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South African Revenue Service

General Notice

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GENERAL NOTICE

NOTICE 542 OF 2002

INCOME TAX 2002: NOTICE TO FURNISH RETURNS FOR THE 2002 YEAR OF ASSESSMENT

Notice is hereby given in terms of section 66(1)(a) of the Income Tax Act, No. 58 of 1962 ("the Act") that the following persons are in terms of the said section personally, or in a representative capacity, liable to taxation under the provisions of the Act and are, subject to what is contained in paragraph 1 below, required to furnish returns for the assessment of tax:

- (a) Every natural person **below the age of 65 years**, or the representative taxpayer of such a person, whose gross income in respect of the 2002 year of assessment exceeded **R23 000**.
 - (b) Every natural person **65 years of age or older**, or the representative taxpayer of such a person, whose gross income in respect of the 2002 year of assessment exceeded **R39 154**.
 - (c) Every natural person in his/her capacity as representative taxpayer of a person (other than a natural person), for example, a trust or a special trust but excluding a company.
 - (d) The public officer of every company.
 - (e) Every natural person below the age of 65 years, or the representative taxpayer of such a person, whose aggregate capital gain for the year of assessment multiplied by 25 per cent, plus the gross income in respect of the 2002 year of assessment exceeded **R23 000**.
 - (f) Every natural person 65 years of age or older, or the representative taxpayer of such a person, whose aggregate capital gain for the year of assessment multiplied by 25 per cent, plus the gross income in respect of the 2002 year of assessment exceeded **R39 154**.
 - (g) Every natural person or the representative taxpayer of such person who derived any gross income from any trade, excluding income derived from remuneration.
 - (h) Every person to whom an income tax return is issued irrespective of the amount of the income of such a person.
- 1. A natural person contemplated in paragraphs (a), (b), (e) and (f) above whose income for the year of assessment consisted of, or included remuneration from which employees tax has been deducted, is not required to furnish a return for that year, if -**
- 1.1 such remuneration (after the deduction of pension and retirement annuity fund contributions and in the case of a person 65 years of age or older, contributions to a medical aid fund) payable did not exceed the annual equivalent of **R60 000** during the tax period and from which only Standard Income Tax on Employees (SITE) has been deducted;
 - 1.2 that person did not derive any other income, including any reimbursive allowance, apart from such remuneration, or, if any other income was derived by that person, it consisted of interest or taxable dividends not exceeding **R4 000** in the case of persons below the age of 65 years and **R5 000** in the case of persons 65 years of age and older;
 - 1.3 that person did not realise an aggregate capital gain in excess of **R10 000**; and
 - 1.4 an income tax return has not been issued to that person for completion.

Where Employees' Tax (PAYE) has been deducted and such a person has not received an income tax return, he/she must apply for a return.

**Year of
assessment**

"YEAR OF ASSESSMENT" means:

- In respect of a natural person who wholly or mainly derived taxable income from farming, fishing or diamond digging operations during the year of assessment and on or before 3 June 1965 elected not to be a provisional taxpayer, the year ending on 30 June 2002.
- In the case of a company, the financial year of such company ending during the calendar year in question.
- In respect of all other persons, the year ending on the last day of February each year.

**Period
for
rendition
of
returns**

Returns are required to be rendered within the following periods:

- Where in terms of section 66(13)ter of the Act, accounts have been accepted in respect of the whole or portion of a taxpayer's income, drawn to a date **after 28 February 2002, within 60 days from the date to which such accounts are drawn.**
- In respect of a **natural person** who (on or before 30 June 1965) elected **not** to be a provisional taxpayer, **within 60 days from 30 June 2002.**
- In respect of a **company**, **within 60 days from the date on which the financial year ends.**
- In respect of **all other persons**, **within 60 days from 5 April 2002.**

**Income
Tax
Returns**

The forms prescribed by the Commissioner for the rendering of returns are obtainable, on application, from any office of the South African Revenue Service.

**Submis-
sion of
returns**

Returns must be forwarded by post or be delivered to any office of the South African Revenue Service.

**Penal
provi-
sions**

Any person required to render a return who fails to do so within the period mentioned above, is liable on conviction to a fine or to imprisonment for a period not exceeding twelve months. Furthermore, the taxable income may be estimated and three times the amount of tax charged thereon.

Any taxpayer who knowingly and willfully makes any false statement in the return or evades or attempts to evade taxation and any person who assists a taxpayer to do so, is liable on conviction to a fine or to imprisonment for a period not exceeding two years. The taxpayer is, in addition, liable to be assessed and charged three times the amount of the tax which was evaded.

No person is exempted from penalty merely by the reason of the fact that such person may not have been called upon personally to furnish a return.

**Further
informa-
tion**

Further information or assistance may be obtained from any office of the South African Revenue Service or from the website, www.sars.gov.za.

12 April 2002

P.J. Gordhan

COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE