

DRAFT

SOUTH AFRICAN REVENUE SERVICE

NO.

JUNE 2025

INCIDENCES OF NON-COMPLIANCE BY A PERSON IN TERMS OF SECTION 210(2) OF THE TAX ADMINISTRATION ACT, 2011 (ACT NO. 28 OF 2011), THAT ARE SUBJECT TO A FIXED AMOUNT PENALTY IN ACCORDANCE WITH SECTIONS 210(1) AND 211 OF THE ACT

In terms of section 210(2) of the Tax Administration Act, 2011, I, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby list, in the Schedule hereto, the incidences of non-compliance in respect of the Regulations published by the Minister of Finance for purposes of paragraph (a) of the definition of “international tax standard” in section 1 of the Tax Administration Act, published in Government *Gazette* No. 43781 of 9 October 2020 read with Government *Gazette* No. 48165 of 3 March 2023, that are subject to a fixed amount penalty in accordance with sections 210(1) and 211 of the Act.

This notice repeals Notice No. 193, published in Government *Gazette* No. 40660 of 3 March 2017, with effect from the date of publication of this notice.

EC KIESWETTER

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

SCHEDULE

1. General

Any word or expression contained in this notice to which a meaning has been assigned in the Tax Administration Act, 2011, (“the Act”) or the Regulations published by the Minister of Finance for purposes of paragraph (a) of the definition of “international tax standard” in section 1 of the Act, published in Government *Gazette* No. 43781 of 9 October 2020 read with Government *Gazette* No. 48165 of 3 March 2023 (“the Regulations”), has the meaning so assigned, unless the context indicates otherwise.

2. Incidences subject to fixed amount penalty

- 2.1 Failure by a Reporting Financial Institution to submit a return as required by a public notice issued under section 26(1) of the Act.
- 2.2 Failure by a Reporting Financial Institution to comply with a due diligence requirement under the Regulations read with section 26(2)(c) of the Act.
- 2.3 Failure by a Reporting Financial Institution to, within 60 days of notification by SARS, provide the prescribed details of—
 - (a) a Reportable Person that is an Account Holder;
 - (b) if the Reportable Person is an Entity, any Controlling Person of that Entity;
 - (c) any other person; or
 - (d) any class of the above persons,who has failed under section 26(4) of the Act to provide any information, document of thing that is required by the Reporting Financial Institution to comply with due diligence requirements and submit a return to SARS for purposes of the Regulations.
- 2.4 Failure by—
 - (a) a Reportable Person that is an Account Holder;
 - (b) if the Reportable Person is an Entity, any Controlling Person of that Entity;
 - or
 - (c) any other person,

listed by a Reporting Financial Institution in response to a notice contemplated in paragraph 2.3, to comply with the person's obligations under section 26(4) of the Act.

DRAFT