not orders as to what work, where, etc. |
| | Reports | Control through oral/written reports | Person not obliged to make reports |
| | Training | Employer controls by training the person in the employer's methods | Worker uses/trains in own methods |
| | Productive time (work hours, work week) | Controlled or set by employer/person works full time or substantially so | At person's discretion |

| | Indicator | Suggests employee status | Suggests independent contractor status |
|-----------------|---|---|---|
| Relevant | Tools, materials, stationery, etc. | Provides by employer, no contractual requirement that person provides | Contractually/necessarily provided by person |
| | Office/workshop, admin/secretarial etc. | Provides by employer, no contractual requirement that person provides | Contractually/necessarily provided by person |
| | Integration/Usual premises | Employer's usual business premises | Person's own/leased premises |
| | Integration/Usual business operations | Person's service critical/integral part of employer's operations | Person's services are incidental to the employer's operations or success |
| | Integration/Hierarchy & organogram | Person has a job designation, a position in the employer's hierarchy | Person designated by profession or trade, no position in the hierarchy |
| | Duration of relationship | Open ended/fixed term & renewable, ends on death of worker | Limited with regard to result, binds business despite worker's death |
| | Threat of termination/Breach of contract | Employer may dismiss on notice (LRA equity aside), worker may resign at will (BCEA aside) | Employer in breach if it terminates prematurely. Person in breach if fails to deliver product/service |
| | Significant investment | Employer finances premises, tools, raw materials, training, etc. | Person finances premises, tools, raw materials, training, etc. |
| | Employee benefits | Especially if designed to reward loyalty | Person not eligible for benefits |
| | <i>Bona fide</i> expenses or statutory compliance | No business expenses, travel expenses and/or reimbursed by employer. Registered with trade/professional association | Over-heads built into contract prices. Registered under tax/labour statutes & with trade professional association |
| | Viability on termination | Obligated to approach an employment agency of labour broker to obtain new work (particularly for independent business test) | Has other clients, continues trading. Was a labour broker or independent contractor before this contract |
| | Industry norms, customs | Militate against independent viability. Make it likely person is an employee | Will promote independent viability. Make it likely person is an independent contractor or labour broker |

Personal service providers process flow



Key: → Yes → No

COMPANIES NORMAL TAXATION

Resident companies (excluding personal service provider)

| For years of assessment ending during the following periods: | Tax rate |
|--|----------|
| 1 April 2008 – 30 March 2023 | 28% |
| From 31 March 2023 | 27% |

Non-resident companies/Branch profits

| For years of assessment ending during the following periods: | Tax rate |
|--|----------|
| 1 April 2012 – 30 March 2023 | 28% |
| From 31 March 2023 | 27% |

Personal service provider companies

| For years of assessment ending during the following periods: | Tax rate |
|--|----------|
| 1 April 2012 – 30 March 2023 | 28% |
| From 31 March 2023 | 27% |

Combined tax rate of resident company (as a percentage)

| | 2022 | 2023* | 2024 |
|----------------------------|--------|--------|--------|
| Taxable income | 100.00 | 100.00 | 100.00 |
| Less: Normal tax | 28.00 | 28.00 | 27.00 |
| Available for distribution | 72.00 | 72.00 | 73.00 |
| Less: Dividend | 72.00 | 72.00 | 73.00 |
| Less: Dividends tax | 14.40 | 14.40 | 14.60 |
| Total tax | 42.40 | 42.40 | 41.60 |
| Combined rate | 42.40 | 42.40 | 41.60 |

Note: Dividends Tax is the liability of the shareholder, while the normal tax is a company liability.

*For tax years ending on or after 31 March 2023 the tax rate is reduced to 27%

TRUSTS

Tax rates

Tax rates applicable to trusts are as follows:

| TYPE OF TRUST | INCOME TAX RATES | CAPITAL GAINS TAX INCLUSION RATE |
|---------------|---|----------------------------------|
| Normal Trust | 45% | 80% |
| Special Trust | Same as those applicable to natural persons, except that the rebates and interest exemptions do not apply | 40% |

Note: A special trust is a trust created solely for the benefit of someone who suffers from a disability that prevents such person from earning sufficient income for their maintenance or from managing their own financial affairs. A special trust can also be created by way of a testamentary trust whereby relatives of the testator who are alive on the date of death are the beneficiaries. In order to qualify as a special trust, the youngest of the beneficiaries must, on the last day of the year of assessment of that trust, be under the age of 18 years.

Interest-free and low-interest loans to a trust

With effect 1 March 2017 loans made to a trust by

- a natural person, or
- at the instance of that person, a company in relation to which that person is a connected person, and where that person or company is a connected person in relation to the trust

the difference between the amount of interest incurred by the trust (if any, otherwise nil) and the interest that would have been incurred by that trust at the official rate of interest will be a continuing, annual donation for purposes of donations tax, made by the lender on the last day of the year of assessment of the trust

Loans by a natural person or a company to a company is also subject to donation tax on the same basis if 20% or more of the shares of the company is held directly or indirectly by a trust (or beneficiary of trust or spouse of beneficiary). Preference shares issued by a company are also regarded as loans for this donation tax calculation.

The following will be specifically excluded from the above donation provisions:

- special trusts that are created solely for the benefit of disabled persons
- trusts that fall under public benefit organisations
- vesting trusts (in respect of which the vesting rights and contributions of the beneficiaries are clearly established)
- loans used by the trusts to fund the acquisition of a primary residence
- loans that are subject to transfer pricing provisions
- loans provided to the trust in terms of a sharia-compliant financing arrangement, or
- loans that are subject to dividends tax
- loans to employee share purchase trusts

The lender may utilise the annual donations tax exemption of R100 000 (or remaining portion if applicable) against this deemed donation.

No deduction, loss, allowance or capital loss may be claimed for the reduction, waiver or other disposal of such a loan, advance or credit by the lender.

Other anti-avoidance provisions

Anti-avoidance provisions exist to combat the use of trusts for income splitting and tax avoidance schemes. These provisions will normally be applicable where income accrues to a person other than the donor as a result of a donation, settlement or other disposition made (i.e. interest free loans). These provisions may apply where income accrues to the following persons:

- The donor's spouse
- A minor child of the donor
- The trust to whom the donation, settlement or other disposition has been made
- Non-residents

The result of the anti-avoidance provisions are that the income that accrues to the person's mentioned above are deemed to be the income of the donor.

SMALL BUSINESS CORPORATIONS

Year ending between 1 April 2023 and 31 March 2024

| | |
|---------------------|--|
| R0 – R95 750 | 0% of taxable income |
| R95 751 – R365 000 | 7% of taxable income above R95 750 |
| R365 001 – R550 000 | R18 848 + 21% of taxable income above R365 000 |
| R550 001 and above | R57 698 + 27% of the amount above R550 000 |

Year ending between 1 April 2022 and 31 March 2023

| | |
|---------------------|--|
| R0 – R91 250 | 0% of taxable income |
| R91 251 – R365 000 | 7% of taxable income above R91 250 |
| R365 001 – R550 000 | R19 163 + 21% of taxable income above R365 000 |
| R550 001 and above | R58 013 + 28%* of the amount above R550 000 |

*For tax years ending on or after 31 March 2023 the tax rate is reduced to 27%

A small business corporation is a close corporation, private company (other than a personal service provider) or personal liability company of which:

- the entire shareholding or membership is held by natural persons for the entire year of assessment
- the gross income does not exceed R20 million during the year of assessment
- none of the members/shareholders, at any time during the year of assessment, held shares in any other company other than listed companies, collective investment schemes, body corporates, shareblock companies, certain associations of persons, friendly societies, less than 5% interest in cooperatives, venture capital company, shares in private companies that are inactive and have assets of less than R5 000 or have taken steps to liquidate, wind-up or deregister
- not more than 20% of the sum of gross income and capital gains consists of investment income and income from the provision of personal services
- if engaged in the provision of personal services, maintains at least three full-time employees who are not connected to shareholders

TURNOVER TAX FOR MICRO BUSINESSES

Financial years ending on any date between 1 March 2023 and 29 February 2024

| TAXABLE TURNOVER | RATES OF TAX |
|-----------------------|--|
| R0 - R335 000 | 0% |
| R335 001 - R500 000 | 1% of the amount above R335 000 |
| R500 001 - R750 000 | R1 650 + 2% of the amount above R500 000 |
| R750 001 - R1 000 000 | R6 650 + 3% of the amount above R750 000 |

Financial years ending on any date between 1 March 2022 and 28 February 2023

| TAXABLE TURNOVER | RATES OF TAX |
|-----------------------|--|
| R0 - R335 000 | 0% |
| R335 001 - R500 000 | 1% of the amount above R335 000 |
| R500 001 - R750 000 | R1 650 + 2% of the amount above R500 000 |
| R750 001 - R1 000 000 | R6 650 + 3% of the amount above R750 000 |

Turnover tax for micro businesses is a simplified turnover-based tax system substituting income tax and Capital Gains Tax. A micro business may voluntarily register for VAT. Turnover tax is an elective tax applicable to sole proprietors, partnerships and companies that meet certain criteria and have a turnover of less than R1 million per year.

A micro business may only voluntarily exit the turnover tax system before the beginning of a year of assessment.

PUBLIC BENEFIT ORGANISATIONS (PBO)

In order to qualify as a PBO an entity needs to have as its main object the carrying out of one or more public benefit activities in a non-profit manner. These activities need to qualify in one or more of the following categories:

- **welfare and humanitarian**
- **health care**
- **land and housing**
- **education and development**
- **conservation, environment and animal welfare**
- religion, belief or philosophy
- cultural
- research and consumer rights
- sport
- providing funds, assets or other resources
- support services to other PBO's
- hosting certain international events

Note: Only the activities in bold qualify for section 18A status.

For more information on how to register a PBO with SARS and the specific requirements refer to the SARS website:

<https://www.sars.gov.za/ClientSegments/Businesses/TEO/Pages/default.aspx>

Donations to approved public benefit organisations are exempt from donations tax and deductible for income tax as follows if section 18A status has been approved:

- Company donations limited to 10% of taxable income
- Individual donations limited to 10% of taxable income excluding any retirement fund lump sum benefits
- Any excess above the 10% cap above may be rolled over to subsequent years

DIVIDENDS TAX

Dividends tax is a tax levied on the shareholder at a rate of 20% on dividends paid. However, where a dividend in specie is paid, dividends tax is a tax levied on the company declaring the dividend. Dividends tax is normally withheld by the company paying the dividend and is payable at the end of the month following the month in which the dividend was paid. The repayment of contributed tax capital by a company would be regarded as a return of capital and not subject to dividends tax.

Dividends tax exemptions

A dividend is exempt from dividends tax if the dividend is not a dividend in specie and the beneficial owner is:

- A SA company
- The Government and various quasi government institutions
- Public Benefit Organisations
- Environmental rehabilitation trusts
- Pension, provident, similar funds and medical schemes
- A shareholder in a registered micro business (only the first R200 000 of dividends paid during a particular year of assessment)
- A non-resident and the dividend is paid by a South African Listed non-resident company

Where the dividend comprises of a dividend in specie, the following exemptions are applicable:

- The same exemptions as above subject to the beneficial owner submitting a declaration and written undertaking
- Where the beneficial owner forms part of the same group of companies

Loans to connected persons

Dividends tax will be calculated as 20% of the difference between the official rate of interest in respect of the debt and the amount of interest payable in respect of the debt. Where the official rate of interest on the debt does not exceed the actual interest payable on the debt, the value of the deemed dividend is deemed to be nil. Dividends tax on a loan to a connected person is regarded as a *dividend in specie* and as such the liability of the company and not the shareholder.

FARMING TAX

The First schedule of the Income Tax Act regulates farming taxes. The most important sections are:

Valuation of livestock and produce

Only livestock and produce need to be brought into account at year-end and not consumables like seed, fertiliser, fuel etc. Produce is valued at the lowest of average cost of production or market value. Livestock can be valued at standard values or the farmer may elect his own values which may not differ more than 20% of standard values (once a value has chosen, it must be used consistently).

Purchases of livestock cannot create a loss because of using standard values. This gross loss must be carried forward to the next year. See www.sars.gov.za for the standard values.

Capital development expenditure

The following capital development expenditure may be deducted in full:
Eradication of noxious plants, alien invasive plants and prevention of soil erosion.

The following capital development expenditure is restricted to taxable income from farming: dipping tanks, dams, irrigation schemes, boreholes and pumping plants, fences, additions/erection of/extensions and improvements to farm buildings, costs of establishing the area for and the planting of trees, shrubs and perennial plants, building of roads and bridges for farming operations, carrying of electric power from main power lines to farm machinery and equipment.

Special depreciation allowance

Machinery, implements, utensils and articles for farming purposes are written off over three years on a 50:30:20 basis.

Rating formula

Because a farmer's income fluctuates from year to year, an individual farmer may elect to be taxed in accordance with a rating formula in terms of special provisions.

Persons subject to CGT

CGT is payable on capital gains that arise by the following persons:

- Residents are subject to CGT on all assets including overseas assets
- Non-residents are subject to CGT on immovable property or any right or interest in a property situated in South Africa and any asset of a permanent establishment through which a trade is carried on in South Africa (SA)

Note: Any right or interest in a property includes a direct or indirect interest of at least 20% held alone or together with any connected person in the equity share capital of a company, where at least 80% of the value of the net assets of the company is, at the time of the disposal, attributable to immovable property in SA.

Exclusions

The following are the main exclusions from CGT:

- Primary residences with capital gains up to R2 million
- Personal use assets
- Retirement benefits
- Long-term assurance
- Small business assets with capital gains up to R1.8 million (applicable when a person is over the age of 55 where the maximum market value of the small business assets does not exceed R10 million)
- Annual exclusion for natural persons: R40 000
- Annual exclusion on death for natural persons: R300 000

Calculation and inclusion rates

A capital gain or loss is calculated separately in respect of each asset disposed. Once determined, gains or losses are combined for that year of assessment and if it is:

- an assessed capital loss, it is carried forward to the following year, or
- a net capital gain, it is multiplied by the inclusion rate and included in taxable income

The inclusion rates are as follows:

| PERSON | 2022 | 2023 | 2024 |
|----------------------------------|------|------|------|
| Natural person and special trust | 40% | 40% | 40% |
| Company | 80% | 80% | 80% |
| Trust | 80% | 80% | 80% |

Withholding tax – prepayment CGT

The purchaser must withhold CGT on the purchase price where assets are purchased from a non-resident except where the amount payable by the purchaser is less than R2 million. This withholding tax is not a final tax and is merely a prepayment of the expected CGT. The following withholding tax rates are applicable and are based on the proceeds on disposal:

| NON-RESIDENT SELLER | 2022 | 2023 | 2024 |
|---------------------|------|------|------|
| Natural person | 7.5% | 7.5% | 7.5% |
| Company | 10% | 10% | 10% |
| Trust | 15% | 15% | 15% |

WITHHOLDING TAX (OTHER) – FINAL

Royalties

A withholding tax of 15% is payable when royalties from a South African source are paid to non-residents, subject to certain exemptions.

Interest

A withholding tax of 15% is payable when interest from a South African source are paid to non-residents, subject to certain exemptions.

Foreign Entertainers and sportspersons

A withholding tax of 15% on payments to foreign entertainers and sportspersons for activities in South Africa.

VALUE-ADDED TAX (VAT)

The VAT system comprises of three types of supplies:

- Standard-rated supplies – supplies of goods and services subject to the VAT rate in force at the time of supply. With effect 1 April 2018 the VAT rate was increased from 14% to 15%
- Exempt supplies – supplies of certain services not subject to VAT. Vendors making exempt supplies are not entitled to input VAT credits
- Zero-rated supplies – supplies of certain goods or services subject to VAT at zero percent. Vendors making zero-rated supplies are entitled to input VAT credits

Key features

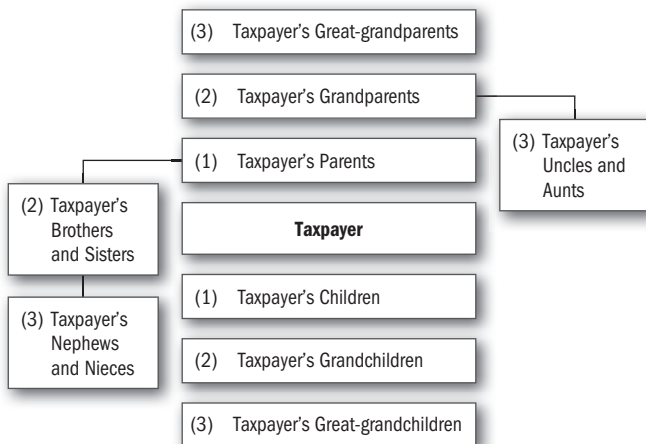
- Enterprises with a turnover of less than R1 000 000 in any period of 12 months are not obliged to register for VAT
- Enterprises with a turnover of less than R50 000 in any period of 12 months are not permitted to register for VAT
- VAT returns are generally submitted on a two monthly basis unless turnover in any period of 12 months exceeds R30 million, in which case returns are submitted monthly
- Farmers may submit VAT returns on a six monthly basis as long as their turnover does not exceed R1.5 million and property letting companies and trusts may, subject to certain requirements, submit annual VAT returns
- Vendors may reclaim the VAT element on expenditure incurred for the purpose of making taxable VAT supplies except on, entertainment, excluding qualifying subsistence, passenger vehicles (including hiring) and club subscriptions
- Input tax credits may not be claimed on expenditure relating to exempt supplies
- Input tax credits may only be claimed upon receipt of a valid tax invoice
- In order to be a valid tax invoice the name, address and VAT registration number of the recipient and supplier must appear on tax invoices where the VAT inclusive total exceeds R5 000
- A deposit is not subject to output VAT until the supplier applies the deposit as consideration for payment

CONNECTED PERSON DEFINITION FOR INCOME TAX

| Type of taxpayer | Connected persons in relation to the taxpayer |
|---|---|
| Natural person | <ul style="list-style-type: none"> ■ a relative to the third degree – see diagram for guidance on the meaning of relative ■ a trust of which the natural person or the relative is a beneficiary |
| Trust | <ul style="list-style-type: none"> ■ any beneficiary of the trust ■ any connected person in relation to a beneficiary |
| Connected person in relation to a trust | <ul style="list-style-type: none"> ■ any other person who is a connected person in relation to the trust |
| Members of a partnership or foreign partnership | <ul style="list-style-type: none"> ■ any other member ■ any connected person in relation to any member of the partnership or foreign partnership |
| Company | <ul style="list-style-type: none"> ■ any other company in the same group of companies, where a group of companies consists of a controlling group company that: <ul style="list-style-type: none"> ◆ directly holds more than 50% of the equity shares or voting rights in at least one controlled group company, and ◆ directly or indirectly holds more than 50% of the equity shares in or voting rights in each controlled group company ■ any person (but excluding companies) who individually or jointly with that person's connected persons holds 20% or more of a company's equity shares or voting rights ■ any company who holds 20% or more of a company's equity shares or voting rights (but only if no other holder of shares holds the majority of voting rights in the company) |

| Type of taxpayer | Connected persons in relation to the taxpayer |
|-------------------|---|
| | <ul style="list-style-type: none"> any other company, if the company is managed or controlled by a connected person (or his connected person) any other company that would be part of the same group of companies according to the definition of 'group of companies' |
| Close corporation | <ul style="list-style-type: none"> any member any relative of the member or trust that is a connected person in relation to a member any other close corporation which is a connected person to one of the members, or relative or connected trust |

Diagram illustrating the rule for determining persons who are related within the third degree of consanguinity



CAPITAL INCENTIVE ALLOWANCES

| ASSET TYPE | CONDITIONS FOR ANNUAL ALLOWANCES | ANNUAL ALLOWANCES |
|---|---|--|
| Industrial Buildings | Cost of buildings or improvements, provided building is used wholly or mainly for carrying on a process of manufacture or similar process | Either 2%, 5%, or 10% depending on date cost incurred |
| Commercial & Residential Buildings in Designated Urban Areas (no deduction allowed if building or part of building is brought into use by the taxpayer on or after 31 March 2025) | Refurbishment of existing building (excluding low-cost residential units) | 20% |
| | Construction of new building and extension to existing buildings (excluding low-cost residential units) | 20% in 1st year 8% in each of 10 subsequent years |
| | Low-cost residential units: New buildings or extension/additions to existing buildings where taxpayer incurs the cost | Year 1: 25% of the cost Year 2 - 6: 13% of the cost Year 7: 10% of the cost |
| | Low-cost residential units: Improvements to existing buildings where the existing structure is preserved and where taxpayer incurs the cost | Year 1: 25% of the cost Year 2 - 4: 25% of the cost |
| | Low-cost residential units: New buildings or extension/additions to existing buildings where taxpayer purchased building from developer | Year 1: $55\% \times 25\%$ of the cost Year 2 - 6: $55\% \times 13\%$ of the cost Year 7: $55\% \times 10\%$ of the cost |
| | Low-cost residential units: Improvements to existing buildings where the existing structure is preserved and where taxpayer purchased building from developer | Year 1: $30\% \times 25\%$ of the cost Year 2 - 4: $30\% \times 25\%$ of the cost |
| Hotel Buildings | Cost of portion of building or improvements used | 5% |
| | Improvements that do not extend the exterior framework of the building | 20% |

| ASSET TYPE | CONDITIONS FOR ANNUAL ALLOWANCES | ANNUAL ALLOWANCES |
|---|--|---|
| Commercial Buildings | Cost of erecting any new and unused building as well as new and unused improvements wholly or mainly used for the purpose of producing income in the course of trade | 5% |
| | Taxpayer acquires part of a building that is new and unused wholly or mainly to be used for producing income in the course of trade | $55\% \times 5\%$ of the cost |
| | Taxpayer acquires part of a building that has new and unused improvements to be wholly or mainly used for producing income | $30\% \times 5\%$ of the improvement |
| Aircraft & Ships | Must be used for purposes of trade | 20% |
| Plant & Machinery | New or unused manufacturing assets | 40% in 1st year 20% in each of the 3 subsequent years |
| Plant & machinery | New and unused plant or machinery used by the taxpayer directly in a process of manufacture by a Small Business Corporation | 100% of cost |
| Renewable energy machinery and equipment | Solar photovoltaic renewable energy assets brought into use for the 1st time between 1 March 2023 and 28 February 2025 with no generation threshold | 125% of cost |
| Residential Units – at least five units must be owned | New & unused units, erected or improved, situated in South Africa, owned & used by the taxpayer for the purposes of a trade he carries on. | Normal Unit 5% Low Cost unit 10%* |
| | New & unused units acquired, situated in South Africa, used by the taxpayer for the purpose of a trade he carries on | Normal unit $55\% \times 5\%$ Low cost unit $55\% \times 10\%$ |
| | Unit acquired with a new and unused improvement, situated in South Africa, used by the taxpayer for the purpose of a trade he carries on | Normal unit $30\% \times 5\%$ Low cost unit $30\% \times 10\%$ |

*a building not exceeding cost of R300 000 or an apartment not exceeding a cost of R350 000

Residents are taxed on their worldwide income, subject to certain exclusions.

Definition of resident

Natural Person (see flowchart further in this guide)

- any natural person who is ordinarily resident in South Africa, or
- any natural person who is not ordinarily resident in South Africa but who:
 - ◆ is physically present in South Africa for a period exceeding 91 days in aggregate during the current year of assessment and for a period exceeding 91 days in aggregate during each of the prior five years of assessment; and was physically present in South Africa for a period exceeding 915 days in aggregate during the previous five years of assessments.
 - ◆ Where a person has been outside of South Africa for a continuous period of at least 330 full days after he ceases to be physically present in South Africa, he will be deemed to not have been resident from then.
 - ◆ South African resident employees who render services for any employer outside South Africa for a period which in aggregate exceeds 183 full days commencing on or ending during a period of assessment, and for a continuous period exceeding 60 full days during such 183 day period, will not be liable for income tax on their remuneration for that period.
From 1 March 2020 this exemption will be limited to R1.25m per year.

Companies and Trusts

A company and Trust will be considered to be resident for tax purposes if it is incorporated, established, formed or has its place of effective management in South Africa.

Controlled Foreign Companies (CFC)

A Controlled Foreign Company (CFC) means any foreign company where more than 50% of the total participation rights or voting rights are directly or indirectly exercisable by one or more residents. South African residents must impute all

income of a CFC in the same ratio as the participation rights of the resident in such a CFC, subject to a number of exclusions. Net income of the CFC is defined as the CFC's taxable income determined as if the CFC is a South African taxpayer.

Foreign dividends (including deemed dividends)

Foreign Dividends received from a non-resident company are taxable.

Foreign dividends are, however, exempt as follows:

- If received by a resident who holds at least 10% of the equity shares in the foreign company
- The shareholder is a company which is in the same country as the foreign company paying the dividend
- If declared by a company listed on the SA stock exchange
- If paid out of the profits of a foreign company if the profits of the foreign company have been included in the South African shareholder's income in terms of the CFC provisions

Where a foreign dividend is not exempt in terms of the provisions above the following part of a foreign dividend will be exempt from tax:

- Individuals and trusts: Subject to a maximum effective tax rate of 20%
- Companies: Subject to an effective tax rate of 20%

No deduction will be granted for any expenditure incurred in the production of income in the form of foreign dividends.

Foreign tax credits

Residents are allowed to deduct all foreign taxes paid in respect of foreign source income from the tax payable in South Africa on such foreign income. Any excess credits may be carried forward.

Where foreign tax is withheld on South African source income, the taxpayer can claim a deduction against income.

EXCHANGE CONTROL: NON-RESIDENTS

Non-residents may invest in the Republic, provided that suitable documentary evidence is received in order to ensure that such transactions are concluded at arm's length, at fair market-related prices, and are financed in an approved manner.

Financial assistance in South Africa

- Emigrants: local financial assistance made available to emigrants is subject to the 1:1 ratio.
- Non-residents: authorised dealers may grant or authorise local financial assistance facilities to non-residents in respect of bona fide foreign direct investments into South Africa without restrictions. Where the funds are required for the acquisition of residential property or other financial transactions, the 1:1 ratio will apply.
- Affected persons (i.e. where non-residents directly or indirectly own 75% or more of an entity): there is no restriction on the amount that could be borrowed locally in instances where an affected person wishes to borrow locally to finance a foreign direct investment into South Africa or for domestic working capital requirements. Wholly non-resident owned subsidiaries may borrow locally up to 100% of the total shareholders' investment, in respect of the acquisition of residential property and or other financial transactions. The effect of local participation in non-resident controlled entities is to make the abovementioned norms more liberal the greater the local participation, i.e. the ability to borrow locally increases. This is based on a formula.

Loans from non-resident shareholders to residents

Applications for proposed borrowing abroad by residents must be referred to the Financial Surveillance Department for approval.

Capital transactions

Proceeds from the sale of assets in South Africa, may be remitted abroad. Proceeds on the sale of assets by emigrants will be subject to the blocked account provisions.

Dividend payments to non-residents

Dividends declared by companies are remittable to non-resident shareholders in proportion to percentage shareholdings, subject to certain restrictions if the dividend is declared by an affected person who has local financial assistance. An emigrant shareholder will be entitled to dividends declared out of income earned from normal trading activities after the date of emigration. Non-listed companies have additional requirements to be met in order to transfer such dividends. Dividends declared out of capital gains, or out of income earned from normal trading activities prior to the date of emigration, remain subject to the blocked account provisions.

Director fee payments to non-residents

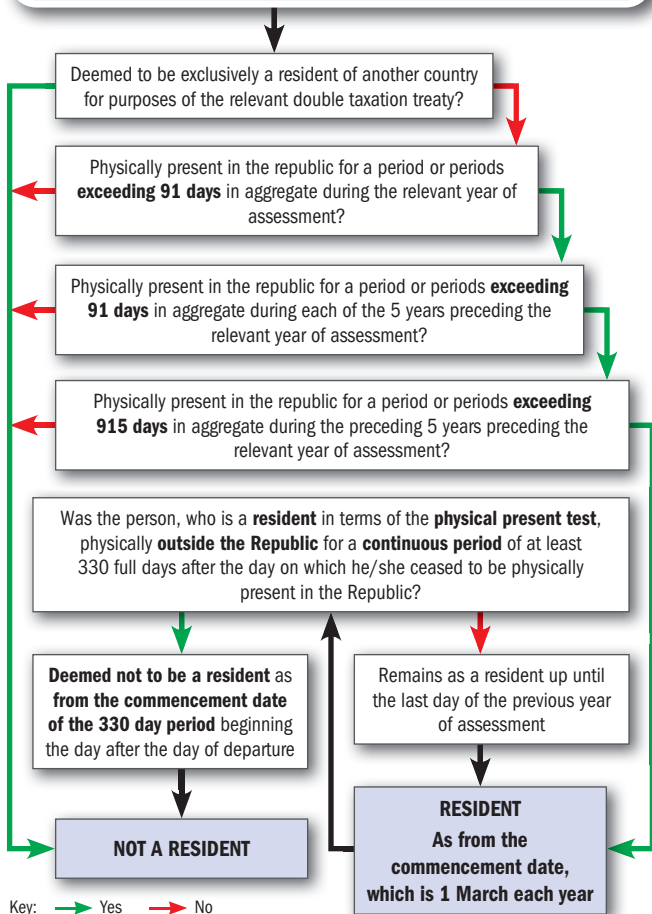
Authorised dealers may transfer director's fees to non-resident directors permanently domiciled outside South Africa, provided the application is accompanied by a copy of the resolution of the board of the remitting company, confirming the amount to be paid to the beneficiary.

Ceasing to be a resident

When a person ceases to be a resident, certain tax consequences are triggered. A trust or natural person that ceases to be a resident must be treated as having disposed of all their assets for market value immediately before they ceased to be a resident.

A company that ceases to be a resident will also be treated as having disposed of all its assets for market value immediately before it ceased to be a resident. In addition the company will be deemed to have paid a dividend on the difference between the market value of all the shares of the company and the contributed tax capital of the company.

Physical presence test for a person not ordinarily resident:



Average exchange rates for a year of assessment

| Year of assessment for the 12 months ending: | Australian Dollar | Canadian Dollar | Euro | Hong Kong Dollar | Indian Rupee | Japanese Yen | Swiss Franc | UK Pound | US Dollar |
|--|---|-----------------|---------|------------------|--------------|--------------|-------------|----------|-----------|
| January 2022 | 11.0554 | 11.8189 | 17.4088 | 1.9044 | 0.2000 | 0.1338 | 16.1562 | 20.3551 | 14.8092 |
| February 2022 | 11.0100 | 11.8470 | 17.3592 | 1.9084 | 0.2000 | 0.1331 | 16.1603 | 20.3679 | 14.8476 |
| March 2022 | 10.9674 | 11.8404 | 17.2485 | 1.9072 | 0.1992 | 0.1322 | 16.1594 | 20.2806 | 14.8469 |
| April 2022 | 10.9644 | 11.8684 | 17.1616 | 1.9116 | 0.1995 | 0.1310 | 16.1801 | 20.2333 | 14.8924 |
| May 2022 | 10.9901 | 11.9341 | 17.1396 | 1.9295 | 0.2007 | 0.1306 | 16.2346 | 20.2329 | 15.0458 |
| June 2022 | 11.0277 | 12.0115 | 17.1336 | 1.9475 | 0.2017 | 0.1299 | 16.3143 | 20.2285 | 15.2004 |
| July 2022 | 11.0908 | 12.1292 | 17.1320 | 1.9705 | 0.2031 | 0.1292 | 16.4434 | 20.2400 | 15.3929 |
| August 2022 | 11.1590 | 12.2277 | 17.0887 | 1.9894 | 0.2040 | 0.1282 | 16.5478 | 20.2059 | 15.5508 |
| September 2022 | 11.2497 | 12.3698 | 17.1121 | 2.0200 | 0.2058 | 0.1275 | 16.7371 | 20.2003 | 15.8023 |
| October 2022 | 11.2937 | 12.4763 | 17.1606 | 2.0533 | 0.2076 | 0.1268 | 16.9139 | 20.2101 | 16.0743 |
| November 2022 | 11.3109 | 12.5316 | 17.1709 | 2.0734 | 0.2080 | 0.1257 | 17.0204 | 20.1805 | 16.2382 |
| December 2022 | Rates not available as at date of publication | | | | | | | | |

Foreign capital investments

Resident individuals who are over 18 and taxpayers in good standing are permitted to invest abroad. The current limit is R10 000 000 per person per calendar year. Applications by individuals to invest in fixed property and other investments will also be considered in addition to the foreign capital allowance.

Single discretionary allowance (in addition to foreign capital allowance)

Residents over the age of 18 years may be permitted a single allowance within an overall limit of R1 000 000 per individual per calendar year, without the requirement to obtain a Tax Clearance Certificate. Minors are entitled to an annual allowance of R200 000. The discretionary allowance may be used for any legal purpose abroad (including investment).

It may be utilised solely at the discretion of the resident, without a requirement for the resident to produce documentary evidence relating to the funds to be transferred to the Authorised Dealer, except for travel outside the Common Monetary Area (eSwatini, Lesotho, Namibia and South Africa). If the allowance is used for travel, a passenger ticket needs to be produced.

Study allowances

The direct costs of study may be transferred directly to the institution. Should a spouse accompany a student, a discretionary allowance may be accorded to the spouse. Household and personal effects, including jewellery (but excluding motor vehicles), up to a value of R200 000 per student may be exported.

Emigration limits

Foreign Capital Allowance (reduced by foreign capital investments)

Single Person – R10 000 000 Family Unit – R20 000 000

Household & Personal Effects, Motor Vehicles, Stamps, Coins & Kruger Rands
R2 million can be transferred.

ESTATE DUTY

The general rule is that if the taxpayer is ordinarily resident in the Republic at the time of death, all of his assets (including deemed property), wherever they are situated, will be included in the gross value of his estate for the determination of duty payable thereon. Estate duty is levied at 20% on the first R30 million of the dutiable estate. Estate duty will be levied at 25% on the dutiable estate in excess of R30 million.

Deemed property includes insurance policies on the life of the deceased, claims in terms of the matrimonial property act as well as property that the deceased was competent to dispose of immediately prior to his death.

The most important deductions are:

- Debts due at date of death
- Bequests to various charities
- Bequests to a surviving spouse

The Act allows for a R3.5m estate duty abatement. This abatement could rollover from the deceased to a surviving spouse, so that the surviving spouse can use a R7m abatement on death. The portability of the deduction will apply to the extent that the first dying spouse did not use the whole abatement.

There is relief from Estate Duty in the case of the same property being included in the estates of taxpayers dying within ten years of each other. The deduction is calculated on a sliding scale varying from 100% where the taxpayers die within two years of each other and 20% where the deaths are within eight to ten years of each other.

Executor's remuneration

An executor is entitled to the following remuneration:

- The remuneration fixed by deceased in the will, or
- 3.5% of gross assets
- 6% on income accrued and collected from date of death

Executor's remuneration is subject to VAT where the executor is registered as a vendor.

DONATIONS TAX

Donations Tax is payable by any South African resident. The donations tax provisions do not apply to non-residents even if they donate South African assets. Donations tax is payable on the value of any gratuitous disposal of property (including the disposal of property for inadequate consideration) and the renunciation of rights.

Principal exemptions

- Donations between spouses
- Donations to charitable, ecclesiastical and educational institutions, and certain public bodies in the Republic of South Africa (limited to certain thresholds)
- Donations by natural persons not exceeding R100 000 per year
- The donation of assets situated outside the Republic, subject to certain conditions
- Donations by companies not considered to be public companies up to R10 000 per annum
- Donations where the donee will not benefit until the death of the donor
- Donations made by companies which are recognised as public companies for tax purposes
- Donations cancelled within six months of the effective date
- Property disposed of under and in pursuance of any trust
- Donations between companies forming part of the same group of companies
- Reasonable bona fide contributions to the maintenance of individuals

Rates

Donations tax is payable at the end of the month following the month in which the donation was made at a flat rate of 20% on the first R30 million donations. Donations tax on the donations in excess of R30 million will be 25%. Only donations from 1 March 2018 will count towards the R30m threshold.

CRYPTO ASSETS

Crypto assets are regarded as a financial instruments for Income Tax purposes and not as a currency. As such the profit or loss on crypto asset trading could either be taxed as normal income if the intention of the investor was to speculate or alternatively the profit or loss could be regarded as a capital gain or loss if the intention of the investor was to hold it long-term as a capital investment.

For VAT purposes the exchange of crypto assets into South African Rand are regarded as an exempt supply.

CARBON TAX

Carbon tax became effective from 1 June 2019. The tax is being implemented in a phased manner, taking into account SA's NDC commitments to reduce greenhouse gas emissions. The first phase will be from 1 June 2019 to 31 December 2025, and the second phase from 2026 to 2030. This ensures alignment with our NDC commitments under the Paris Agreement.

The phased introduction of the carbon tax, through a relatively modest initial effective tax rate that will increase over time, provides a strong price signal to both producers and consumers to change their behaviour over the medium to long term and promote a systematic transition to a low-carbon economy by opening up new business opportunities and stimulating innovative business models.

The implementation of the carbon tax will be complemented by a package of tax incentives and revenue recycling measures to minimise the impact in the first phase of the policy (up to the year 2025).

RING-FENCING OF ASSESSED LOSSES

Assessed losses incurred by natural persons from trades could be ring-fenced, and might not be available for set-off against other income.

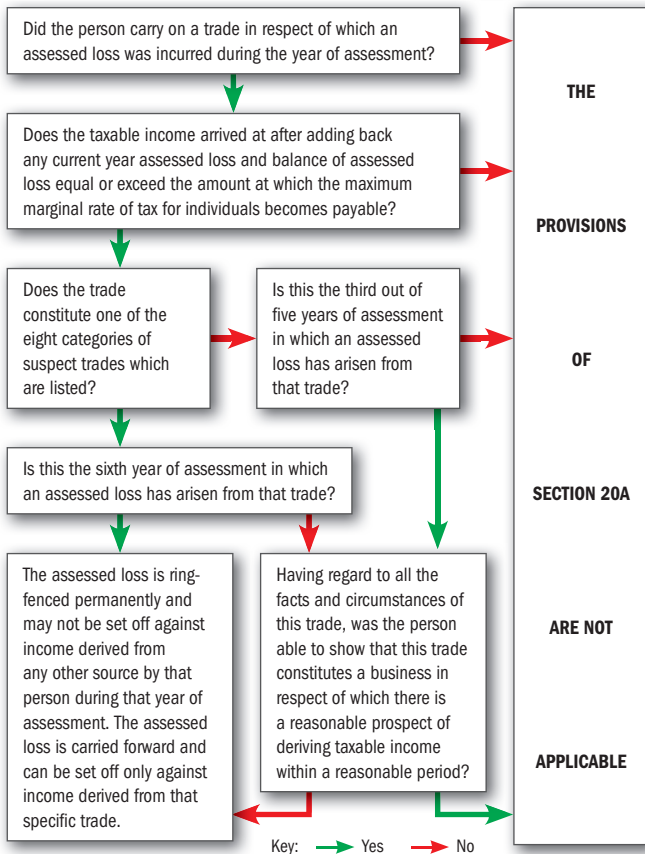
These restrictions apply to an individual whose taxable income is at the maximum marginal rate of tax, before setting off any assessed loss or balance of assessed loss.

For the restrictions to apply the person must have incurred an assessed loss from the secondary trade in at least three out of the last five years, or have carried on any of the following trades:

- any sport practised by that person or any relative
- any dealing in collectibles by that person 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 as defined in the Eighth Schedule, 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 that person or any relative
- farming or animal breeding, unless that person carries on farming, animal breeding or activities of a similar nature on a full-time basis
- any form of performing or creative arts practised by that person or any relative, or
- any form of gambling or betting practised by that person or any relative
- the acquisition or disposal of crypto assets

These provisions do not apply in respect of an assessed loss incurred by a person during any year of assessment from carrying on any trade as contemplated above, where that trade constitutes a business in respect of which there is a reasonable prospect of deriving taxable income (other than taxable capital gain) within a reasonable period. Where these losses have been incurred for at least six years out of the preceding ten years then such concession will not apply except for farming.

Checklist (flowchart) for the application of the ring-fencing provisions



Restraint of trade

Restraint of trade payments that are taxable in the hands of individuals, labour brokers and personal service providers are deductible by the payer over three years if the period of the restraint is less than three years, or over the period of the restraint if longer.

Leasehold improvements

Improvements made to leasehold property in terms of a lease agreement by the lessee must be included in the income of the lessor. Either the stipulated amount or a fair and reasonable value will be included.

The lessee may deduct such expenditure over the period of the lease. The lessor may be entitled to discount the value of the improvements over the period of the lease or 25 years, whichever is the shorter.

Pre-trade expenditure

Expenditure which would normally be deductible from income, actually incurred prior to the commencement and in connection with a specific trade, can be deducted from the income of that trade. The deduction is restricted to the income from that trade and may not be set off against the income from a different trade.

Research and Development

Research and development expenditure may qualify for incentive allowances whereby 150% of the operating expenses are deductible.

Certain requirements must, however, be met, including the Department of Science and Technology's approval of the deduction.

SUNDRY TAXES

Securities Transfer Tax

The tax is imposed at a rate of 0.25% on the transfer of listed or unlisted securities. No tax is payable on the original issue of shares. Securities consist of shares in companies or member's interests in close corporations.

Skills Development Levy

A Skills Development Levy is payable by employers at a rate of 1% of the total remuneration paid to employees. Employers paying annual remuneration of less than R500 000 are exempt from the payment of the levy.

Unemployment Insurance Fund Contributions

Unemployment Insurance Fund Contributions are payable monthly by employers on the basis of a contribution of 1% by employers and 1% by employees, based on employees' remuneration below R17 712 per month (R14 872 before 1 June 2021).

Employers not registered for PAYE or SDL purposes must pay the contributions to the Unemployment Insurance Commissioner.

EMPLOYMENT TAX INCENTIVE

The employment tax incentive was instituted in order to encourage employment creation for the youth (i.e. employees between the ages of 18 and 29 years) and the incentive will come to an end on 28 February 2029.

If an employer is eligible to receive the employment tax incentive in respect of a qualifying employee in respect of a month, that employer may reduce the employees' tax payable by that employer with the amount of the incentive.

The main requirements to qualify for this incentive are as follows:

- The taxpayer must be registered for the purposes of the withholding and payment of employees' tax

- The wage paid to an employee may not be less than the amount payable by virtue of a wage regulating measure applicable to that employer (i.e. a minimum wage) or if the amount of the wage payable to an employee is not subject to any wage regulating measure, the amount of R2 000 per month if the employee is employed for more than 160 hours in the month (if the employee is employed for less than 160 hours in a month and is paid remuneration in respect of those hours a percentage of R2 000 must be used)
- An employee is a qualifying employee if the employee:
 - ◆ is not an independent contractor
 - ◆ is not less than 18 years old and not more than 29 years old at the end of any month in respect of which the employment tax incentive is claimed
 - ◆ was not employed by the employer before 1 October 2013
 - ◆ is in possession of an identity card or is in possession of an asylum seeker permit
 - ◆ in relation to the employer, is not a connected person
 - ◆ is not a domestic worker
 - ◆ performs actual work in terms of a documented employment contract
 - ◆ is not mainly involved in studying
 - ◆ does not earn more than R6 500 (R6 000 before 1 March 2019) per month

The Minister of Finance designated special economic zones and industries in respect which an employer will also qualify for the incentive.

The amount of the employment tax incentive in respect of a qualifying employee is determined as follows:

- During each month of the first 12 months, 75% of the monthly remuneration of the employee if the employee's remuneration is less than R2 000, R1 500 (R1 000 before 1 March 2022) if the employee's remuneration is R2 000 or more but less than R4 500 and according to a formula if the employee's remuneration is R4 500 or more but less than R6 500.
- During each of the 12 months after the first 12 months that the same employer employs the qualifying employee, 37.5% of the monthly remuneration of the employee if the employee's remuneration is less than R2 000, R750 (R500 before 1 March 2022) if the employee's remuneration is R2 000 or more but less than R4 500 and according to a formula if the employee's remuneration is R4 500 or more but less than R6 500.

LEARNERSHIP ALLOWANCES

An annual and completion allowance of R40 000 may be claimed by the taxpayer for learnerships NQF qualifications from levels 1 to 6, and R20 000 for learnerships NQF qualifications from levels 7 to 10. The deduction claimable for disabled learners is R60 000 or R50 000 for both annual and completion allowances.

Where a learnership is terminated before a period of 12 full months the employer will be entitled to a pro rata portion of the annual allowance, regardless of the reason for the termination of the learnership. The completion allowance for a learnership of 24 months or more will be based on the number of consecutive 12 month periods completed \times the above annual allowance amount.

TRANSFER DUTY ON IMMOVABLE PROPERTY

- Calculated on the value of immovable property
- Payable within six months after the transaction is entered into
- Exemptions apply with the most notable when the seller is a VAT vendor
- Where a VAT vendor purchases property from a non-vendor, the notional input tax is calculated by multiplying the tax fraction (15/115 (14/114 before 1 April 2018)) by the lesser of the consideration paid or market value
- The acquisition of a contingent right in a trust that holds a residential property or the shares in a company or the member's interest in a close corporation, which owns residential property, comprising more than 50% of its assets, is subject to transfer duty at the applicable rate

Transfer duty is calculated as follows:

| | |
|--------------------------|--|
| R1 – R1 100 000 | 0% |
| R1 100 001 – R1 512 500 | 3% of the value over R1 100 000 |
| R1 512 501 – R2 117 500 | R12 375 + 6% of the value over R1 512 500 |
| R2 117 501 – R2 722 500 | R48 675 + 8% of the value over R2 117 500 |
| R2 722 501 – R12 100 000 | R97 075 + 11% of the value over R2 722 500 |
| R12 100 001 + | R1 128 600 + 13% of the value over R12 100 000 |

TAX SEASON DEADLINES 2023/2024

Income tax returns

| | Individual | Company | Trust |
|---|------------|--------------------------|-----------|
| Submitting tax returns manually | September | N/a | September |
| Non-provisional taxpayers filing via e-Filing | October | N/a | October |
| Provisional taxpayers filing via e-Filing | January | 12 months after year-end | January |

Provisional tax

| | Individual | Company | Trust |
|------------------------|------------|---|-----------|
| First provisional tax | August | 6 months after year-end | August |
| Second provisional tax | February | 12 months after year-end | February |
| Third provisional tax | September | <ul style="list-style-type: none">■ 6 months after year-end if year-end is not February■ 7 months after year-end if year-end is February | September |

Value-added tax

| | Individual | Company | Trust |
|-------------------------------------|---|---|---|
| Submitting VAT returns manually | On or before the 25th of the month following the VAT period | On or before the 25th of the month following the VAT period | On or before the 25th of the month following the VAT period |
| Submitting VAT returns via e-Filing | On or before the end of the month following the VAT period | On or before the end of the month following the VAT period | On or before the end of the month following the VAT period |

Payroll tax returns

| | Individual | Company | Trust |
|---|---|---|---|
| Annual Employer Reconciliation Declaration (EMP501) and Employee Income Tax certificates [IRP5/IT3(a)] | May | May | May |
| Interim/Bi-annual Employer Reconciliation Declaration (EMP501) and Employee Income Tax certificates [IRP5/IT3(a)] | October | October | October |
| Monthly declaration (EMP201) | On or before the 7th of the month following the payroll month | On or before the 7th of the month following the payroll month | On or before the 7th of the month following the payroll month |

IRP 5 CODES

Normal Income Codes

- 3601 Income (taxable) i.e. salaries and wages (taxable), overtime (taxable)
- 3602 Income (non-taxable) i.e. pension payments (non-taxable), arbitration award (non-taxable)
- 3603 Pension payments (taxable)
- 3605 Annual payments (taxable) i.e. annual bonus, incentive bonus etc.
- 3606 Commission
- 3607 Overtime (taxable)
- 3608 Arbitration Award (taxable)
- 3610 RAF annuity (taxable)
- 3611 Purchased annuity (taxable)
- 3613 Restraint of Trade (taxable)
- 3614 Other Retirement Lump Sums (taxable)
- 3616 Independent Contractors (taxable)
- 3617 Labour Brokers (PAYE/IT)
- 3618 Annuity from Provident/Provident Preservation Fund
- 3619 Labour Brokers with Exemption Certificate (IT)
- 3620 Directors Fees – resident Non-Executive Director – voluntary PAYE withholding
- 3621 Directors Fees – Non-resident Non-Executive Director
- 3622 Long Service Cash award – full value (before excluding any amount)

Allowance Codes

- 3701 Travel Allowance (taxable)
- 3702 Reimbursive Travel Allowance (taxable: amount up to the prescribed limit/km that has not been exceeded)
- 3703 Reimbursive Travel Allowance (non-taxable)
- 3704 Subsistence Allowance – Local Travel (taxable)
- 3707 Share Options Exercised (taxable)
- 3708 Public Office Allowance (taxable)
- 3713 Other Allowances (taxable) i.e., Entertainment Allowance (taxable), Tool Allowance (taxable), Computer Allowance (taxable), Telephone/Cell Phone Allowance (taxable)
- 3714 Other Allowances (non-taxable) i.e., Subsistence Allowance – Local Travel (non-taxable)
- Uniform Allowance (non-taxable), Subsistence Allowance – Foreign Travel (non-taxable), Relocation allowance (non-taxable)
- 3715 Subsistence Allowance – Foreign Travel (taxable)
- 3717 Broad-based Employee Share Plan (taxable)
- 3718 Vesting of equity instruments (taxable)

- 3719 Dividends not exempt i.t.o para (dd) of the proviso to s10(1)(k)(i)
- 3720 Dividends not exempt i.t.o. par (ii) of the proviso to s10(1)(k)(i) dividends
- 3721 Dividends not exempt i.t.o. par (jj) of the proviso to s 10(1)(k)(i) dividends
- 3722 Reimbursive Travel Allowance (taxable: amount only to the extent prescribed limit/km has been exceeded)
- 3723 Dividends not exempt i.t.o. par (kk) of the proviso to s 10(1)(k)(i) dividends
- 3724 Amount paid by any Covid-19 Disaster Relief Organisation

Fringe Benefit Codes

- 3801 General Fringe Benefit (taxable) i.e., Right of Use of Asset other than motor vehicle (taxable), acquisition of asset at less than actual value (taxable), Meals, refreshments and meal and refreshment Vouchers (taxable), Low interest or interest free loans or loan subsidies (taxable)
- 3802 Right of Use of Motor Vehicle (taxable)
- 3805 Accommodation (taxable) i.e. free or cheap residential or holiday accommodation (taxable)
- 3806 Services (taxable) i.e. free or cheap services
- 3808 Employee's debt (taxable)
- 3809 Bursaries or scholarships (taxable) – Basic Education
- 3810 Medical Aid contributions (taxable)
- 3813 Medical services cost (taxable)
- 3815 Bursaries and scholarships (non-taxable) – Basic Education
- 3816 Use of motor vehicle acquired by employers via "Operating Lease" (taxable)
- 3817 Taxable benefit i.r.o. Pension Fund Employer Contribution
- 3820 Taxable Bursaries or Scholarships – Further Education
- 3821 Non-Taxable Bursaries or Scholarships – Further Education
- 3822 Non-taxable Acquisition of Immovable Property
- 3825 Taxable Benefit i.r.o. Provident Fund Employer Contribution
- 3828 Taxable Benefit i.r.o. Retirement Annuity Employer Contribution
- 3829 Taxable Bursaries or Scholarships to a disabled person – Basic Education
- 3830 Non-taxable Bursaries or Scholarships to a disabled person – Basic Education

- 3831 Taxable Bursaries or Scholarships to a disabled person – Further Education
- 3832 Non-taxable Bursaries or Scholarships to a disabled person – Further Education
- 3833 Benefit Bargaining Council Employer Contribution (taxable)
- 3834 Non-taxable Benefit - Loan to purchase Immovable Residential Property
- 3835 Long Service Award – full amount, qualifies for R5 000 exemption

Important: To report foreign income, add a value of 50 to all normal, allowance, fringe benefit and lump sum codes e.g. 3606 will be 3656, except 3908, 3915, 3920, 3921, 3922, 3923 and 3924.

Lump Sum Codes

- 3901 Gratuities/Severance Benefits (taxable)
- 3906 Special Remuneration (taxable) i.e. proto-teams
- 3907 Other Lump Sums (taxable) i.e. Backdated salaries extended over previous tax year, Lump sum payments by unapproved funds, Gratuity paid to an employee due to normal termination of service, Employer owned insurance policy (risk policy) proceeds NOT exempt i/o the exclusion in section 10(1)(g)(i) of the Income Tax Act)
- 3908 Surplus Apportionments and Employer Owned Policy Proceeds (non-taxable)
- 3915 Retirement/involuntary termination of employment lump sum benefits/Commutation of annuities (taxable)
- 3920 Lump sum withdrawal benefits (taxable)
- 3921 Living annuity and section 15C of the Pension Funds Act, surplus apportionments (taxable)
- 3922 Compensation i.r.o death during employment (Excl/PAYE)
- 3923 Transfer of Unclaimed Benefits
- 3924 Transfer on retirement: after reaching normal retirement age but before retirement date

Gross Remuneration Codes

- 3696 Gross Non-Taxable Income
- 3699 Gross Taxable Employment Income

Employee's Tax Deduction and Reason Codes

- 4102 PAYE
- 4115 Tax on Retirement Lump Sum and Severance benefits
- 4116 Medical Scheme Fees Tax Credit taken into account by the employer for PAYE purposes
- 4118 Employment Tax Incentive
- 4120 Additional medical expense credit allowed for employee older than 65

- 4141 UIF contribution
- 4142 SDL contribution
- 4149 Total Tax, SDL and UIF (excluding the value of 4116 Medical Scheme Fees Tax Credit taken into account by the employer for PAYE purposes).
- 4150 02 – Earn Less than the Tax Threshold
- 03 – Independent Contractor or Non-Executive Director
- 04 – Non Taxable Earnings (including nil directive)
- 05 – Exempt Foreign Employment Income
- 06 – Director's Remuneration – Income Determined in the following Tax Year
- 07 – Labour Broker with 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

Deduction Codes

- 4001 Current Pension Fund Contributions
- 4003 Current Provident Fund Contributions, Arrear Provident Fund Contributions
- 4005 Medical Aid Contributions
- 4006 Current Retirement Annuity Fund Contributions
- 4024 Medical services costs deemed to be paid by the employee in respect of himself/herself, spouse or child
- 4030 Donations deducted from the employee's remuneration and paid by the employer to an Approved Organisation
- 4055 Covid-19 Solidarity Fund Donations
- 4472 Employer's Pension Fund Contributions
- 4473 Employer's Provident Fund Contributions
- 4474 Employer's medical scheme contributions in respect of employees not included in code 4493
- 4475 Employer's Retirement Annuity Contributions
- 4493 Employer's Medical Aid Contributions i.r.o Retired Employees
- 4497 Total Deductions/Contributions
- 4582 Portion of travel allowance and motor fringe benefit included in remuneration
- 4583 Remuneration portion of foreign travel allowance, motor vehicle fringe benefit and Reimbursable Travel Allowance
- 4584 Employer's Bargaining Council contributions
- 4585 Employer's pension fund contributions retired employees qualify for "no value" fringe benefit
- 4586 Employer's provided fund contributions retired employees qualify for "no value" fringe benefit
- 4587 Section 10(1)(o)(ii) exemption taken into account by employer for PAYE

PENALTIES: ADMINISTRATIVE NON-COMPLIANCE

Administrative non-compliance penalties are penalties for the failure to keep proper records, failure to report reportable arrangements, non-compliance with a request for information, obstruction of SARS officials and failure to comply with tax obligations. The following non-compliance penalties could be charged:

- Fixed amount penalties (this penalty increases monthly, calculated from one month after the penalty assessment)
- Percentage based penalties
- Understatement penalties

Fixed amount penalties

Fixed rate penalties can be imposed by SARS for non-compliance with any procedural or administrative action or duty imposed or requested, for example:

- Not registering when required to
- Not informing SARS where there is a change in registration details
- Not filing returns
- Not retaining records as required by SARS

The fixed rate penalty does not apply where the percentage base penalty or understatement penalty applies.

Fixed rate penalties can be imposed as per the following table:

| Assessed Loss or taxable income for preceding year | Monthly penalty |
|--|-----------------|
| Assessed loss | R250 |
| R0 – R250 000 | R250 |
| R250 001 – R500 000 | R500 |
| R500 001 – R1 000 000 | R1 000 |
| R1 000 001 – R5 000 000 | R2 000 |
| R5 000 001 – R10 000 000 | R4 000 |
| R10 000 001 – R50 000 000 | R8 000 |
| R50 000 000 + | R16 000 |

Percentage based penalties

The percentage based penalty is imposed where SARS is satisfied that the taxpayer has not paid the tax as and when required under a Tax Act. This penalty is equal to a percentage of the tax not paid. The following percentage based penalties will be imposed:

| Tax type | Penalty percentage |
|-------------------------------|--|
| Income tax | 10% under certain circumstances (i.e. sec 35A) |
| Provisional tax | <ul style="list-style-type: none">■ 10% on the late or non-payment of provisional tax■ 20% if provisional tax estimate has been understated (the non-submission of the return within four months after year-end is deemed to be a submission with an estimate of Rzero) |
| Employers' and employees' tax | <ul style="list-style-type: none">■ 10% if return has not been filed■ 10% if employee tax and/or UIF has not been paid■ 10% if fringe benefits have not been indicated on employee's tax certificates |
| Value-Added Tax | 10% on the late payment of VAT |

Understatement penalties

The understatement penalty is a percentage in accordance with the table set out below and is applied to the shortfall of the tax (including an employment tax incentive). It applies to all taxes and could be charged when there is a default in rendering a return, an omission from a return, an incorrect statement in a return and, if no return is required, the failure to pay the correct amount of tax. Excluded from the understatement penalties are penalties resulting from a "bona fide inadvertent error".

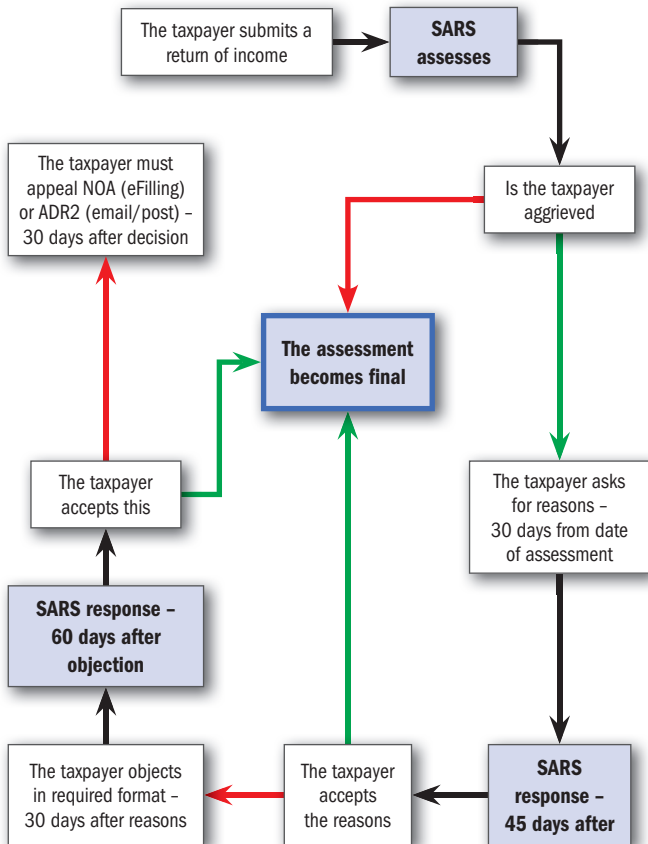
The following definitions relate to the understatement table below:

- **Substantial understatement** means a case where the prejudice to SARS or the fiscus exceeds the greater of 5% of the amount of 'tax' properly chargeable or refundable under a Tax Act for the relevant tax period, or R1 000 000
- **Repeat case** means a second or further case of any of the behaviours listed under the table above within five years of the previous case

- **Reasonable care not taken** means that a taxpayer is required to take the degree of care that a reasonable, ordinary person in the circumstances of the taxpayer would take to fulfill his or her tax obligations
- **No reasonable grounds for the tax position** would occur when the taxpayer does not have a reasonably arguable position. A taxpayer's interpretation of the application of the law is reasonably arguable if, having regard to the relevant authorities, for example an income tax law, a court decision or a general ruling, it would be concluded that what is being argued by the taxpayer is at least as likely as not, correct
- **Impermissible avoidance arrangement** means an arrangement as defined in the General Anti-Avoidance Rules in the Income Tax Act
- **Gross negligence** means doing or not doing something in a way that, in all the circumstances, suggests or implies complete or a high level of disregard for the consequences. Gross negligence involves recklessness but does not require an element of wrongful intent or "guilty mind", or intent to breach a tax obligation
- **Intentional tax evasion** is a willful act that exists when a person's conduct is meant to disobey or wholly disregard a known legal obligation. Knowledge of illegality is crucial

| Behaviour | Standard case | Obstructive or repeat case | Voluntary disclosure after audit notification | Voluntary disclosure before audit notification |
|--|---------------|----------------------------|---|--|
| Substantial understatement | 10% | 20% | 5% | 0% |
| Reasonable care not taken in completing return | 25% | 50% | 15% | 0% |
| No reasonable grounds for tax position | 50% | 75% | 25% | 0% |
| Impermissible avoidance arrangement | 75% | 100% | 35% | 0% |
| Gross negligence | 100% | 125% | 50% | 5% |
| Intentional tax evasion | 150% | 200% | 75% | 10% |

DISPUTE RESOLUTION PROCESS



Key: → Yes → No

RETENTION OF RECORDS

| DOCUMENT | RETENTION PERIOD |
|---|---|
| Companies Act | |
| <ul style="list-style-type: none"> Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Companies Act and other public regulation | 7 years or longer (as specified in other public regulation) |
| <ul style="list-style-type: none"> Registration certificate Memorandum of Incorporation Rules Securities register and uncertificated securities register Register of company secretary and auditors | Indefinite |
| <ul style="list-style-type: none"> Notice and minutes of all shareholders' meetings Copies of reports presented at the annual general meeting of the company Copies of annual financial statements Copies of accounting records Record of directors and past directors, after the director has retired from the company Written communication to holders of securities Minutes and resolutions of directors' meetings, audit committee and directors' committees | 7 years |
| Close Corporations Act | |
| <ul style="list-style-type: none"> Accounting records Annual financial statements | 15 years |
| <ul style="list-style-type: none"> Founding statement (Form CK 1) Amended Founding statement (forms CK 2 and CK 2A) Microfilm image of any original record reproduced directly by the camera – the “camera master” Minutes books as well as resolution passed at meetings | Indefinite |

| DOCUMENT | RETENTION PERIOD |
|--|---|
| Income Tax and VAT Act | |
| <ul style="list-style-type: none"> ■ In respect of each employee the employer shall keep a record showing: amount of remuneration paid or due by him to the employee; the amount of employees' tax deducted or withheld from the remuneration paid or due; the income tax reference number of that employee; any further prescribed information; Employer Reconciliation return (EMP501) ■ The following records of importation of goods and documents: Bill of entry or other documents prescribed by the Custom and Excise Act, proof that the VAT charge has been paid to SARS ■ VAT Vendors are obliged to keep the following records: record of all goods and services, the rate of tax applicable to the supply and the suppliers or their agents, invoices, tax invoices, credit notes, debit notes, bank statements, deposit slips, stock lists and paid cheques ■ Documentary proof for zero-rating of supplies | 5 years from date of submission of the return (documents relating to the acquisition of assets should be retained indefinitely for future capital gains tax calculations) |

Note: The records, books of account and documents must be retained in their original form in a safe place, or electronic format as prescribed by the Commissioner or in a form authorised by a senior SARS official.

WEAR AND TEAR ALLOWANCES

The following rates of wear and tear are allowed by SARS in terms of Interpretation Note 47:

| Type of asset | No. of years for write-off | Type of asset | No. of years for write-off |
|--|----------------------------|---------------------------------------|----------------------------|
| Adding machines | 6 | Curtains | 5 |
| Air-conditioners | | Debarking equipment | 4 |
| window | 6 | Delivery vehicles | 4 |
| mobile | 5 | Demountable partitions | 6 |
| room unit | 10 | Dental and doctors' equipment | 5 |
| Air-conditioning assets | | Dictaphones | 3 |
| air handling units | 20 | Drilling equipment (water) | 5 |
| cooling towers | 15 | Drills | 6 |
| condensing sets | 15 | Electric saws | 6 |
| Aircraft (light passenger or commercial helicopters) | 4 | Electrostatic copiers | 6 |
| Arc welding equipment | 6 | Engraving equipment | 5 |
| Artefacts | 25 | Escalators | 20 |
| Balers | 6 | Excavators | 4 |
| Battery chargers | 5 | Fax machines | 3 |
| Bicycles | 4 | Fertiliser spreaders | 6 |
| Boilers | 4 | Fire arms | 6 |
| Bulldozers | 3 | Fire extinguishers (loose units) | 5 |
| Bumping flaking | 4 | Fire detections systems | 3 |
| Carports | 5 | Fishing vessels | 12 |
| Cash registers | 5 | Fitted carpets | 6 |
| Cell phone antennae | 6 | Food bins | 4 |
| Cell phone masts | 10 | Food-conveying systems | 4 |
| Cellular telephones | 2 | Fork-lift trucks | 4 |
| Cheque-writing machines | 6 | Front-end loaders | 4 |
| Chillers | | Furniture and fittings | 6 |
| Absorption type | 25 | Gantry cranes | 6 |
| Centrifugal | 20 | Garden irrigation equipment (movable) | 5 |
| Cinema equipment | 5 | Gas cutting equipment | 6 |
| Cold drink dispensers | 6 | Gas heaters and cookers | 6 |
| Communication systems | 5 | Gear boxes | 4 |
| Compressors | 4 | Gear shapers | 6 |
| Computers | | Generators (portable) | 5 |
| mainframe | 5 | Generators (standby) | 15 |
| personal | 3 | Graders | 4 |
| Computer tablet & similar devices | 2 | Grinding machines | 6 |
| Computer software (mainframes) | | Guillotines | 6 |
| purchased | 3 | Gymnasium equipment | |
| self-developed | 5 | Cardiovascular | 2 |
| Computer software (personal computers) | 2 | Health testing | 5 |
| Concrete mixers portable | 4 | Weights and strength | 4 |
| Concrete transit mixers | 3 | Spinning | 1 |
| Containers | 10 | Other | 10 |
| Crop sprayers | 6 | Hairdressers' equipment | 5 |
| | | Harvesters | 6 |

| Type of asset | No. of years for write-off | Type of asset | No. of years for write-off |
|-----------------------------------|----------------------------|--|----------------------------|
| Heat dryers | 6 | Radio communication | 5 |
| Heating equipment | 6 | Refrigerated milk tankers | 4 |
| Hot water systems | 5 | Refrigeration equipment | 6 |
| Incubators | 6 | Refrigerators | 6 |
| Ironing and pressing equipment | 6 | Runway lights | 5 |
| Kitchen equipment | 6 | Sanders | 6 |
| Knitting machines | 6 | Scales | 5 |
| Laboratory research equipment | 5 | Security systems removable | 5 |
| Lathes | 6 | Seed separators | 6 |
| Laundromat equipment | 5 | Sewing machines | 6 |
| Law reports | 5 | Shakers | 4 |
| Lift installations | 12 | Shop fittings | 6 |
| Medical theatre equipment | 6 | Solar energy units | 5 |
| Milling machines | 6 | Special patterns and tooling | 2 |
| Mobile caravans | 5 | Spin dryers | 6 |
| Mobile cranes | 4 | Spot welding equipment | 6 |
| Mobile refrigeration units | 4 | Staff training equipment | 5 |
| Motors | 4 | Surge bins | 4 |
| Motorcycles | 4 | Surveyors: | |
| Motorised chain saws | 4 | Field equipment | 5 |
| Motorised concrete mixers | 3 | Instruments | 10 |
| Motor mowers | 5 | Tape-recorders | 5 |
| Musical instruments | 5 | Telephone equipment | 5 |
| Navigation systems | 10 | Television and advertising films | 4 |
| Neon signs and advertising boards | 10 | Television sets, video machines and decoders | 6 |
| Office equipment – electronic | 3 | Textbooks | 3 |
| Office equipment – mechanical | 5 | Tractors | 4 |
| Oxygen concentrators | 3 | Trailers | 5 |
| Ovens and heating devices | 6 | Traxcavators | 4 |
| Ovens for heating food | 6 | Trolleys | 3 |
| Packaging equipment | 4 | Trucks (heavy-duty) | 3 |
| Paintings (valuable) | 25 | Trucks (other) | 4 |
| Pallets | 4 | Truck-mounted cranes | 4 |
| Passenger cars | 5 | Typewriters | 6 |
| Patterns, tooling and dies | 3 | Vending machines (including video game machines) | 6 |
| Pellet mills | 4 | Video cassettes | 2 |
| Perforating equipment | 6 | Warehouse racking | 10 |
| Photocopying equipment | 5 | Washing machines | 5 |
| Photographic equipment | 6 | Water distillation and purification plant | 12 |
| Planers | 6 | Water tankers | 4 |
| Pleasure craft, etc. | 12 | Water tanks | 6 |
| Ploughs | 6 | Weighbridges (movable parts) | 10 |
| Portable safes | 25 | Wire line rods | 1 |
| Power tools (hand-operated) | 5 | Workshop equipment | 5 |
| Power supply | 5 | X-ray equipment | 5 |
| Public address systems | 5 | | |
| Pumps | 4 | | |
| Racehorses | 4 | | |
| Radar systems | 5 | | |

The acquisition of “small” items at a cost of less than R7 000 per item may be written off in full during the year of acquisition.

FINANCE REPAYMENT FACTORS

The following table reflects repayments on every R1 000 borrowed.

| Short/Medium/Long term Financing | | | | | | | |
|----------------------------------|-----------|-----------|-----------|----------|----------|----------|----------|
| Rate | 36 Months | 48 Months | 60 Months | 10 Years | 20 Years | 25 Years | 30 Years |
| 07,0% | 30,88 | 23,95 | 19,08 | 11,61 | 07,75 | 07,07 | 06,65 |
| 07,5% | 31,11 | 24,18 | 20,04 | 11,87 | 08,06 | 07,39 | 06,99 |
| 08,0% | 31,34 | 24,41 | 20,28 | 12,13 | 08,36 | 07,72 | 07,34 |
| 08,5% | 31,57 | 24,65 | 20,52 | 12,40 | 08,68 | 08,05 | 07,69 |
| 09,0% | 31,80 | 24,89 | 20,76 | 12,67 | 09,00 | 08,39 | 08,05 |
| 09,5% | 32,03 | 25,12 | 21,00 | 12,94 | 09,32 | 08,74 | 08,41 |
| 10,0% | 32,27 | 25,36 | 21,25 | 13,22 | 09,65 | 09,09 | 08,78 |
| 10,5% | 32,50 | 25,60 | 21,49 | 13,49 | 09,98 | 09,44 | 09,15 |
| 11,0% | 32,74 | 25,85 | 21,74 | 13,78 | 10,32 | 09,80 | 09,52 |
| 11,5% | 32,98 | 26,09 | 21,99 | 14,06 | 10,66 | 10,16 | 09,90 |
| 12,0% | 33,21 | 26,33 | 22,24 | 14,35 | 11,01 | 10,53 | 10,29 |
| 12,5% | 33,45 | 26,58 | 22,50 | 14,64 | 11,36 | 10,90 | 10,67 |
| 13,0% | 33,69 | 26,83 | 22,75 | 14,93 | 11,72 | 11,28 | 11,06 |
| 13,5% | 33,94 | 27,08 | 23,01 | 15,23 | 12,07 | 11,66 | 11,45 |
| 14,0% | 34,18 | 27,33 | 23,27 | 15,53 | 12,44 | 12,04 | 11,85 |
| 14,5% | 34,42 | 27,58 | 23,53 | 15,83 | 12,80 | 12,42 | 12,25 |
| 15,0% | 34,67 | 27,83 | 23,79 | 16,13 | 13,17 | 12,81 | 12,64 |
| 15,5% | 34,91 | 28,08 | 24,05 | 16,44 | 13,54 | 13,20 | 13,05 |
| 16,0% | 35,16 | 28,34 | 24,32 | 16,75 | 13,91 | 13,59 | 13,45 |
| 16,5% | 35,40 | 28,60 | 24,58 | 17,60 | 14,29 | 13,98 | 13,85 |

INTEREST RATES

| EFFECTIVE DATE | RATE |
|--|--------|
| Late or underpayments of Tax | |
| 1 May 2022 | 7.50% |
| 1 July 2022 | 7.75% |
| 1 September 2022 | 8.25% |
| 1 November 2022 | 9.00% |
| 1 January 2023 | 9.75% |
| 1 March 2023 | 10.50% |
| Fringe benefits – official rate of interest | |
| 1 December 2021 | 4.75% |
| 1 February 2022 | 5.00% |
| 1 April 2022 | 5.25% |
| 1 June 2022 | 5.75% |
| 1 August 2022 | 6.50% |
| 1 October 2022 | 7.25% |
| 1 December 2022 | 8.00% |
| 1 February 2023 | 8.25% |
| Overpayments of tax | |
| 1 May 2022 | 3.50% |
| 1 July 2022 | 3.75% |
| 1 September 2022 | 4.25% |
| 1 November 2022 | 5.00% |
| 1 January 2023 | 5.75% |
| 1 March 2023 | 6.50% |
| Prime Overdraft Rates | |
| 24 March 2022 | 7.75% |
| 19 May 2022 | 8.25% |
| 21 July 2022 | 9.00% |
| 22 September 2022 | 9.75% |
| 24 November 2022 | 10.50% |
| 26 January 2023 | 10.75% |

NOTES

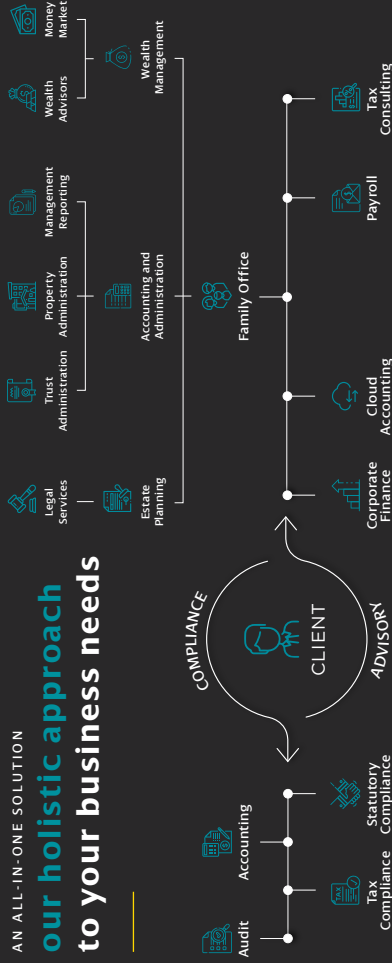
This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

IMPORTANT NOTE

The information contained in this booklet is a summary of current legislation and budget proposals proposed by the Minister of Finance on the 22nd February 2023. We suggest that you do not act solely on material contained in the booklet as the nature of the information contained herein is general and may in certain circumstances be subject to misinterpretation. In addition, the budget proposals may not include all legislative adjustments which could be made in the near future. Consequently we recommend that our advice be sought when encountering these potentially problematic areas. While every care has been taken in the compilation of the booklet, no responsibility of any nature whatsoever shall be accepted for any inaccuracies, errors or omissions.

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