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For enquiries and information:

Mr M Z Montjane
Tel: (012) 334-4653
Cell: 083 640 6121

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

SOUTH AFRICAN REVENUE SERVICE SUID-AFRIKAANSE INKOMSTEDIENS

No. 702

9 May 2005

INCOME TAX 2005: NOTICE TO FURNISH RETURNS FOR THE 2005 YEAR OF ASSESSMENT

1. Notice is hereby given in terms of section 66(1) of the Income Tax Act, 1962 (Act No. 58 of 1962) ("the Act"), that every person who is personally or in a representative capacity liable to taxation under the Act, or who is required in terms of paragraph 2 to furnish a return, must furnish a return in respect of the 2005 year of assessment within the period prescribed in paragraph 4 below.
2. The persons referred to in paragraph 1 include—
 - (a) every company, trust or other juristic person, which is either a resident or derives any gross income or capital gain from a source in the Republic;
 - (b) every company incorporated, established or formed in the Republic but which is not a resident as a result of the application of any agreement entered into with the Government of any other country for the avoidance of double taxation;
 - (c) subject to paragraph 3, every natural person whose gross income for the year of assessment exceeded—
 - (i) R35 000 in the case of a person below the age of 65 years; or
 - (ii) R60 000 in the case of a person aged 65 years and older;
 - (d) every natural person who carried on any trade in the Republic (other than in his or her capacity as an employee);
 - (e) every natural person to whom an allowance or advance was paid or granted as contemplated in section 8(1)(a) of the Act (other than an amount reimbursed or advanced as contemplated in section 8(1)(a)(ii));
 - (f) every natural person who had any capital gain or capital loss exceeding R10 000;
 - (g) every resident who during the 2005 year of assessment held any funds in foreign currency or owned any assets outside the Republic, if the total value of those funds and assets exceeded R10 000 at any stage during that year;
 - (h) every resident to whom any income or capital gains from funds in foreign currency or assets outside the Republic could be attributed during the 2005 year of assessment in terms of the Act;
 - (i) every resident who held any participation rights in a controlled foreign company, as contemplated in section 72A of the Act;
 - (j) every person to whom an income tax return is issued or who is requested by the Commissioner in writing to furnish a return, irrespective of the amount of income of that person; and
 - (k) every representative taxpayer of any person contemplated in paragraphs (a) to (j) above.
3. A natural person contemplated in paragraph 2(c) is not required to furnish a return for his or her 2005 year of assessment, if—

- (a) the gross income of that person consisted solely of one or more of the following—
 - (i) remuneration paid or payable to him or her which does not exceed the annual equivalent of R60 000 (after deduction of contributions to any pension fund and retirement annuity fund and, in the case of a person aged 65 years and older, any contributions to a medical fund) and from which only Standard Income Tax on Employees (SITE) has been deducted;
 - (ii) foreign dividends and interest from a source outside the Republic which do not in total exceed R1 000; and
 - (iii) interest income from a source in the Republic not exceeding—
 - (aa) R11 000 in the case of a natural person below the age of 65 years; or
 - (bb) R16 000 in the case of a natural person aged 65 years and older, reduced by any amount of foreign dividends and interest mentioned in subparagraph (ii) above, which is exempt from tax in terms of section 10(1)(i)(xv)(aa) of the Act; and
 - (b) none of the provisions of paragraphs 2(d) to (k) apply in respect of that person.
- 4. Returns in respect of the 2005 year of assessment must be furnished within the following periods—
 - (a) in the case of any company within 7 months from the date on which its financial year ends; or
 - (b) in the case of all other persons (which include natural persons, trusts and other juristic persons, such as institutions, boards or bodies)—
 - (i) on or before 8 July 2005; or
 - (ii) where accounts are accepted by the Commissioner in terms of section 66(13A) of the Act in respect of the whole or portion of a taxpayer's income, which are drawn to a date after 28 February 2005, but on or before 30 September 2005, within 7 months from the date to which such accounts are drawn.
- 5. The forms prescribed by the Commissioner for the rendering of returns are obtainable on application from any office of the South African Revenue Service, other than an office which deals solely with matters relating to customs and excise.
- 6. If employees' tax (PAYE) has been deducted from the remuneration of a person and that person has not received an income tax return, that person must apply for a return.

7. Returns must be forwarded by post or be delivered to an office of the South African Revenue Service, other than an office which deals solely with matters relating to customs and excise.
8. If a person who is required to render a return fails to do so within the period mentioned in paragraph 4 above, that person is liable on conviction to a fine or to imprisonment for a period not exceeding two years. The Commissioner may also estimate that person's taxable income and a penalty equal to two times the amount of tax chargeable thereon may be imposed.
9. A taxpayer who knowingly and wilfully makes any false statement in a return or evades or attempts to evade taxation or a person who assists a taxpayer to do so, is liable on conviction to a fine or to imprisonment for a period of up to five years. In addition, the Commissioner may also impose a penalty equal to two times the amount of tax which was evaded.
10. No person is exempted from any penalty merely by reason of the fact that the person may not have been called upon personally to furnish a return.
11. For purposes of this notice, any word or expression to which a meaning has been assigned in the Income Tax Act, 1962, bears the meaning so assigned, and "2005 year of assessment" means—
 - (a) in the case of a company, the financial year of that company ending during the 2005 calendar year; and
 - (b) in the case of any other person, the year of assessment ending 28 February 2005.
12. Further information or assistance may be obtained from any office of the South African Revenue Service or from the website: www.sars.gov.za

ISSUED BY THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

INKOMSTEBELASTING 2005: KENNISGEWING OM OPGAWES VIR DIE 2005 JAAR VAN AANSLAG TE VERSTREK

1. Kragtens artikel 66(1) van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), word kennis hiermee gegee dat elke persoon wat persoonlik of in 'n verteenwoordigende hoedanigheid vir belasting aanspreeklik is kragtens die Wet, of van wie ingevolge paragraaf 2 vereis word om 'n opgawe te verstrek, 'n opgawe ten opsigte van die 2005 jaar van aanslag moet verstrek binne die tydperk in paragraaf 4 hieronder voorgeskryf.
2. Die persone in paragraaf 1 bedoel, sluit in—
 - (a) elke maatskappy, trust of ander regspersoon, wat óf 'n inwoner is óf enige bruto inkomste of kapitaalwins vanuit 'n bron in die Republiek verkry;
 - (b) elke maatskappy ingelyf, opgerig of ingestel in die Republiek maar wat nie 'n inwoner is nie weens die toepassing van enige ooreenkoms aangegaan met die Regering van enige ander land vir die vermyding van dubbele belasting;
 - (c) behoudens paragraaf 3, elke natuurlike persoon wie se bruto inkomste vir die jaar van aanslag meer is as—
 - (i) R35 000 in die geval van 'n persoon jonger as 65 jaar; of
 - (ii) R60 000 in die geval van 'n persoon van 65 jaar of ouer;
 - (d) elke natuurlike persoon wat 'n bedryf in die Republiek beoefen het (behalwe in sy of haar hoedanigheid as werknemer);
 - (e) elke natuurlike persoon aan wie 'n toelae of voorskot betaal of toegestaan is soos in artikel 8(1)(a) van die Wet bedoel (behalwe 'n bedrag vergoed of voorgeskiet soos in artikel 8(1)(a)(ii) bedoel);
 - (f) elke natuurlike persoon met 'n kapitaalwins of kapitaalverlies wat R10 000 te bowe gaan;
 - (g) elke inwoner wat gedurende die 2005 jaar van aanslag enige fondse in buitelandse geldeenheid gehou het of bates buite die Republiek besit het, indien die totale waarde van daardie fondse en bates op enige tydstip gedurende daardie jaar R10 000 te bowe gegaan het;
 - (h) elke inwoner aan wie gedurende die 2005 jaar van aanslag enige inkomste of kapitaalwins uit fondse in buitelandse geldeenheid of bates buite die Republiek toegereken kon word ingevolge die Wet;
 - (i) elke inwoner wat 'n deelnemende belang in 'n beheerde buitelandse maatskappy gehou het, soos in artikel 72A van die Wet bedoel;
 - (j) elke persoon aan wie 'n inkomstebelastingopgawe uitgereik is of wat skriftelik deur die Kommissaris versoek is om 'n opgawe te verstrek, ongeag die bedrag van daardie persoon se inkomste; en
 - (k) elke verteenwoordigende belastingpligtige van 'n persoon in paragrafe (a) tot (j) hierbo bedoel.

3. 'n Natuurlike persoon in paragraaf 2(c) bedoel hoof nie 'n opgawe te verstrek vir sy of haar 2005 jaar van aanslag nie, indien—
 - (a) die bruto inkomste van daardie persoon uitsluitlik uit een of meer van die volgende bestaan het—
 - (i) besoldiging aan hom of haar betaal of betaalbaar wat nie die jaarlikse ekwivalent van R60 000 te bowe gaan nie (na aftrekking van bydraes aan 'n pensioenfonds en uittredingannuïteitsfonds en, in die geval van 'n persoon van 65 jaar of ouer, bydraes aan 'n mediese fonds) en waarvan slegs Standaard Inkomstebelasting op Werknemers (SIBW) afgetrek is;
 - (ii) buitelandse dividende en rente van 'n bron buite die Republiek wat nie in total R1 000 te bowe gaan nie; en
 - (iii) rente inkomste uit 'n bron in die Republiek wat nie meer is nie as—
 - (aa) R11 000 in die geval van 'n natuurlike persoon jonger as 65 jaar; of
 - (bb) R16 000 in die geval van 'n natuurlike persoon van 65 jaar en ouer, verminder met enige bedrag van buitelandse dividende en rente in subparagraaf (ii) hierbo genoem, wat ingevolge artikel 10(1)(i)(xv)(aa) van die Wet van belasting vrygestel is; en
 - (b) geen van die bepalings van paragrawe 2(d) tot (k) ten opsigte van daardie persoon van toepassing is nie.
4. Opgawes ten opsigte van die 2005 jaar van aanslag moet binne die volgende tydperke verstrek word—
 - (a) in die geval van 'n maatskappy, binne 7 maande vanaf die datum waarop sy finansiële jaar eindig; of
 - (b) in die geval van alle ander persone (waarby ingesluit natuurlike persone, trusts en ander regspersone, soos instellings, rade en liggame)—
 - (i) voor of op 8 Julie 2005; of
 - (ii) waar rekenings kragtens artikel 66(13A) van die Wet deur die Kommissaris aanvaar is ten opsigte van die hele of gedeelte van 'n belastingpligtige se inkomste, wat opgemaak is tot 'n datum na 28 Februarie 2005, maar voor of op 30 September 2005, binne 7 maande vanaf die datum tot wanneer daardie state opgemaak is.
5. Die vorms deur die Kommissaris voorgeskryf vir die verstrekking van opgawes is op aanvraag beskikbaar by enige kantoor van die Suid-Afrikaanse Inkomstediens, behalwe 'n kantoor wat uitsluitlik met aangeleenthede wat met doeane en aksyns verband hou, handel.
6. Indien werknemersbelasting (LBS) van die besoldiging van 'n persoon afgetrek is en daardie persoon nie 'n inkomstebelastingopgawe ontvang het nie, moet daardie persoon 'n opgawe aanvra.

7. Opgawes moet gestuur of gelewer word aan 'n kantoor van die Suid-Afrikaanse Inkomstediens, behalwe 'n kantoor wat uitsluitlik met aangeleenthede wat met doeane en aksyns verband hou, handel.
8. Indien 'n persoon van wie vereis word om 'n opgawe te verstrek nalaat om dit aldus te verstrek binne die tydperk in paragraaf 4 hierbo genoem, is daardie persoon by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van nie langer nie as twee jaar. Die Kommissaris kan ook daardie persoon se belasbare inkomste raam en 'n boete gelyk aan twee maal die bedrag van die belasting daarop hefbaar, oplê.
9. 'n Belastingpligtige wat willens en wetens 'n valse verklaring in 'n opgawe maak of belasting ontduik of poog om te ontduik, of 'n persoon wat 'n belastingpligtige daarmee bystaan, is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van nie langer nie as vyf jaar. Daarbenewens kan die Kommissaris ook 'n boete gelyk aan twee maal die bedrag van belasting wat ontduik is oplê.
10. Geen persoon is van enige boete kwytgesteld nie slegs op grond van die feit dat die persoon nie persoonlik versoek is om 'n opgawe te verstrek nie.
11. By die toepassing van hierdie kennisgewing, dra enige woord of uitdrukking waaraan 'n betekenis in die Inkomstebelastingwet, 1962, geheg is die betekenis aldus daaraan geheg, en beteken "2004 jaar van aanslag"—
 - (a) in die geval van 'n maatskappy, die finansiële jaar van daardie maatskappy wat eindig gedurende die 2005 kalenderjaar; en
 - (b) in die geval van enige ander persoon, die jaar van aanslag wat op 28 Februarie 2005 eindig.
12. Verdere inligting of bystand kan verkry word by enige kantoor van die Suid-Afrikaanse Inkomstediens of op die webtuiste: www.sars.gov.za

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