

## Overview of all Binding Class Rulings



### SARS Legal Counsel – Legal Advisory

### Overview of all Binding Class Rulings

Publication Date	BCR Number and Issue Number	Subject (Keywords)	Relevant Act	Relevant section(s) or other reference	Versions & Original Publication Dates
06/03/2009	BCR 001	Definition of equity instrument and restricted equity instrument	Income Tax Act, 1962	Section 8C	
12/05/2009	BCR 002	Expenditure incurred on corporate social investment programmes	Income Tax Act, 1962	Sections 11(a) and 23(g)	
12/05/2009	BCR 003	Distribution of an actuarial surplus to former members and active members of a retirement fund	Income Tax Act, 1962	Section 1 and paragraph 2C of the Second Schedule to the Act	
14/05/2009	BCR 004	Distributions made to participatory interest holders in a collective investment scheme which are reinvested with the scheme	Income Tax Act, 1962	Sections 10(1)(k)(i) and 22(1) and paragraph 20(1) of the Eight Schedule to the Act	
22/09/2009	BCR 005	Discretionary lump sum payments paid to pensioners in terms of an event contemplated by the rules of the pension fund	Income Tax Act, 1962	Paragraph 2C of the Second Schedule to the Act	
23/09/2009	BCR 006	Deduction of levy payments to be made by taxpayers for research and development expenditure incurred by another taxpayer on their behalf	Income Tax Act, 1962	Section 11D	
16/10/2009	BCR 007	Conversion of two public sector pension funds to a closed defined benefit fund and a contribution fund respectively	Income Tax Act, 1962	Section 1, definition of "pension fund" and "gross income" and paragraphs 1, 2 and 2A of the Second Schedule to the Act	
16/10/2009	BCR 008	Tax consequences of proceeds of annuity policies purchased by employers to settle post-retirement medical aid subsidy obligations  <span style="color: red;">Replaced on 11 March 2015 – refer to paragraph. 9.</span>	Income Tax Act, 1962	Section 1, definition of "gross income" paragraph (i) and paragraphs 2(i) and 12A of the Seventh Schedule to the Act	
16/10/2009	BCR 009	Foreign share buy-backs	Income Tax Act, 1962	Section 1, definition of "dividend" and "foreign dividend" and section 10(1)(k)(ii)(dd)	
23/10/2009	BCR 010	Distribution of pension fund surplus to former members, pensioners and/or their beneficiaries	Income Tax Act, 1962	Paragraph 2C of the Second Schedule to the Act	
27/10/2009	BCR 011	Accrual of a conditional award and attendant tax implications  <span style="color: red;">The guidance contained in this ruling is affected by subsequent law changes.</span>	Income Tax Act, 1962	Section 1, paragraph (c) of the definition of "gross income"	

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27/10/2009	BCR 012	Income tax implications attendant upon the vesting of an 'equity instrument' listed on a foreign stock exchange	Income Tax Act, 1962	Sections 8C, 6quat and 7(1)	
03/12/2009	BCR 013	Nature of dividend income when distribution by a discretionary trust to income beneficiaries by virtue of employment	Income Tax Act, 1962	Section 1, definition of "gross income" and sections 10(1)(k)(i) and 25B	
19/01/2010	BCR 014	Deductibility of interest incurred in respect of a loan entered into to purchase restricted equity instruments in a share purchase scheme	Income Tax Act, 1962	Sections 8C, 10(1)(nE), 11(a), 23(m) and 24J(2) and paragraphs 1, 20(1)(g) and (h), and 76 of the Eighth Schedule to the Act	
26/01/2010	BCR 015	Repealed legislation and the application of section 12(1) of the Interpretation Act, 1957 (Act No. 33 of 1957)	Income Tax Act, 1962	Section 27(5B)	
26/01/2010	BCR 016	Capital gains tax - Re-designation of preference shares	Income Tax Act, 1962	Paragraphs 11, 33 and 35 of the Eighth Schedule to the Act	
05/02/2010	BCR 017	Creation of a permanent establishment if a foreign partnership carries on business in South Africa	Income Tax Act, 1962	Section 1, definition of "gross income" and section 10(1)(h) and (k)(i) and paragraph 2 of the Eighth Schedule to the Act	
24/05/2010	BCR 018	Overseas incentive trips for employees with both business and private elements and related taxable benefit implications	Income Tax Act, 1962	Section 1, paragraph (i) of the definition of "gross income" and paragraphs 1, 2(c), 2(d), 2(e), 8, 9 and 10 of the Seventh Schedule to the Act	
28/05/2010	BCR 019	Accrual date of a liquidation benefit	Income Tax Act, 1962	Section 1, paragraph (e) of the Definition of "gross income" and the Definition of "retirement fund lump sum withdrawal benefit", and section 10(1)(i)(xv)(bb) and paragraph 2(b) of the Second Schedule to the Act	

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21/07/2010	BCR 020	Transfer of pension and provident fund contributions from South African pension and provident funds to foreign pension and provident funds	Income Tax Act, 1962	Section 9(1)(g)	
23/07/2010	BCR 021	Shares in a particular share option scheme to be rendered restricted equity instruments and the date on which those shares vest in a taxpayer	Income Tax Act, 1962	Section 8C	
27/07/2010	BCR 022	Potential double taxation of profits attributable to protected cell companies	Income Tax Act, 1962	Section 1, definition of “company” and section 9D	
29/10/2010	BCR 023	Tax consequences resulting from the demerger of a Swiss depository company	Income Tax Act, 1962	Section 1, definition of “gross income”, section 22 and paragraph 11 of the Eighth Schedule to the Act	
22/12/2010	BCR 024	Securities lending transactions - “Short selling” of debt securities	Income Tax Act, 1962	Section 1 definition of “gross income”, section 11(a) read with section 23(g) and section 24J	
25/01/2011	BCR 025	Income tax implications for employees or senior executives in relation to a share option plan or share appreciation rights plan  <span style="color: red;">Replaced on 1 September 2014 to provide for textual changes and to correct “exercise” to “vesting” in the section 8C formulae - refer to the first and second bullet points in paragraph 7. The original ruling issued to the Applicant and the Participant did not contain the mentioned error.</span>	Income Tax Act, 1962	Section 1 definition of “gross income” paragraph (i), sections 8A, 8C and 10(1)(o)(ii)(C) and paragraph 11A of the Fourth Schedule to the Act	
07/02/2011	BCR 026	Tax status of bursaries awarded to students	Income Tax Act, 1962	Section 10(1)(q)	
14/02/2011	BCR 027	Tips held for safekeeping by employers and subsequently paid over to employees at regular intervals	Income Tax Act, 1962	Paragraphs 1, definition of “remuneration” and 2(1) of the Fourth Schedule to the Act	
24/03/2011	BCR 028	Market value of a share immediately after a dividend distribution	Income Tax Act, 1962	Paragraphs 33(1)(a), 74, 76, and 76A of the Eighth Schedule to the Act	
10/05/2011	BCR 029	Deductibility of contingent liabilities taken over when buying the assets and liabilities of another company within the same group of companies	Income Tax Act, 1962	Sections 11(a), 23(g) and 23E	
09/09/2011	BCR 030	Equity instruments acquired in terms of a share value incentive plan	Income Tax Act, 1962	Section 8C	

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Publication Date	BCR Number and Issue Number	Subject (Keywords)	Relevant Act	Relevant section(s) or other reference	Versions & Original Publication Dates
14/10/2011	BCR 031	Income distributed by a discretionary trust and benefit units allocated to beneficiaries by virtue of employment  <i>The underlying principles confirmed in this ruling are currently under review. This ruling is only binding in respect of the specific class members to whom it was issued and may not be relied upon by a third party.</i>	Income Tax Act, 1962	Sections 1, definition of "gross income", 8C and 10(1)(k)(i)	
27/02/2012	BCR 032	Distribution of certain shares to certain foreign shareholders as a result of restructuring	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Section 46 of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
14/03/2012	BCR 033	Conversion of a public company to a private company	Income Tax Act, 1962	Paragraphs 1, 11, 31 and 33 of the Eighth Schedule to the Act	
15/05/2012	BCR 034	Taxation of exchange traded notes	Income Tax Act, 1962	Sections 1 – the definition of "gross income" and "trading stock", 8(4)(a), 11(a), 22, 23(g), 23B, 23H, 24C, 24J, 24L and 24M	
02/11/2012	BCR 035	Tax implications arising from the conversion of par value shares to no par value shares	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Section 1(1) of the Income Tax Act, definition of "gross income" and paragraph 11 of the Eighth Schedule to the Act  Section 1 of the Securities Transfer Tax Act, definition of "transfer"	
29/11/2012	BCR 036	Reserves of a collective investment scheme in securities and the distribution thereof to unitholders	Income Tax Act, 1962	Sections 10(1)(iB), 10(1)(k)(i)(ee) and 25BA	

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23/01/2013	BCR 037	Distribution of shares in an unbundling transaction	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Section 46 of the Income Tax Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
14/03/2013	BCR 038	Exchange of one restricted equity instrument for another	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Sections 8C and 42 of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
24/04/2013	BCR 039	Reduction of an STC credit and sections 64G(2)(a) and 64H(2)(a) declarations	Income Tax Act, 1962	Sections 64G, 64H and 64J	
14/05/2013	BCR 40	Investors acquiring rights in a completed film	Income Tax Act, 1962	Sections 10(zG), 23(n) and 24F	
24/07/2013	BCR 041	Dividends distributed by a foreign company	Income Tax Act, 1962	Section 1(1), definition of "foreign dividend"	
07/02/2014	BCR 042	Preferred securities issued by a company registered in a foreign country	Income Tax Act, 1962	Sections 1(1), definition of "listed share" and 10B(2)(d)	
20/02/2014	BCR 043	Antecedent cession of rights to future production rebate credit certificates	Income Tax Act, 1962	Section 1(1), definition of "gross income"	
02/05/2014	BCR 044	Repurchase of non-redeemable, non-participating preference shares  <b>BCR 044 has been replaced on 20 May 2014 to provide for textual changes and additions to the original ruling for improved clarity – refer to paragraph 5 and third bullet point in paragraph 7.</b>	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Section 1(1), definition of "equity share", section 8E and paragraph 11(2)(b) of the Eighth Schedule to the Income Tax Act  Section 2(1) of the Securities Transfer Tax Act	
24/03/2015	BCR 045	Post-retirement medical aid benefits	Income Tax Act, 1962	Section 1(1), definition of "gross income", paragraphs (c), (f) and (i)	

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16/04/2015	BCR 046	Dividends distributed by foreign companies	Income Tax Act, 1962	Section 1(1), definition of "foreign dividend"	
24/08/2015	BCR 047	Limitation of dividend exemption	Income Tax Act, 1962	Section 10(1)(k)(i)(hh)	
14/09/2015	BCR 048	Deductibility of expenditure incurred by a portfolio of a collective investment scheme in securities	Income Tax Act, 1962	Sections 1(1) – Definition of "income", 11(a), 23(f) and 25BA	
03/02/2016	BCR 049	Deductibility of insurance premiums in respect of an environmental maintenance programme guarantee	Income Tax Act, 1962	Sections 11(a), 23(g), and 23L	
09/06/2016	BCR 050	Tax consequences for unitholders in a REIT of an amalgamation transaction, followed by an asset-for-share transaction  The reference to Company B has been corrected to Company A in the third bullet point in paragraph 7.	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Sections 9C, 42 and 44(6) of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
16/02/2016	BCR 051	Taxation of employees participating in a perpetuity employee share incentive scheme	Income Tax Act, 1962	Sections 8C, 10(1)(k), 25B, and 64F(1)(l)	
31/05/2016	BCR 052	Income tax and securities transfer tax consequences for the shareholders of a listed company following an unbundling transaction	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Section 46 of the Income Tax Act and paragraph 76B of the Eighth Schedule to the Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
09/06/2016	BCR 053	Programme of activities of a clean development mechanism project	Income Tax Act, 1962  Value-Added Tax Act, 1991	Sections 12K and 22 of the Income Tax Act  Section 11(2)(l) of the Value-Added Tax Act	
21/07/2016	BCR 054	Employer-provided accommodation	Income Tax Act, 1962	Paragraphs 2(a), and 5(1), (2) and (3A) of the Seventh Schedule	

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28/09/2016	BCR 055	Income tax and value-added tax consequences of a customer loyalty scheme	Income Tax Act, 1962 Value-Added Tax Act, 1991	Sections 1(1) – definition of “gross income”, 11(a), 23(g) and 23H of the Income Tax Act  Sections 1(1) – definitions of “consideration”, “input tax”, “supply” and “services”, 7(1)(a), 10(23) and 21 of the Value-Added Tax Act	
16/02/2017	BCR 056	Amalgamation of portfolios of declared hedge fund collective investment schemes with registered hedge fund collective investment schemes	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Sections 1(1) – definition of “portfolio of a collective investment scheme”, “portfolio of a declared collective investment scheme”, and “portfolio of a hedge fund collective investment scheme”, 41(1) – definition of “equity share” and 44 of the Income Tax Act, paragraphs 1 – definition of “asset” and “disposal”, 3, 10, 11 and 61(3) of the Eighth Schedule to the Act  Section 8(1)(a)(ii) of the Securities Transfer Tax Act	
24/07/2017	BCR 057	Section 12J(2) deduction by partners	Income Tax Act, 1962	Sections 12J and 24H	
06/09/2017	BCR 058	Consequences for beneficiaries on the unwinding of an employee share incentive scheme	Income Tax Act, 1962	Section 8C	
20/10/2017	BCR 059	Asset for share transaction involving a foreign collective investment scheme	Income Tax Act, 1962	Sections 1(1) – definition of “company” and 42	

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19/01/2018	BCR 060	Consequences of an employee share trust disposing of the underlying shares and distributing the net proceeds to the beneficiaries	Income Tax Act, 1962	Sections 1(1) – definitions of “connected person” and “gross income”, 8C and paragraphs 56 and 80 of the Eighth Schedule	
19/01/2018	BCR 060	Consequences of an employee share trust disposing of the underlying shares and distributing the net proceeds to the beneficiaries	Income Tax Act, 1962	Sections 1(1) – definitions of “connected person” and “gross income”, 8C and paragraphs 56 and 80 of the Eighth Schedule	
16/03/2018	BCR 061	Foreign return of capital	Income Tax Act, 1962	Sections 1(1) – definition of “foreign return of capital”	
22/03/2018	BCR 062	Research and development conducted on behalf of a taxpayer	Income Tax Act, 1962	Section 11D(2), (4) and (9)	
06/07/2018	BCR 063	Income tax implications of settlement agreement	Income Tax Act, 1962	Sections 1(1) – definitions of “gross income”, paragraph (d) and “severance benefit”, 11(a), 23(g) AND 25B(2)	
06/07/2018	BCR 064	Transfer of a security that constitutes a participatory interest in a collective investment scheme	Securities Transfer Tax Act, 2007	Section 1(1) – definitions of “security” and sections 2(1)(a) and 8(1)(f)	
14/08/2018	BCR 065	Post-retirement medical aid benefits  <i>The guidance contained in this ruling is affected by subsequent law changes.</i>	Income Tax Act, 1962	Paragraph 1 – definitions of “remuneration” and “employer” of the Fourth Schedule to the Act and paragraphs 1 – definition of “associated institution”, 2(l), 4 and 12d of the Seventh Schedule to the Act	



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Publication Date	BCR Number and Issue Number	Subject (Keywords)	Relevant Act	Relevant section(s) or other reference	Versions & Original Publication Dates
24/05/2019	BCR 066	Tax consequences for recipients of shares in an unbundled company	Income Tax Act, 1962 Securities Transfer Tax Act, 2007	Sections 46(1) – Paragraph (a) of the definition of “unbundling transaction”, 46(3)(a)(v), 46(7) of the Income Tax Act, paragraph 76B of the Eighth Schedule to the Act, and Binding General Ruling (Income Tax) 29 (Issue 2) dated 1 February 2017 (BGR 29)  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
06/06/2019	BCR 067	Tax consequences for members arising out of conversion of association to private company	Income Tax Act, 1962 Value-Added Tax Act, 1991	Sections 41(1) and (4), 44, 56 of the Income Tax Act and paragraph 35 of the Eighth Schedule to the Act  Section 2(1)(d), read with the definition of “equity security” in section 2(2) of the Value-Added Tax Act	
06/06/2019	BCR 068	Surplus retirement fund assets	Income Tax Act, 1962	Sections 1(1) – Paragraphs (c), (f) and (i) of the definition of “gross income”, 11F and paragraphs 2(l) of the Seventh Schedule to the Act	

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23/10/2019	BCR 069	Employee share ownership plan	Income Tax Act, 1962	Sections 1(1) – definition of “dividend”, 8C, 10(1)(k)(i), 11(a), 23(g), 23H and paragraphs 13(1)(a)(iiB) and 38 of the Eighth Schedule to the Act	
30/06/2020	BCR 070	Recipients of shares in an “unbundled” company	Income Tax Act, 1962  Securities Transfer Tax Act, 2007	Sections 46 of the Income Tax Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	

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29/07/2020	BCR 071	Transfer of portfolio investments by foreign pension funds to an authorised contractual scheme	Income Tax Act, 1962 Securities Transfer Tax Act, 2007	Sections 64H(3) and 108 of the Income Tax Act  Articles 3 and 10 of the Convention between the Government of the Republic of South Africa (SA) and the Government of the United Kingdom of Great Britain (UK) and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains, published in Government Gazette 24335 dated 31 January 2003, (the Treaty)  Article II of the Protocol between the Government of SA and the Government of the UK amending the Treaty, published in Government Gazette 34971 dated 2 February 2012, (the Protocol)  Section 1 of the Securities Transfer Tax Act – definition of “transfer”	

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07/08/2020	BCR 072	Deductibility of employment related expenditure, incurred as part of a B-BBEE ownership transaction and the PAYE treatment of interest-free loan to a share trust	Income Tax Act, 1962	Section 11(a), read with sections 23(g), 23H(1)(ii) and the definition of "remuneration" in paragraph 1 and paragraph 2 of the Fourth Schedule to the Act and paragraph 2(f), read with paragraphs 4 and 16(1)(b) of the Seventh Schedule to the Act	
25/08/2020	BCR 073	Dividends: When the "qualifying purpose" definition must be satisfied	Income Tax Act, 1962	Section 8EA(1) – definition of "qualifying purpose", section 8EA(2) and (3)	

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25/08/2020	BCR 074	Treaty relief – authorised contractual scheme	Income Tax Act, 1962	<p>Sections 1(1) – definitions of “company”, “foreign company” and “foreign partnership”, 50A – definition of “foreign person”, 50C, 50E, 64D – definition of “beneficial owner”, 64EA, 64G, 64H and 108</p> <p>Articles 10 and 11 of the Convention between the Government of the Republic of South Africa (SA) and the Government of the United Kingdom of Great Britain (UK) and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains tax, (the Treaty)</p> <p>The Protocol between the Government of SA and the Government of the UK to amend the Treaty (the Protocol)</p>	

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25/08/2020	BCR 075	Settlement of post-retirement medical aid and retirement gratuity benefits	Income Tax Act, 1962	Section 1(1) – paragraphs (c), (d), (e), (f) and (i) of the definition of “gross income” and paragraph (a) read with paragraph (c) of the definition of “severance benefit”; sections 11(a) and 11F; and paragraph 1 – definition of “remuneration” in the Fourth Schedule; and paragraph 2(l) of the Seventh Schedule to the Act	
25/08/2020	BCR 076	Cancellation of units in foreign collective investment schemes pursuant to their corporate re-domiciliation	Income Tax Act, 1962	Paragraphs 1 – definition of “disposal”, 11(1)(b), 20(1) and 35(1) of the Eighth Schedule to the Act	
25/08/2020	BCR 077	Capital gains tax consequences of in specie distribution by company to its shareholders	Income Tax Act, 1962	Paragraphs 75 and 76B of the Eighth Schedule to the Act	
24/01/2022	BCR 078	Employee share incentive scheme – shares in a foreign company	Income Tax Act, 1962	Sections 1(1) – definitions of “gross income” and “trade”, 6quat(1) and (1A)(a)(i), 10B, 11(a), read with 23(g), 23H and paragraphs 1 – definitions of “asset” and “proceeds”, 3 – definition of “capital gain” and 11 – definition of “disposal” of the Eighth Schedule to the Act	
24/05/2022	BCR 079	Cancellation of share exchange	Income Tax Act, 1962	Paragraphs 3(c), 4(c), 11(2)(o) and 20(4) of the Eighth Schedule to the Act	

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12/08/2022	BCR 080	Tax implications for resident beneficiaries of a foreign pension trust	Income Tax Act, 1962 (the Act)  Estate Duty Act, 1955	Sections 1(1) – definitions of “gross income”, “pension fund”, “provident fund”, “retirement annuity fund” and “trust”, 7(1), 9HA, 11F, 25B, 54, 55 – definitions of “donation” and “property”, 58 and paragraphs 1 – definition of “asset”, 20(1), 35(1), 54, 80 and 81 of the Eighth Schedule to the Act  Section 3 of the Estate Duty Act	
12/08/2022	BCR 080	Tax implications for resident beneficiaries of a foreign pension trust	Income Tax Act, 1962  Estate Duty Act, 1955	Sections 1(1) – Definitions of “gross income”, “pension fund”, “provident fund”, “retirement annuity fund” and “trust”, 7(1), 9HA, 11F, 25B, 54, 55 – definitions of “donation” and “property”, 58 and paragraphs 1 – definition of “asset”, 20(1), 35(1), 54, 80 and 81 of the Eighth Schedule to the Act  Section 3 of the Estate Duty Act	
08/09/2022	BCR 081	Hybrid equity interest or third-party backed share	Income Tax Act, 1962	Sections 8E AND 8EA	
27/10/2022	BCR 082	Deductibility of mining rehabilitation insurance premiums	Income Tax Act, 1962	Sections 8(4)(a), 11(a), 23(c), 23(g), 23H AND 23L	

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31/10/2022	BCR 083	Simultaneous unbundling of shares held in more than one listed company	Income Tax Act, 1962	Section 46 and paragraph 75 read with paragraph 31(1)(a) of the Eighth Schedule to the Act	



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Publication Date	BCR Number and Issue Number	Subject (Keywords)	Relevant section(s) or other reference	Versions & Original Publication Dates
12/08/2022	BCR 080	Tax implications for resident beneficiaries of a foreign pension trust	<p>Sections 1(1) – definitions of “gross income”, “pension fund”, “provident fund”, “retirement annuity fund” and “trust”, 7(1), 9HA, 11F, 25B, 54, 55 – definitions of “donation” and “property”, 58 and paragraphs 1 – definition of “asset”, 20(1), 35(1), 54, 80 and 81 of the Eighth Schedule to the Act</p> <p>Section 3 of the Estate Duty Act</p>	

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06/03/2009	BCR 001	Definition of equity instrument and restricted equity instrument	Section 8C	
12/05/2009	BCR 002	Expenditure incurred on corporate social investment programmes	Sections 11(a) and 23(g)	
12/05/2009	BCR 003	Distribution of an actuarial surplus to former members and active members of a retirement fund	Section 1 and paragraph 2C of the Second Schedule to the Act	
14/05/2009	BCR 004	Distributions made to participatory interest holders in a collective investment scheme which are reinvested with the scheme	Sections 10(1)(k)(i) and 22(1) and paragraph 20(1) of the Eighth Schedule to the Act	
22/09/2009	BCR 005	Discretionary lump sum payments paid to pensioners in terms of an event contemplated by the rules of the pension fund	Paragraph 2C of the Second Schedule to the Act	
23/09/2009	BCR 006	Deduction of levy payments to be made by taxpayers for research and development expenditure incurred by another taxpayer on their behalf	Section 11D	
16/10/2009	BCR 007	Conversion of two public sector pension funds to a closed defined benefit fund and a contribution fund respectively	Section 1, definition of "pension fund" and "gross income" and paragraphs 1, 2 and 2A of the Second Schedule to the Act	
16/10/2009	BCR 008	Tax consequences of proceeds of annuity policies purchased by employers to settle post-retirement medical aid subsidy obligations  Replaced on 11 March 2015 – refer to par. 9.	Section 1, definition of "gross income" paragraph (i) and paragraphs 2(i) and 12A of the Seventh Schedule to the Act	
16/10/2009	BCR 009	Foreign share buy-backs	Section 1, definition of "dividend" and "foreign dividend" and section 10(1)(k)(ii)(dd)	
23/10/2009	BCR 010	Distribution of pension fund surplus to former members, pensioners and/or their beneficiaries	Paragraph 2C of the Second Schedule to the Act	
27/10/2009	BCR 011	Accrual of a conditional award and attendant tax implications  The guidance contained in this ruling is affected by subsequent law changes.	Section 1, paragraph (c) of the definition of "gross income"	
27/10/2009	BCR 012	Income tax implications attendant upon the vesting of an 'equity instrument' listed on a foreign stock exchange	Sections 8C, 6quat and 7(1)	

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03/12/2009	BCR 013	Nature of dividend income when distribution by a discretionary trust to income beneficiaries by virtue of employment	Section 1, definition of "gross income" and sections 10(1)(k)(i) and 25B	
19/01/2010	BCR 014	Deductibility of interest incurred in respect of a loan entered into to purchase restricted equity instruments in a share purchase scheme	Sections 8C, 10(1)(nE), 11(a), 23(m) and 24J(2) and paragraphs 1, 20(1)(g) and (h), and 76 of the Eighth Schedule to the Act	
26/01/2010	BCR 015	Repealed legislation and the application of section 12(1) of the Interpretation Act, 1957 (Act No. 33 of 1957)	Section 27(5B)	
26/01/2010	BCR 016	Capital gains tax - Re-designation of preference shares	Paragraphs 11, 33 and 35 of the Eighth Schedule to the Act	
05/02/2010	BCR 017	Creation of a permanent establishment if a foreign partnership carries on business in South Africa	Section 1, definition of "gross income" and section 10(1)(h) and (k)(i) and paragraph 2 of the Eighth Schedule to the Act	
24/05/2010	BCR 018	Overseas incentive trips for employees with both business and private elements and related taxable benefit implications	Section 1, paragraph (i) of the definition of "gross income" and paragraphs 1, 2(c), 2(d), 2(e), 8, 9 and 10 of the Seventh Schedule to the Act	
28/05/2010	BCR 019	Accrual date of a liquidation benefit	Section 1, paragraph (e) of the Definition of "gross income" and the Definition of "retirement fund lump sum withdrawal benefit", and section 10(1)(i)(xv)(bb) and paragraph 2(b) of the Second Schedule to the Act	
21/07/2010	BCR 020	Transfer of pension and provident fund contributions from South African pension and provident funds to foreign pension and provident funds	Section 9(1)(g)	

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23/07/2010	BCR 021	Shares in a particular share option scheme to be rendered restricted equity instruments and the date on which those shares vest in a taxpayer	Section 8C	
27/07/2010	BCR 022	Potential double taxation of profits attributable to protected cell companies	Section 1, definition of "company" and section 9D	
29/10/2010	BCR 023	Tax consequences resulting from the demerger of a Swiss depository company	Section 1, definition of "gross income", section 22 and paragraph 11 of the Eighth Schedule to the Act	
22/12/2010	BCR 024	Securities lending transactions - "Short selling" of debt securities	Section 1 definition of "gross income", section 11(a) read with section 23(g) and section 24J	
25/01/2011	BCR 025	Income tax implications for employees or senior executives in relation to a share option plan or share appreciation rights plan  Replaced on 1 September 2014 to provide for textual changes and to correct "exercise" to "vesting" in the section 8C formulae - refer to the first and second bullet points in paragraph 7. The original ruling issued to the Applicant and the Participant did not contain the mentioned error.	Section 1 definition of "gross income" paragraph (i), sections 8A, 8C and 10(1)(o)(ii)(C) and paragraph 11A of the Fourth Schedule to the Act	
07/02/2011	BCR 026	Tax status of bursaries awarded to students	Section 10(1)(g)	
14/02/2011	BCR 027	Tips held for safekeeping by employers and subsequently paid over to employees at regular intervals	Paragraphs 1, definition of "remuneration" and 2(1) of the Fourth Schedule to the Act	
24/03/2011	BCR 028	Market value of a share immediately after a dividend distribution	Paragraphs 33(1)(a), 74, 76, and 76A of the Eighth Schedule to the Act	
10/05/2011	BCR 029	Deductibility of contingent liabilities taken over when buying the assets and liabilities of another company within the same group of companies	Sections 11(a), 23(g) and 23E	
09/09/2011	BCR 030	Equity instruments acquired in terms of a share value incentive plan	Section 8C	

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14/10/2011	BCR 031	Income distributed by a discretionary trust and benefit units allocated to beneficiaries by virtue of employment  The underlying principles confirmed in this ruling are currently under review. This ruling is only binding in respect of the specific class members to whom it was issued and may not be relied upon by a third party.	Sections 1, definition of "gross income", 8C and 10(1)(k)(i)	
27/02/2012	BCR 032	Distribution of certain shares to certain foreign shareholders as a result of restructuring	Section 46 of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
14/03/2012	BCR 033	Conversion of a public company to a private company	Paragraphs 1, 11, 31 and 33 of the Eighth Schedule to the Act	
15/05/2012	BCR 034	Taxation of exchange traded notes	Sections 1 – the definition of "gross income" and "trading stock", 8(4)(a), 11(a), 22, 23(g), 23B, 23H, 24C, 24J, 24L and 24M	
02/11/2012	BCR 035	Tax implications arising from the conversion of par value shares to no par value shares	Section 1(1) of the Income Tax Act, definition of "gross income" and paragraph 11 of the Eighth Schedule to the Act  Section 1 of the Securities Transfer Tax Act, definition of "transfer"	
29/11/2012	BCR 036	Reserves of a collective investment scheme in securities and the distribution thereof to unitholders	Sections 10(1)(iB), 10(1)(k)(i)(ee) and 25BA	

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23/01/2013	BCR 037	Distribution of shares in an unbundling transaction	Section 46 of the Income Tax Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
14/03/2013	BCR 038	Exchange of one restricted equity instrument for another	Sections 8C and 42 of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
24/04/2013	BCR 039	Reduction of an STC credit and sections 64G(2)(a) and 64H(2)(a) declarations	Sections 64G, 64H and 64J	
14/05/2013	BCR 40	Investors acquiring rights in a completed film	Sections 10(zG), 23(n) and 24F	
24/07/2013	BCR 041	Dividends distributed by a foreign company	Section 1(1), definition of "foreign dividend"	
07/02/2014	BCR 042	Preferred securities issued by a company registered in a foreign country	Sections 1(1), definition of "listed share" and 10B(2)(d)	
20/02/2014	BCR 043	Antecedent cession of rights to future production rebate credit certificates	Section 1(1), definition of "gross income"	
02/05/2014	BCR 044	Repurchase of non-redeemable, non-participating preference shares  BCR 044 has been replaced on 20 May 2014 to provide for textual changes and additions to the original ruling for improved clarity – refer to paragraph 5 and third bullet point in paragraph 7.	Section 1(1), definition of "equity share", section 8E and paragraph 11(2)(b) of the Eighth Schedule to the Income Tax Act  Section 2(1) of the Securities Transfer Tax Act	
24/03/2015	BCR 045	Post-retirement medical aid benefits	Section 1(1), definition of "gross income", paragraphs (c), (f) and (i)	
16/04/2015	BCR 046	Dividends distributed by foreign companies	Section 1(1), definition of "foreign dividend"	
24/08/2015	BCR 047	Limitation of dividend exemption	Section 10(1)(k)(i)(hh)	

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14/09/2015	BCR 048	Deductibility of expenditure incurred by a portfolio of a collective investment scheme in securities	Sections 1(1) – Definition of “income”, 11(a), 23(f) and 25BA	
03/02/2016	BCR 049	Deductibility of insurance premiums in respect of an environmental maintenance programme guarantee	Sections 11(a), 23(g), and 23L	
09/06/2016	BCR 050	Tax consequences for unitholders in a REIT of an amalgamation transaction, followed by an asset-for-share transaction  The reference to Company B has been corrected to Company A in the third bullet point in paragraph 7.	Sections 9C, 42 and 44(6) of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
16/02/2016	BCR 051	Taxation of employees participating in a perpetuity employee share incentive scheme	Sections 8C, 10(1)(k), 25B, and 64F(1)(l)	
31/05/2016	BCR 052	Income tax and securities transfer tax consequences for the shareholders of a listed company following an unbundling transaction	Section 46 of the Income Tax Act and paragraph 76B of the Eighth Schedule to the Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
09/06/2016	BCR 053	Programme of activities of a clean development mechanism project	Sections 12K and 22 of the Income Tax Act  Section 11(2)(l) of the Value-Added Tax Act	
21/07/2016	BCR 054	Employer-provided accommodation	Paragraphs 2(a), and 5(1), (2) and (3A) of the Seventh Schedule	

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28/09/2016	BCR 055	Income tax and value-added tax consequences of a customer loyalty scheme	Sections 1(1) – definition of “gross income”, 11(a), 23(g) and 23H of the Income Tax Act  Sections 1(1) – definitions of “consideration”, “input tax”, “supply” and “services”, 7(1)(a), 10(23) and 21 of the Value-Added Tax Act	
16/02/2017	BCR 056	Amalgamation of portfolios of declared hedge fund collective investment schemes with registered hedge fund collective investment schemes	Sections 1(1) – definition of “portfolio of a collective investment scheme”, “portfolio of a declared collective investment scheme”, and “portfolio of a hedge fund collective investment scheme”, 41(1) – definition of “equity share” and 44 of the Income Tax Act, paragraphs 1 – definition of “asset” and “disposal”, 3, 10, 11 and 61(3) of the Eighth Schedule to the Act  Section 8(1)(a)(ii) of the Securities Transfer Tax Act	
24/07/2017	BCR 057	Section 12J(2) deduction by partners	Sections 12J and 24H	
06/09/2017	BCR 058	Consequences for beneficiaries on the unwinding of an employee share incentive scheme	Section 8C	
20/10/2017	BCR 059	Asset for share transaction involving a foreign collective investment scheme	Sections 1(1) – definition of “company” and 42	



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19/01/2018	BCR 060	Consequences of an employee share trust disposing of the underlying shares and distributing the net proceeds to the beneficiaries	Sections 1(1) – definitions of “connected person” and “gross income”, 8C and paragraphs 56 and 80 of the Eighth Schedule	
19/01/2018	BCR 060	Consequences of an employee share trust disposing of the underlying shares and distributing the net proceeds to the beneficiaries	Sections 1(1) – definitions of “connected person” and “gross income”, 8C and paragraphs 56 and 80 of the Eighth Schedule	
16/03/2018	BCR 061	Foreign return of capital	Sections 1(1) – definition of “foreign return of capital”	
22/03/2018	BCR 062	Research and development conducted on behalf of a taxpayer	Section 11D(2), (4) and (9)	
06/07/2018	BCR 063	Income tax implications of settlement agreement	Sections 1(1) – definitions of “gross income”, paragraph (d) and “severance benefit”, 11(a), 23(g) AND 25B(2)	
14/08/2018	BCR 065	Post-retirement medical aid benefits  The guidance contained in this ruling is affected by subsequent law changes.	Paragraph 1 – definitions of “remuneration” and “employer” of the Fourth Schedule to the Act and paragraphs 1 – definition of “associated institution”, 2(l), 4 and 12d of the Seventh Schedule to the Act	

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24/05/2019	BCR 066	Tax consequences for recipients of shares in an unbundled company	<p>Sections 46(1) – Paragraph (a) of the definition of “unbundling transaction”, 46(3)(a)(v), 46(7) of the Income Tax Act, paragraph 76B of the Eighth Schedule to the Act, and Binding General Ruling (Income Tax) 29 (Issue 2) dated 1 February 2017 (BGR 29)</p> <p>Section 8(1)(a)(iv) of the Securities Transfer Tax Act</p>	
06/06/2019	BCR 067	Tax consequences for members arising out of conversion of association to private company	<p>Sections 41(1) and (4), 44, 56 of the Income Tax Act and paragraph 35 of the Eighth Schedule to the Act</p> <p>Section 2(1)(d), read with the definition of “equity security” in section 2(2) of the Value-Added Tax Act</p>	
06/06/2019	BCR 068	Surplus retirement fund assets	<p>Sections 1(1) – Paragraphs (c), (f) and (i) of the definition of “gross income”, 11F and paragraphs 2(l) of the Seventh Schedule to the Act</p>	



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23/10/2019	BCR 069	Employee share ownership plan	Sections 1(1) – definition of “dividend”, 8C, 10(1)(k)(i), 11(a), 23(g), 23H and paragraphs 13(1)(a)(iiB) and 38 of the Eighth Schedule to the Act	
30/06/2020	BCR 070	Recipients of shares in an “unbundled” company	Sections 46 of the Income Tax Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	



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29/07/2020	BCR 071	Transfer of portfolio investments by foreign pension funds to an authorised contractual scheme	<p>Sections 64H(3) and 108 of the Income Tax Act</p> <p>Articles 3 and 10 of the Convention between the Government of the Republic of South Africa (SA) and the Government of the United Kingdom of Great Britain (UK) and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains, published in Government Gazette 24335 dated 31 January 2003, (the Treaty)</p> <p>Article II of the Protocol between the Government of SA and the Government of the UK amending the Treaty, published in Government Gazette 34971 dated 2 February 2012, (the Protocol)</p> <p>Section 1 of the Securities Transfer Tax Act – definition of “transfer”</p>	



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07/08/2020	BCR 072	Deductibility of employment related expenditure, incurred as part of a B-BBEE ownership transaction and the PAYE treatment of interest-free loan to a share trust	Section 11(a), read with sections 23(g), 23H(1)(ii) and the definition of “remuneration” in paragraph 1 and paragraph 2 of the Fourth Schedule to the Act and paragraph 2(f), read with paragraphs 4 and 16(1)(b) of the Seventh Schedule to the Act	
25/08/2020	BCR 073	Dividends: When the “qualifying purpose” definition must be satisfied	Section 8EA(1) – definition of “qualifying purpose”, section 8EA(2) and (3)	



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25/08/2020	BCR 074	Treaty relief – authorised contractual scheme	<p>Sections 1(1) – definitions of “company”, “foreign company” and “foreign partnership”, 50A – definition of “foreign person”, 50C, 50E, 64D – definition of “beneficial owner”, 64EA, 64G, 64H and 108</p> <p>Articles 10 and 11 of the Convention between the Government of the Republic of South Africa (SA) and the Government of the United Kingdom of Great Britain (UK) and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains tax, (the Treaty)</p> <p>The Protocol between the Government of SA and the Government of the UK to amend the Treaty (the Protocol)</p>	

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25/08/2020	BCR 075	Settlement of post-retirement medical aid and retirement gratuity benefits	Section 1(1) – paragraphs (c), (d), (e), (f) and (i) of the definition of “gross income” and paragraph (a) read with paragraph (c) of the definition of “severance benefit”; sections 11(a) and 11F; and paragraph 1 – definition of “remuneration” in the Fourth Schedule; and paragraph 2(l) of the Seventh Schedule to the Act	
25/08/2020	BCR 076	Cancellation of units in foreign collective investment schemes pursuant to their corporate re-domiciliation	Paragraphs 1 – definition of “disposal”, 11(1)(b), 20(1) and 35(1) of the Eighth Schedule to the Act	
25/08/2020	BCR 077	Capital gains tax consequences of in specie distribution by company to its shareholders	Paragraphs 75 and 76B of the Eighth Schedule to the Act	
24/01/2022	BCR 078	Employee share incentive scheme – shares in a foreign company	Sections 1(1) – definitions of “gross income” and “trade”, 6quat(1) and (1A)(a)(i), 10B, 11(a), read with 23(g), 23H and paragraphs 1 – definitions of “asset” and “proceeds”, 3 – definition of “capital gain” and 11 – definition of “disposal” of the Eighth Schedule to the Act	
24/05/2022	BCR 079	Cancellation of share exchange	Paragraphs 3(c), 4(c), 11(2)(o) and 20(4) of the Eighth Schedule to the Act	

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12-Aug-22	BCR 080	Tax implications for resident beneficiaries of a foreign pension trust	Sections 1(1) – definitions of “gross income”, “pension fund”, “provident fund”, “retirement annuity fund” and “trust”, 7(1), 9HA, 11F, 25B, 54, 55 – definitions of “donation” and “property”, 58 and paragraphs 1 – definition of “asset”, 20(1), 35(1), 54, 80 and 81 of the Eighth Schedule to the Act  Section 3 of the Estate Duty Act	
12/08/2022	BCR 080	Tax implications for resident beneficiaries of a foreign pension trust	Sections 1(1) – definitions of “gross income”, “pension fund”, “provident fund”, “retirement annuity fund” and “trust”, 7(1), 9HA, 11F, 25B, 54, 55 – definitions of “donation” and “property”, 58 and paragraphs 1 – definition of “asset”, 20(1), 35(1), 54, 80 and 81 of the Eighth Schedule to the Act  Section 3 of the Estate Duty Act	
08/09/2022	BCR 081	Hybrid equity interest or third-party backed share	Sections 8E AND 8EA	
27/10/2022	BCR 082	Deductibility of mining rehabilitation insurance premiums	Sections 8(4)(a), 11(a), 23(c), 23(g), 23H AND 23L	





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31/10/2022	BCR 083	Simultaneous unbundling of shares held in more than one listed company	Section 46 and paragraph 75 read with paragraph 31(1)(a) of the Eighth Schedule to the Act	



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27/02/2012	BCR 032	Distribution of certain shares to certain foreign shareholders as a result of restructuring	Section 46 of the Income Tax Act Section 8 of the Securities Transfer Tax Act	
02/11/2012	BCR 035	Tax implications arising from the conversion of par value shares to no par value shares	Section 1(1) of the Income Tax Act, definition of “gross income” and paragraph 11 of the Eighth Schedule to the Act Section 1 of the Securities Transfer Tax Act, definition of “transfer”	
23/01/2013	BCR 037	Distribution of shares in an unbundling transaction	Section 46 of the Income Tax Act Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
14/03/2013	BCR 038	Exchange of one restricted equity instrument for another	Sections 8C and 42 of the Income Tax Act Section 8 of the Securities Transfer Tax Act	
02/05/2014	BCR 044	Repurchase of non-redeemable, non-participating preference shares <i>BCR 044 has been replaced on 20 May 2014 to provide for textual changes and additions to the original ruling for improved clarity – refer to paragraph 5 and third bullet point in paragraph 7.</i>	Section 1(1), definition of “equity share”, section 8E and paragraph 11(2)(b) of the Eighth Schedule to the Income Tax Act Section 2(1) of the Securities Transfer Tax Act	



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09/06/2016	BCR 050	Tax consequences for unitholders in a REIT of an amalgamation transaction, followed by an asset-for-share transaction  The reference to Company B has been corrected to Company A in the third bullet point in paragraph 7.	Sections 9C, 42 and 44(6) of the Income Tax Act  Section 8 of the Securities Transfer Tax Act	
31/05/2016	BCR 052	Income tax and securities transfer tax consequences for the shareholders of a listed company following an unbundling transaction	Section 46 of the Income Tax Act and paragraph 76B of the Eighth Schedule to the Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
16/02/2017	BCR 056	Amalgamation of portfolios of declared hedge fund collective investment schemes with registered hedge fund collective investment schemes	Sections 1(1) – definition of “portfolio of a collective investment scheme”, “portfolio of a declared collective investment scheme”, and “portfolio of a hedge fund collective investment scheme”, 41(1) – definition of “equity share” and 44 of the Income Tax Act, paragraphs 1 – definition of “asset” and “disposal”, 3, 10, 11 and 61(3) of the Eighth Schedule to the Act  Section 8(1)(a)(ii) of the Securities Transfer Tax Act	
06/07/2018	BCR 064	Transfer of a security that constitutes a participatory interest in a collective investment scheme	Section 1(1) – definitions of “security” and sections 2(1)(a) and 8(1)(f)	



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24/05/2019	BCR 066	Tax consequences for recipients of shares in an unbundled company	Sections 46(1) – Paragraph (a) of the definition of “unbundling transaction”, 46(3)(a)(v), 46(7) of the Income Tax Act, paragraph 76B of the Eighth Schedule to the Act, and Binding General Ruling (Income Tax) 29 (Issue 2) dated 1 February 2017 (BGR 29)  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	
30/06/2020	BCR 070	Recipients of shares in an “unbundled” company	Sections 46 of the Income Tax Act  Section 8(1)(a)(iv) of the Securities Transfer Tax Act	



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29/07/2020	BCR 071	Transfer of portfolio investments by foreign pension funds to an authorised contractual scheme	<p>Sections 64H(3) and 108 of the Income Tax Act</p> <p>Articles 3 and 10 of the Convention between the Government of the Republic of South Africa (SA) and the Government of the United Kingdom of Great Britain (UK) and Northern Ireland for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains, published in Government Gazette 24335 dated 31 January 2003, (the Treaty)</p> <p>Article II of the Protocol between the Government of SA and the Government of the UK amending the Treaty, published in Government Gazette 34971 dated 2 February 2012, (the Protocol)</p> <p>Section 1 of the Securities Transfer Tax Act – definition of “transfer”</p>	

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09/06/2016	BCR 053	Programme of activities of a clean development mechanism project	Sections 12K and 22 of the Income Tax Act Section 11(2)(l) of the Value-Added Tax Act	
28/09/2016	BCR 055	Income tax and value-added tax consequences of a customer loyalty scheme	Sections 1(1) – definition of “gross income”, 11(a), 23(g) and 23H of the Income Tax Act Sections 1(1) – definitions of “consideration”, “input tax”, “supply” and “services”, 7(1)(a), 10(23) and 21 of the Value-Added Tax Act	
06/06/2019	BCR 067	Tax consequences for members arising out of conversion of association to private company	Sections 41(1) and (4), 44, 56 of the Income Tax Act and paragraph 35 of the Eighth Schedule to the Act Section 2(1)(d), read with the definition of “equity security” in section 2(2) of the Value-Added Tax Act	