

## SOUTH AFRICAN REVENUE SERVICE

NO. 671

03 JUNE 2016

**INCOME TAX 2016: NOTICE TO FURNISH RETURNS FOR THE 2016 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") read together with section 25 of the Tax Administration Act, 2011 (Act No. 28 of 2011), that a person who is required in terms of paragraph 2 to furnish a return, must furnish a return in respect of the 2016 year of assessment within the period prescribed in paragraph 4 below.
2. The following persons must furnish an income tax return:
  - (a) every company, trust or other juristic person, which is a resident;
  - (b) every company, trust or other juristic person, which is not a resident—
    - (i) which carried on a trade through a permanent establishment in the Republic;
    - (ii) which derived income from a source in the Republic; or
    - (iii) which derived any capital gain or capital loss from a source in the Republic;
  - (c) 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;
  - (d) every natural person—
    - (i) who carried on any trade in the Republic (other than solely in his or her capacity as an employee);
    - (ii) to whom an allowance or advance was paid or granted as described in section 8(1)(a)(i) of the Act (other than an amount reimbursed or advanced as described in section 8(1)(a)(ii)) and whose gross income exceeded the thresholds set out in item (viii);
    - (iii) who had capital gains or capital losses exceeding R30 000;
    - (iv) who is a resident and held any funds in foreign currency or owned any assets outside the Republic, if the total value of those funds and assets exceeded R225 000 at any stage during the 2016 year of assessment;
    - (v) who is a resident and to whom any income or capital gains from funds in foreign currency or assets outside the Republic could be attributed in terms of the Act;
    - (vi) who is a resident and held any participation rights, as referred to in section 72A of the Act, in a controlled foreign company;
    - (vii) 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; or

- (viii) who, subject to the provisions of paragraph 3, at the end of the year of assessment—
    - (aa) was under the age of 65 and whose gross income exceeded R73 650;
    - (bb) was 65 years or older (but under the age of 75) and whose gross income exceeded R114 800; or
    - (cc) was 75 years or older and whose gross income exceeded R128 500;
  - (e) every non-resident whose gross income consisted of interest from a source in the Republic to which the provisions of section 10(1)(h) of the Act, do not apply; and
  - (f) every representative taxpayer of any person referred to in subparagraphs (a) to (e) above.
- 3. A natural person is not required to furnish a return for the 2016 year of assessment in terms of paragraph 2(d)(viii) if the gross income of that person consisted solely of gross income described in one or more of the following subparagraphs:
  - (a) remuneration, other than an allowance or advance referred to in paragraph 2(d)(ii) above, paid or payable from one single source, which does not exceed R350 000 and employees' tax has been deducted or withheld in terms of the deduction tables prescribed by the Commissioner;
  - (b) interest from a source in the Republic not exceeding—
    - (i) R23 800 in the case of a natural person below the age of 65 years; or
    - (ii) R34 500 in the case of a natural person aged 65 years or older; and
  - (c) dividends and the natural person was a non-resident throughout the 2016 year of assessment.
- 4. Returns in respect of the 2016 year of assessment must be furnished within the following periods:
  - (a) in the case of any company, within 12 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 23 September 2016 if the return is submitted manually;
    - (ii) on or before 25 November 2016 if the return is submitted by using the SARS eFiling platform or electronically through the assistance of a SARS official at an office of SARS;
    - (iii) on or before 31 January 2017 if the return relates to a provisional taxpayer and is submitted by using the SARS eFiling platform; or
    - (iv) 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 29 February 2016, but on or before 30 September 2016, within 6 months from the date to which such accounts are drawn.
- 5. The forms prescribed by the Commissioner for the rendering of returns are obtainable via the internet at [www.sarsefiling.co.za](http://www.sarsefiling.co.za) or on request or on application from any office of SARS, other than an office which deals solely with matters relating to customs and excise.

6. Returns must—
- (a) in the case of a company, be submitted electronically by using the SARS eFiling platform; and
  - (b) in the case of all other persons (which include natural persons, trusts and other juristic persons, such as institutions, boards or bodies), be—
    - (i) submitted electronically by using the SARS eFiling platform, provided the person is registered for eFiling;
    - (ii) forwarded by post to SARS;
    - (iii) delivered to an office of SARS, other than an office which deals solely with matters relating to customs and excise; or
    - (iv) delivered to such other places as designated by the Commissioner from time to time.
7. 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. SARS may also estimate that person's taxable income, impose a penalty in respect of the failure to submit the return within the required period or both.
8. 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. A penalty up to two times the amount of tax which was evaded may also be imposed.
9. 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.
10. For purposes of this notice, any word or expression to which a meaning has been assigned in the Act bears the meaning so assigned, and "2016 year of assessment" means—
  - (a) in the case of a company, the financial year of that company ending during the 2016 calendar year; and
  - (b) in the case of any other person, the year of assessment commencing on 1 March 2015 or ending on 29 February 2016.
11. Further information or assistance may be obtained from any office of SARS, other than an office which deals solely with matters relating to customs and excise or from the website: [www.sars.gov.za](http://www.sars.gov.za)

**ISSUED BY THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE**