

**DRAFT**

**SOUTH AFRICAN REVENUE SERVICE**

**No.**

**APRIL 2023**

**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, Edward Christian Kieswetter, Commissioner for the South African Revenue Service, hereby require that the persons specified in the attached Schedule must submit returns for 2023 and following years by the dates specified in the Schedule.

This public notice replaces Notice 241 published in Government Gazette No. 41512 dated 23 March 2018 with effect from 1 March 2023.

**E C KIESWETTER**

**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**” means—

- (a) any amount treated as interest; or
- (b) any interest as defined, under section 24J of the Income Tax Act;

“**records**” means the recorded information in respect of all persons that the third party must submit;

“**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; and

“**solar installation certificate of compliance**” means a certificate of compliance in terms of the Electrical Installation Regulations, 2009, issued under section 43 of the Occupational Health and Safety Act, 1993, in respect of the installation of new and unused solar photovoltaic panels at a residence solely or mainly used for domestic purposes.

### 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, excluding any branch of a bank as defined in section 1 of the Banks Act, 1990;
- 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 Post Bank Limited Act, 2010;
- 2.4 Financial institutions regulated by the Financial Sector Conduct Authority or the Prudential Authority, as defined in the Financial Sector Regulation Act, 2017, whether in terms of that Act or any other Act;
- 2.5 Companies listed on any exchange licensed under the Financial Markets Act, 2012, and connected persons in relation to those companies, that issue bonds, debentures or other interest bearing instruments;
- 2.6 State-owned companies, as defined in section 1 of the Companies Act, 2008, that issue bonds, debentures or other interest bearing 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 other interest bearing instruments;

- 2.8 A person (including a co-operative as defined in section 1 of the Income Tax Act) that purchases any livestock, produce, timber, ore, mineral or precious stones from a primary producer other than on a retail basis;
- 2.9 A medical scheme registered under section 24(1) of the Medical Schemes Act, 1998;
- 2.10 A person, who for their own account carries on business as a property practitioner as defined in the Property Practitioners Act, 2019, and who pays to, or receives on behalf of a third party, any amount in respect of—
- 2.10.1 an investment;
- 2.10.2 interest; or
- 2.10.3 the rental of property;
- 2.11 A person, who for their own account practises 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—
- 2.11.1 an investment;
- 2.11.2 interest; or
- 2.11.3 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;
- 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 that issued a financial instrument or policy in respect of a tax free investment;
- 2.14 A person referred to in section 18A(1)(a) to (c) of the Income Tax Act, 1962, that issued a receipt in terms of section 18A(2) of the Act;
- 2.15 A “trust” as defined in section 1 of the Income Tax Act, 1962, that is a “resident” as defined in that section;
- 2.16 A person who issues a solar installation certificate of compliance.

### 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:

<b>Column 1: Person mentioned in paragraph</b>	<b>Column 2: Information concerning</b>	<b>Column 3: Form</b>
2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.10, 2.11 and 2.12	(a) Amounts incurred or paid in respect of, or by way of any investment, interest or royalty; (b) transactions that are recorded in an account maintained for another person (i.e. transactional accounts); and (c) any tax withheld.	IT3(b); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission

<b>Column 1: Person mentioned in paragraph</b>	<b>Column 2: Information concerning</b>	<b>Column 3: Form</b>
2.10, 2.11	Amounts incurred or paid in respect of, or by way of any rental of immovable property.	IT3(b); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission
2.1, 2.2, 2.3, 2.4, 2.6 and 2.7	Amounts paid in respect of the purchase and disposal of financial instruments.	IT3(c); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission
2.8	Amounts paid in respect of a purchase, sale or shipment of livestock, produce, timber, ore, mineral or precious stones, or by way of a bonus.	IT3(e); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission
2.4	The purchase of, and contributions made in respect of, any retirement annuity policy.	IT3(f); or Data compiled in accordance with SARS' Business Requirement Specification: Insurance Payments
2.4	The payment of an amount that occurs upon the death of a person in terms of an insurance policy.	IT3(f); or Data compiled in accordance with SARS' Business Requirement Specification: Insurance Payments
2.9	Contributions made by a person in respect of a medical scheme and all expenses paid by a medical scheme on behalf of such person and a dependant of such person.	IT3(f); or Data compiled in accordance with SARS' Business Requirement Specification: Medical Scheme Contributions
2.13	(a) Contributions to, withdrawals from and transfers to and from a tax free investment; and (b) any other amounts received or accrued in respect of a tax free investment.	IT3(s); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission
2.14	Any amount donated to an entity listed in paragraph 2.14 and the person who made the donation.	IT3(d); or Data compiled in accordance with SARS' Business Requirement

Column 1: Person mentioned in paragraph	Column 2: Information concerning	Column 3: Form
		Specification: IT3 Data Submission
2.15	Any amount vested in a beneficiary including income (nett of expenditure), capital gains and capital amounts distributed.	IT3(t); or Data compiled in accordance with SARS' Business Requirement Specification: IT3 Data Submission
2.16	The installation of new and unused solar photovoltaic panels at a residence solely or mainly used for domestic purposes	[To be determined after consultation with industry bodies and other stakeholders. Information will include the following details: Income tax reference number (or identity number if no income tax reference number is available) of the person on behalf of whom the installation was done, physical address of installation, cost of the solar photovoltaic panels and the date on which they were first brought into use.]

#### 4. Due date for submitting a third party return

##### 4.1 In respect of all persons listed in paragraph 2.1 to 2.14:

4.1.1 The returns mentioned in the above Table, containing all prescribed information in respect of the period from—

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

4.1.2 Persons who must submit a return for the first time as a result of being listed in paragraph 2.14, are not required to submit a return for the periods from 1 March 2022 to 28 February 2023 and from 1 March 2023 to 31 August 2023.

#### **4.2 In respect of the persons listed in paragraph 2.15:**

The returns mentioned in the above Table, containing all prescribed information in respect of the period from 1 March to the end of February, must be submitted by 30 September.

#### **4.3 In respect of the persons listed in paragraph 2.16:**

The returns mentioned in the above Table, containing all prescribed information in respect of solar photovoltaic panels that were first brought into use during the period from 1 March 2023 to 29 February 2024, must be submitted by 31 May 2024.

### **5. Manner of submitting a third party return**

#### **5.1 In respect of all persons listed in paragraph 2.1 to 2.16:**

##### **5.1.1 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 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.

##### **5.1.2 Declarations in respect of third party returns must be submitted electronically using the SARS electronic filing service – eFiling.**

### **6. 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.