GENERAL NOTICES • ALGEMENE KENNISGEWINGS

SOUTH AFRICAN REVENUE SERVICE NOTICE 1 OF 2016

RETURNS OF INFORMATION 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, Thomas Swabihi Moyane, hereby require that the persons specified in the attached Schedule must submit returns for 2015 and following years by the dates specified in the Schedule.

This public notice replaces, with effect from its date of publication, Notice 260 issued in *Government Gazette* No. 36346 dated 5 April 2013 and Notice 420 issued in *Government Gazette* No. 36565 dated 14 June 2013, issued under section 26 of the Tax Administration Act, 2011.

T S MOYANE COMMISSIONER: SOUTH AFRICAN REVENUE SERVICE

Schedule

1. General

In this notice, any term or expression to which a meaning has been assigned in a "tax Act" as defined in section 1 of the Tax Administration Act, 2011, has the meaning so assigned, unless the context indicates otherwise, and the following terms or expressions have the following meanings:

"interest" includes any amount treated as interest under section 24J of the Income Tax Act;

"record" means the recorded information in respect of a person that the third party must submit;

"records" means the recorded information in respect of all persons that the third party must submit; and

"SARS electronic filing service" means a SARS electronic filing service as defined in paragraph 1 of the Rules on Electronic Communication published in *Government Gazette* No. 37940 on 25 August 2014.

2. Persons required to submit third party returns

The following persons are required to submit a return as specified in paragraph 3:

- 2.1 Banks regulated by the Registrar of Banks in terms of the Banks Act, 1990, or the Mutual Banks Act, 1993;
- 2.2 Co-operative Banks regulated by the Co-operative Banks Development Agency in terms of the Co-operative Banks Act, 2007;
- 2.3 The South African Postbank Limited (Postbank) regulated in terms of the South African Postbank Limited Act, 2010;
- 2.4 Financial institutions regulated by the executive officer, deputy executive officer or board, as defined in the Financial Services Board Act, 1990, whether in terms of that Act or any other Act;
- 2.5 Companies listed on the JSE, and connected persons in relation to those companies, that issue bonds, debentures or similar financial instruments;
- 2.6 State-owned companies, as defined in section 1 of the Companies Act, 2008, that issue bonds, debentures or similar financial instruments;
- 2.7 Organs of state, as defined in section 239 of the Constitution of the Republic of South Africa, 1996, that issue bonds or similar financial instruments;
- 2.8 Any person (including a co-operative as defined in section 1 of the Income Tax Act) who purchases any livestock, produce, timber, ore, mineral or precious stones from a primary producer other than on a retail basis;
- 2.9 Any medical scheme registered under section 24(1) of the Medical Schemes Act, 1998;

- 2.10 Any person, who for their own account carries on the business as an estate agent as defined in the Estate Agency Affairs Act, 1976, and who pays to, or receives on behalf of, a third party, any amount in respect of an investment, interest or the rental of property;
- 2.11 Any person, who for their own account practices as an attorney as defined in section 1 of the Attorneys Act, 1979, and who pays to or receives on behalf of a third party any amount in respect of an investment, interest or the rental of property;
- 2.12 A person liable to pay withholding tax on interest in terms of section 50F(2) of the Income Tax Act; and
- 2.13 A person referred to in paragraph 2 of the Regulations issued in terms of section 12T(8) of the Income Tax Act, and who issued a financial instrument or policy in respect of a tax free investment.

3. Returns required to be submitted

Every person mentioned in Column 1 must submit a third party return that relates to the information specified in Column 2, in the form specified in Column 3 of the following Table—

Column 1: Person	Column 2: Information	Column 3: Form
mentioned in paragraph	concerning	
2.1, 2.2, 2.3, 2.4, 2.5, 2.6,	Amounts paid, due and	IT3(b); or
2.7 2.10, 2.11 and 2.12	payable, or received in	Data compiled in
	respect of, or by way of any	accordance with SARS's
	investment, rental of	Business Requirement
	immovable property, interest	Specification: IT3 Data
	or royalty; transactions that	Submission
	are recorded in an account	
	maintained for another	
	person (i.e. transactional	
	accounts like bank	
	accounts); and	
	any tax withheld.	
2.1, 2.2, 2.3, 2.4, 2.6 and	Amounts paid in respect of	IT3(c); or
2.7	the purchase and disposal	Data compiled in
	of financial instruments.	accordance with SARS'
		Business Requirement
		Specification: IT3 Data
		Submission
2.4	The purchase of, and	IT3(f); or
	contributions made in	Data compiled in
	respect of, any retirement	accordance with SARS'
	annuity policy.	Business Requirement

Column 1: Person	Column 2: Information	Column 3: Form
mentioned in paragraph	concerning	
		Specification: Insurance
		Payments
2.4	The payment of an amount	IT3(f); or
	that occurs upon the death	Data compiled in
	of a person in terms of an	accordance with SARS'
	insurance policy.	Business Requirement
		Specification: Insurance
		Payments
2.8	Monies paid in respect of a	IT3(e); or
	purchase, sale, or shipment	Data compiled in
	of livestock, produce,	accordance with SARS's
	timber, ore, mineral,	Business Requirement
	precious stones, or by way	Specification: IT3 Data
	of a bonus.	Submission
2.9	Contributions made by	IT3(f); or
	persons in respect of a	Data compiled in
	medical scheme, and all	accordance with SARS'
	expenses paid for a person	Business Requirement
	by a medical scheme.	Specification: Medical
		Scheme Contributions
2.13	(a) Contributions to,	IT3(s); or
	withdrawals from and	Data compiled in
	transfers to and from a	accordance with SARS'
	tax free investment; and	Business Requirement
	(b) any other amounts	Specification: IT3 Data
	received or accrued in	Submission
	respect of a tax free	
	investment.	

4. Due date for submitting a third party return

Subject to paragraph 5, the returns mentioned in the above Table, containing all prescribed information in respect of the period from—

- 4.1. 1 March to 31 August, must be submitted by 31 October; and
- 4.2. 1 March to the end of February, must be submitted by 31 May.

5. Due date for submitting first return for persons listed in paragraph 2.12 and 2.13

Persons who must submit a return for the first time as a result of being listed in paragraphs 2.12 and 2.13, are not required to submit a return for the period from 1 March 2015 to 31 August 2015.

6. Manner of submitting a third party return

- 6.1 Where a third party return comprises:
 - 20 or fewer records, the data must be submitted electronically using the SARS electronic filing service eFiling;
 - 21 to 50 000 records, the data must be submitted electronically by using the SARS electronic filing service – hypertext transfer protocol secure (https) bulk data filing; and
 - more than 50 000 records, the data must be submitted electronically using the SARS electronic filing service – Connect Direct (C:D) bulk data filing.
- 6.2 Declarations in respect of third party returns must be submitted electronically using the SARS electronic filing service eFiling.

7. Alternative arrangements with SARS

SARS may agree that a person, who is required to submit a return in accordance with this Schedule, may submit a return in respect of a different period, upon an alternative date and in an alternative manner, as the case may be.