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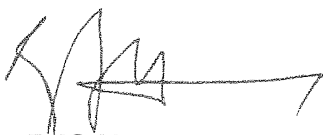


No. 509

27 June 2014

**RETURNS TO BE SUBMITTED BY THIRD PARTIES IN TERMS OF SECTION 26  
OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF 2011)**

In terms of section 26 of the Tax Administration Act, 2011, I, Barry John Stuart Hore, Acting Commissioner for the South African Revenue Service, hereby require that the persons specified in the attached Schedule must submit returns by the dates prescribed in the Schedule.

**BJS Hore****ACTING COMMISSIONER: SOUTH AFRICAN REVENUE SERVICE**

## SCHEDULE

### 1. General

Any term or expression contained in this notice to which a meaning has been assigned in a “tax Act” as defined in section 1 of the Tax Administration Act, 2011, or the intergovernmental agreement between the Republic and the United States of America to improve international tax compliance and to implement the FATCA, has the meaning so assigned, unless the context indicates otherwise, and the following terms have the following meaning:

“**AEOI**” means automatic exchange of information;

“**BRS**” means business requirement specification;

“**FATCA**” means the US Foreign Account Tax Compliance Act;

“**intergovernmental agreement**” means the intergovernmental agreement between the Republic and the United States of America to improve international tax compliance and to implement the FATCA; and

“**reporting financial institution**” means a reporting financial institution as defined in the intergovernmental agreement.

### 2. Reporting financial institution required to submit third party returns

A reporting financial institution is required to submit a return—

- (a) in the form of a data file compiled in accordance with the BRS: FATCA AEOI return;
- (b) containing the information referred to in the intergovernmental agreement as further specified in the BRS: FATCA AEOI return; and
- (c) in respect of a person who is a Specified U.S. Person that is an Account Holder of a U.S. Reportable Account and, in the case of a Non-U.S. Entity that, after application of the due diligence procedures set forth in Annex I, is identified as having one or more Controlling Persons that is a Specified U.S. Person.

### **3. Date for submitting return**

The FATCA AEIO return mentioned in paragraph 2, containing all information for the period from—

- (a) 01 July 2014 to 28 February 2015, must be submitted by 30 June 2015; and
- (b) thereafter annually for every year commencing 1 March and ending February the next year, must be submitted by 31 May of that year.

### **4. Alternative arrangements with SARS**

SARS may agree that a reporting financial institution required to submit a FATCA AEOI return in accordance with this Schedule, may submit a return in respect of a different period and upon an alternate date, as the case may be.

**No. 509****27 Junie 2014****OPGAWES WAT DEUR DERDE PARTYE INGEVOLGE ARTIKEL 26 VAN DIE WET OP BELASTINGADMINISTRASIE, 2011 (WET NO. 28 VAN 2011) INGEDIEN MOET WORD**

Ingevolge artikel 26 van die Wet op Belastingadministrasie, 2011, vereis ek, Barry John Stuart Hore, Waarnemende Kommissaris vir die Suid-Afrikaanse Inkomstediens, hierby dat die persone in die aangehegte Bylae aangedui, opgawes moet indien teen die datums in die Bylae voorgeskryf.

**BJS Hore****WAARNEMENDE KOMMISSARIS: SUID-AFRIKAANSE INKOMSTEDIENS**

## BYLAE

### 1. Algemeen

Enige woord of uitdrukking in hierdie kennisgewing vervat waaraan 'n betekenis ingevolge 'n "Belastingwet" soos omskryf in artikel 1 van die Wet op Belastingadministrasie, 2011, of die interregeringsooreenkoms tussen die Republiek en die Verenigde State van Amerika met die doel om internasionale belastingnakoming te verbeter en om die FATCA te implementeer, geheg is, dra die betekenis aldus daaraan geheg, tensy uit die konteks anders blyk, en die volgende woorde het die volgende betekenis:

**"AEOI"** beteken "automatic exchange of information";

**"BRS"** beteken "business requirement specification";

**"FATCA"** beteken die "US Foreign Account Tax Compliance Act";

**"interregeringsooreenkoms"** beteken die interregeringsooreenkoms tussen die Republiek en die Verenigde State van Amerika met die doel om internasionale belastingnakoming te verbeter en om die FATCA te implementeer; en **"rapporterende finansiële instansie"** beteken 'n "reporting financial institution" soos in die interregeringsooreenkoms omskryf.

### 2. Rapporterende finansiële instansie vereis om derdepartyopgawes in te dien

'n Rapporterende finansiële instansie word vereis om 'n opgawe in te dien—

- (a) in die vorm van 'n data lêer in ooreenstemming met die "BRS: FATCA AEOI" opgawe saamgestel;
- (b) wat die inligting bevat in die interregeringsooreenkoms bedoel soos verder in die "BRS: FATCA AEOI" opgawe gespesifiseer; en
- (c) ten opsigte van 'n persoon wat 'n "Specified U.S. Person" is en wat 'n "Account Holder" van 'n "U.S. Reportable Account" is en, in die geval van 'n "Non-U.S. Entity" wat na toepassing van die "due diligence" prosedures in Annex I uiteengesit, geïdentifiseer word om een of meer "Controlling Persons" te hê wat 'n "Specified U.S. Person" is.

### 3. Datum vir indien van opgawe

Die “FATCA AEIO” opgawe in paragraaf 2 bedoel, wat al die inligting bevat vir die tydperk vanaf—

- (a) 01 Julie 2014 tot 28 Februarie 2015, moet teen 30 Junie 2015 ingedien word; en
- (b) daarna jaarliks vir elke jaar wat op 1 Maart ’n aanvang neem en Februarie van die daaropvolgende jaar eindig, moet teen 31 Mei van daardie jaar ingedien word.

#### **Alternatiewe reëlings met SAID**

SAID kan ooreenkom dat ’n rapporterende finansiële instansie wat vereis word om ’n “FATCA AEIO” opgawe in ooreenstemming met hierdie Bylae in te dien, ’n opgawe ten opsigte van ’n ander tydperk en op ’n ander datum, na gelang van die geval, kan indien.

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