

### The Professional

#### Special points of interest:

- Individual tax returns due November
- Change in official interest rates

#### Inside this issue:

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Volume 8, Issue 5

30 September 2017



your future secured

#### In terms of Article 10 of the Institute's Memorandum of Incorporation

Notice of the Ninetieth (90th) Annual General Meeting

The Institute of Accounting and Commerce

(Formerly the Institute of Administration and Commerce)

is served

**DATE:** 13 October 2017

**VENUE:** Destiny Exclusive Hotel, Kempton Park, Gauteng

TIME: 15:00 – 17:00

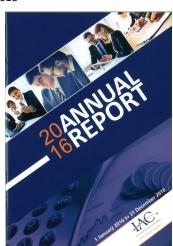
#### **AGENDA**

1. Welcome

- 2. Apologies
- 3. Notice of meeting
- 4. Confirmation of Minutes of the 89th Annual General Meeting
- 5. President's Report 2016 / 2017
- 6. Chief Executive Officer's Report 2016 / 2017
- 7. Audited Annual Financial Statements for the year ended 31 December 2016
- 8. Appointment of Auditors
- 9. Induction of elected Directors to the IAC Board for 2017 / 2018
- 10. Social with refreshments

By order the President.

Mr. A.W. Bezuidenhout



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#### Feedback on draft Tax Bill

The 2017 Draft Taxation Laws Amendment Bill (TLAB) and 2017 Draft Tax Administration Laws Amendment Bill (TALAB) were published for public comment on 19 July 2017.

National Treasury and SARS briefed the Standing Committee on Finance (SCoF) on the draft bills on 15 August 2017.

Oral presentations by taxpayers and tax advisors on the draft bills were made at hearings by the SCoF on 29 August 2017.

Workshops with stakeholders to discuss their comments on the 2017 Draft TLAB & TALAB were held on 4 and 5 September 2017. On 14 September 2017, National Treasury and SARS presented a draft response document to the SCoF which containing a summary of draft responses to public comments received on the draft bills. The following amendments received the most comments:

Repeal of foreign employment income exemption

- Tax relief for Bargaining Councils regarding tax noncompliance
- Addressing the circumvention of anti-avoidance rules dealing with share buy backs and dividend stripping
- Tax implications of debt relief
- Exclusion of impairment adjustments in the determination of taxable income in section 24JB.

#### Repeal of foreign employment income

Traveling – it
leaves you
speechless, then
turns you into a
storyteller.

Ibn Battuta

It was acknowledged that the proposal to repeal the exemption of foreign employment income would have a severely negative impact on finances, and remittances to South Africa, especially for those on relatively lower incomes. This includes amounts remitted to family members to fund living costs in SA, investment of foreign income in some family run businesses and money spent in South Africa during visits. It was therefore pro-

posed that the amendment will be changed to allow the first R1 million of foreign remuneration to be exempt from tax in South Africa if the individual is outside of the Republic for more than 183 days as well as for a continuous period of longer than 60 days during a 12 month period. The exemption threshold should reduce the impact of the amendment for lower to middle class South African tax residents who are earning

remuneration abroad. The effect of the exemption will also be that South African tax residents in high income tax countries are unlikely to be required to pay any additional top up payments to SARS.

This proposed amendment does however not take into account the negative impact of exchange rates when foreign income is to be converted to Rand while the value of the Rand is decreasing.

#### **Bargaining Councils**

The 2017 Draft TLAB proposes the introduction of a specific relief for Bargaining Councils that have been non-compliant with the tax legislation as follows:

- Non-compliant Bargaining Councils will be required to pay a levy of 10% of the total PAYE that should have been deducted from all payments made to their members between 1 March 2012 and 28 February 2017;
- Non-compliant Bargaining Councils will be required to pay a levy of 10% of the total untaxed investment income between 1 March 2012 and 28 February 2017;
- The relief will apply in respect of the 5 year period, starting from 1 March 2012 to 28 February 2017. The 5 year period is linked to the period for record keeping required in terms of the Tax Administration Act.
- Non-compliant Bargaining Councils must submit a return and pay the levy to SARS on or before 1 September 2018 to benefit from the relief.

Even though public comment was that these amendments were too generous and that the general voluntary disclosure programme should be applicable, these comments were not accepted.



#### **Debt converted into equity**

The 2017 Draft TLAB contains amendments that make provision for the conversion of debt into equity, provided that the debtor and the creditor are companies that form part of the same group of companies.

However, in order to ensure that this provision is not abused, it is proposed that any interest that was previously allowed as a deduction by the borrower in respect of that debt be recouped in the hands of the borrower, to the extent that such interest was not subject to normal tax in the hands of the creditor.

In addition, where the creditor company and the debtor company cease to form part of the same group of companies within 6 years of the debt conversion, a deemed reduction amount is triggered.

Public comment was submitted that the proposed wording imply that an amount may only be excluded if these provisions were firstly actually applicable. Consequently, amendments will be proposed in respect of the definition of a "reduction amount" to ensure that the debt reduction rules apply in respect of all forms of debt restructuring arrangements.

The current proposal in paragraph 12A regarding intragroup debt will be aligned with this proposal.



#### **Taxation of travel allowances**

To facilitate and simplify calculation and administration of employees' tax the 2017 Draft TALAB proposes that the portion of travel expenses reimbursed by an employer that exceeds the rate fixed by the Minister for the so-called "simplified method" (currently R3.55 per kilometre) be regarded as remuneration for PAYE purposes.

It was confirmed that the reference to "the rate per

kilometre for the simplified method" in the proposed amendment for PAYE purposes is not affected by the existing 12,000 kilometre limitation.

The limitation is only relevant to the taxpayer's eligibility for the simplified method on assessment. The Memorandum of Objects will be adjusted to further provide clarity in this regard.

# DID YOU KNOW? IF YOU HAVE AN NOT LEVEL 4 QUALIFICATION (GRADE 12) AND 5 OR MORE YEARS OF PRACTICAL EXPERIENCE, YOU COULD QUALIFY AS AN IAC: Tax Practitioner OF Technical Accountant (TA) (021) 761 6211 info@iacsa.co.za www.iacsa.co.za RECOGNISED CONTROLLING BODY FOR ACCOUNTING PROFESSIONALS & TAX PRACTITIONERS

#### **SARS Decisions**

The 2017 Draft TALAB proposes to expand an existing internal review process to decisions by SARS, given effect in an assessment or notice of assessment that is not subject to objection and appeal.

The concern is however that the taxpayer may not even be aware of these internal processes and can therefore not take advantage of these processes.

Feedback was given that the

proposed amendment relates specifically to a technical difficulty arising from the amendments last year with respect to estimated royalty payments under the Mineral and Petroleum Resources Royalty (Administration) Act, 2008.

More generally, section 9 of the TAA is the enabling provision that allows a SARS official, (in the official's discretion or at the request of a taxpayer,) to amend or withdraw decisions that are not subject to objection and appeal.

It is thus separate from the dispute resolution process and instead forms a legislative underpinning for SARS' internal complaints resolution procedures.

Details of this process are available on the SARS website, for example, under Contact Us > How do I...? > Lodge a complaint



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#### Banks—Placing hold on funds

The 2017 Draft TLAB proposes that a bank may place an automatic hold on a taxpayer's account if the bank reasonably suspects that the payment of a refund into the taxpayer's account is related to a tax offence

Concerns were raised that the proposed amendment goes further than enabling a bank to place a hold on a taxpayer's account - it requires the bank to do so. The obligation to place a hold should not be automatic but should be on SARS' instruction or at the

discretion of the bank after taking into account all factors, including taxpayer representations.

Treasury is however of the view that, on the basis that the hold is for a short period (maximum of two business days) and narrow (only when a bank "reasonably suspects" a refund payment by SARS has been obtained illegally), the proposed amendment is reasonable.

According to Treasury, requiring prior consultation with the account holder would render the provision ineffective, given the speed with which amounts can be transferred to other accounts.

#### **Bursaries to learners with disabilities**

A journey is best measured in friends, rather than miles.

Tim Cahill

In order to cater for the limited resources in the majority of schools in South Africa for facilities to properly accommodate learners with disabilities, the 2017 Draft TLAB proposes that the following new exemption threshold for employer provided bursaries in respect of learners with disabilities be introduced:

 The monetary limit in respect of exempt bursaries for learners with disabilities be set at R30 000 per annum in the case of Grade R to 12, including qualifications in NQF levels 1 to 4 (monetary limit set at R20 000 for learners without disabilities);

The monetary limit in respect of exempt bursaries for learners with disabilities be set at R90 000 per annum in the case of qualifications at NQF levels 5 to 10 (monetary limit set at

R60 000 for learners without disabilities).

Public comments were submitted to expand the dispensation to post-graduate programmes.

This was not accepted as the design of the existing section 10(1)(q) is mirrored, though with higher maximum thresholds for the bursary amount.

#### Transferring retirement funds after retirement date

The 2017 Draft TLAB contains a proposal that allows employees to transfer their benefits into a retirement annuity fund for later consumption. Transfers to preservation funds are not currently included in the proposal, since it could result in withdrawal of all the benefits in a lump sum, rather than preservation, and a restriction of that withdrawal would further add to complexities. It was however requested that It is requested that the ability to transfer funds after the normal retirement date also be extended to pension and provident funds and to pension preservation and provident preservation funds as well as retirement annuity funds. To remove any possibility of these funds being withdrawn in a "once off withdrawal" it is proposed that specific amendments are included in the Income Tax Act to disallow such withdrawals in respect of these amounts. This was acknowledged by Treasury and amendments will be made.

It was also requested that retired persons be allowed to make multiple transfers of the retirement benefit to different funds to allow for a staggered retirement.

Treasury did not accept this proposal as, in its view, it will create additional complications, especially around the enforceability of the de minimis which could undermine the intention for preservation.



#### **CPD Reminder**

#### **REMINDER: Uploading of your 2017 (CPD) Hours**

#### **Dear Member**

Please be reminded that your 2017 CPD Hours should be uploaded on our website database by 31 December 2017, but although it only needs to reflect by then, you are advised to update these hours as it is completed.

To date, some of our Members have already updated their hours on the IAC website and are already CPD compliant.

Also note that the Institute, being affiliated with SAQA and registered with PAFA, CIPC and SARS, requires all its members to comply with our Continued Professional Development (CPD) requirements. CPD refers to ongoing post-qualification development aimed at refreshing, updating and developing knowledge and skills of professionals.

Our members are required to be competent to carry out their duties and responsibilities and therefore have a duty to maintain a high level of professional knowledge and skills required to carry out their work in accordance with all relevant laws, regulations, technical and professional standards applicable to that work.

All accounting registered members must complete 40 hours of CPD per calendar year (1 January - 31 December) of which a minimum of 50% must be structured and the balance can be unstructured. Tax practitioners must log a minimum of 15 tax related CPD hours per calendar year, of which 60% must be structured and 40% unstructured.

Structured CPD hours can be obtained by attending courses, seminars and lectures and by performing research and/or writing technical articles. Attending the monthly IAC Practice sessions also counts towards structured CPD hours. Unstructured CPD hours can be obtained by reading technical and business literature, including the bi- monthly IAC's newsletter (The Professional).

#### A breakdown of CPD hours for the various categories of membership:

• Independent Reviewers / Accounting Officers and Accountants in Commerce

40 CPD hours / annum (20 structured + 20 unstructured dispersed into the various categories on the website) and if any of these members carry Tax Practitioner status they will need to complete 9 structured + 6 unstructured tax hours.

Technical Accountants (only)

20 CPD hours / annum (10 structured + 10 unstructured hours dispersed into the various categories on the website)

Registered Certified Tax Practitioners and Associate Tax Practitioners (only)

15 CPD hours / annum (9 structured tax hours + 6 unstructured hours)

PRAKASH SINGH

**General Manager** 



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#### **Leasehold improvements**

The 2017 draft TLAB proposes that amendments be made in the VAT Act to clarify that leasehold improvements by a lessee on leasehold property qualify as a taxable supply of goods to the lessor, subject to certain conditions.

#### **Deeming**

The intention of the amendment was to deem the supply to be that of goods rather than services. Changes will be made in the wording of the proposed legislation in order to make this clear.

#### Time of supply

The date stipulated on the occupation certificate, or such similar document given by the municipality in respect of the improvement to that fixed property, should suffice. These types of arrangements are generally concluded by an

agreement and the date stipulated on the agreement can also suffice. In the absence of the prior two options, one can consider third party information, such as, an architect's certificate.

#### Value of supply

Comments were submitted that, in cases where a (vendor) lessee makes lease-hold improvements for no consideration, this falls under a barter transaction and the rules regarding the VAT treatment of barter transaction as set out in the Atlantic Jazz Festival case should be applied.

Treasury does not accept this view but stated that there is a difference in interpretation in this regard between barter transaction and set-off. Changes will be made in the legislation in order to make

the wording of the provision clear.

The proposed amendments only address the scenario where the lessee receives no payment or set-off from the lessor for the leasehold improvements. These scenarios rarely occur in practice. It is proposed that amendments be made to the Act to deal with the time and value of supply in relation to leasehold improvements where the lessee either receives a reduction in rental or a complete waiver of rental from the lessor in return for the cost involved in effecting the leasehold improvements.

The impact of introducing new provisions in this regard will be investigated and may be considered in the future.

"To catch the reader's attention, place an interesting sentence or quote from the story here."

#### **VAT**—Employment Incentive Scheme

The ETI is a tax incentive that is paid by the State to eligible employers by allowing eligible employers to reduce their liability for employees' tax under the Income Tax Act. Any excess ETI that the eligible employer is unable to recover from any employees' tax due by the eligible employer is, subject to certain limitations, payable by SARS from the National Revenue Fund .

The ETI amount retained by the employer from the total employees' tax liability is regarded as an appropriation, grant-in-aid subsidy or contribution transferred by a public authority as contemplated in the definition of "grant".

As such, any ETI claimed by an eligible employer that is a VAT vendor will be treated as consideration received in respect of a deemed supply made to a public authority under section 8(5A). As such, the ETI grant amount will be subject to VAT at the zero rate under section 11(2)(t) of the VAT Act to the extent that it is in respect of the taxable activities conducted by the enterprise.

For further guidance as regards the meaning of "grant" for VAT purposes, see Interpretation Note 39 (Issue 3) dated 29 March 2017 "VAT Treatment of Public Authorities, Grants and Transfer Payments".







Dear Members,

#### ACCOUNTING OFFICERS ARE NOT ALLOWED TO ISSUE BEE CERTIFICATES

The Institute has sent out numerous communications via various platforms, informing our members that Accounting Officers **CANNOT** issue BEE Certificates. Please be advised that it is an offence for any person to issue BEE Certificates who is not an SANAS approved verification agency. This is according to Act 53 of 2003 as amended by Act 46 of 2013 which was effective on 1<sup>st</sup> May 2015.

We appeal to our members to please adhere to the set legislation, or face disciplinary action. We confirm that our Accounting Officers can only affirm a **Sworn Affidavit**, acting as a Commissioner of Oaths, for Exempt Micro Entities (EME's) and for certain Qualifying Small Entities (QSE's).

#### PRAKASH SINGH General Manager - IAC

#### **Interest rates**

#### 'Official interest rate"

The official interest rate was amended with effect from 1 August 2017. The term "official rate of interest" is defined in paragraph 1 of the Seventh Schedule to the Income Tax Act 58 of 1962 (the Act)

Where a loan is obtained by an employee from his or her employer in terms of which no interest is payable or where the interest payable is less than the "official rate of interest", the difference between the amount which would have been payable if the loan was granted at the official rate and the amount actually paid by the employee, is taxed as a fringe benefit.

The "official rate" is specifically linked to the repurchase rate plus one per cent. The repurchase rate is generally announced by the Reserve Bank.

The official interest rate decreased from 8% to 7.75%.

The official rate is adjusted at the beginning of the month following the month during which the Reserve Bank changes the repurchase rate.

#### **Prescribed rate**

The interest rates charged on outstanding taxes, duties and levies and interest rates payable in respect of refunds of tax on successful appeals and certain delayed refunds will also amended with effect from 1 November 2017. The "prescribed rate" is linked to the rate determined in terms of section 80 of the Public Finance Management Act, 1999 (PFMA) but for income tax purposes the rate only becomes effective as from the first day of the second month following the date on which

the PFMA rate comes into operation. The rate will change from 10.5% to 10.25%.



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#### **Explaining DEFERRED TAX to your clients**

As your accountants, we deal with terminology and concepts which often appears to be a completely different language. The purpose of this article to is to demystify deferred tax and assist you in understanding it in the context of your financial statements. Ultimately, the financial statements we prepare for you are to assist you in making economic decisions. Their usefulness in making decisions is severely limited if you do not understand each of the components that make up these financial statements.

#### What is deferred tax?

The way that the revenue authorities tax you on your income is very seldom aligned with the way accountants recognise income and expenses. The revenue authorities apply legislation to work out how much income will be taxed, what rate it will be taxed at and what deductions you can claim. Accountants on the other hand apply accounting standards to work out how much income & expense should be recognised. In South Africa, there are two standards that can be applied – International Financial Reporting Standards (IFRS) or International Financial Reporting Standards for Small and Medium Enterprises (IFRS for SME).

Travel makes
one modest.
You see what a
tiny place you
occupy in the
world.

Deferred tax is an accounting concept which reflects the difference between the way revenue authorities tax you and the way the accounting standards recognise income and expenses. Consider the following example:

Gustave Flaubert You rent out a property and the tenant pays you a deposit. Instinctively, you do not include it in your income as the deposit is not yours - you have an obligation to return it when the tenant leaves. SARS views this as gross income and will tax you on the deposit. SARS will allow you to deduct the repayment to the tenant from your income when you repay it.

The overall effect between SARS and the accounting standard is the same. It is merely the timing that is different. This difference in timing means that when SARS taxes the deposit, the accounting standard says that this tax is paid in advance (or a deferred tax asset) and when SARS allows the deduction of the deposit, the accounting standard regards this as a reversal of the advance payment.

Other common examples of items that cause this: differences between depreciation (accounting) and wear and tear (tax); and where assets are shown at market value in the financial statements.



#### Why do we need to show these differences?

If financial statements are to be useful, it is important that they contain all the information relating to a specific transaction. It would for example be misleading to record the sale of

an item without also recording the cost of that item at the same time. It would be similarly misleading to ignore the expected tax effects of a transaction purely because those tax effects materialise in a different accounting period. This is illustrated as follows:

An investment property you purchased some time ago for R1m is now worth R1.5m. As your accountants, we record this as a gain in the value of your property of R0.5m. As we have recognised the additional income, we must also account for the eventual tax burden that will result from this gain (say R0.1m). This would more accurately reflect your overall profit of R0.4m when the property is sold. If we ignored the future tax burden, we would be overstating your income relating to the growth in value.

The fact that SARS will only levy capital gains tax on the eventual sale merely means there is a difference in the timing as previously illustrated. In this case, the accounting standard says that less tax has been paid now than is due to be paid as a result of the gain in value – its ultimate payment is deferred until the sale of the property.

These differences multiplied by the tax rate represent the amount of tax you have either paid in advance (if it is a deferred tax asset) or will still have to pay (if it is a deferred tax liability).

Are these real assets or liabilities – absolutely. They will, on the balance of probability, be paid (claimed) in the future. These are just as real as the utility bill we know we will receive, but do not yet have an invoice for. In this case we raise an accrual for the expected amount. Tax is no different.

#### Can we avoid accounting for deferred tax?

Deferred tax is only accounted for when there are differences between the tax treatment and the accounting treatment of items on your financial statements. If there is no difference between the treatment, there is no difference and no deferred tax. The more relevant question would be whether we can achieve symmetry between the tax and accounting. This would depend on your individual circumstances. Using the revenue authority wear and tear rates to depreciate assets is an approach often used, but this will not always be appropriate.

Our goal is to provide you with financial information that is useful. We hope that this article assists you in understanding your financial information. If you have any queries on this or any other item on your financial statements, please do not hesitate to contact us.

#### About the Author

Wayne Twigg CA(SA) is a member of SMEIG an advisory Body to the International Accounting Standards Board.

He has been training accountants in the practical application of IFRS for SME standards for a number of years and is 2020 Innovation SA's preferred IFRS for SME trainer. Wayne has headed a successful financial and tax advisory business for the past 19 years, and can be contacted on wayne@twigg.co.za



Put not your trust in money, but put your money in trust.

Oliver Wendell Holmes



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Caption describing picture or graphic.

In the business
world, everyone is
paid in two coins:
 cash and
 experience. Take
the experience first;
the cash will come
later.

**Harold Geneen** 

#### **Understatement penalties—ITC14247**

In this case the court had to consider whether SARS was entitled to levy understatement penalties for both income tax as well as value-added tax.

In this instance, the taxpayer submitted tax returns that stated that the taxpayer neither received any income nor incurred any expenditure during the above tax periods. In other words, the taxpayer rendered nil returns.

SARS had initially levied 100% penalty in respect of both the income tax and the VAT understatements. The taxpayer objected thereto on the basis that the fiscus was not prejudiced. At the time of submitting returns, the taxpayer already paid provisional tax in respect of the relevant years of assessment.

SARS subsequently reduced the penalty to 25% in respect of the income tax understatement and to 50% in respect in respect of the VAT understatement.

The word 'understatement' is defined in section 221 of the TAA to mean any prejudice to SARS or the fiscus as a result of:

- a default in rendering a return;
- an omission from a return; or
- an incorrect statement in a return.

The taxpayer conceded the "omission" in the income tax returns rendered and "default" as regards the rendition of VAT returns.

According to the court, SARS suffered prejudice in the form of the opportunity cost occasioned by its delayed recovery of the income tax and VAT amounts due to it. Although SARS had the funds in its possession, throughout, it was not entitled to the use thereof as the funds were reflected as a credit in the account of the taxpayer. Taxes are a compulsory contribution to the fiscus to finance government activities.

Taxes are computed at rates established by law and are the primary source of government income. The funds thus collected by SARS through taxation are, through a Parliamentary budgetary process, allo-

cated to various departments at national, provincial or local government.

In this case, the taxpayer's provisional tax refund could not form part of the budgetary process as it was held by SARS for the benefit of the taxpayer.

The court was in agreement with the submission made by SARS that the understatement penalties levied in respect of both the income tax and VAT are unduly lenient.

Given the gross negligent character of taxpayer's understatement, the highest applicable understatement penalty is 100% in respect of both the income tax and the VAT understatement was to be applied.

Each party was liable for its own cost.

This case shows the danger of nil returns and emphasize the importance of tax compliance.

#### **Sufficient reasons**

A taxpayer may request SARS reasons for decision. In order to determine whether sufficient reasons were given, the principles of *Minister of Environmental Affairs and Tourism v Phambili Fisheries* should be considered.

The principle established in Phambili is that the party whom the decision has been taken against, must be given adequate reasons that will make the party to understand why the decision went against it, even it does not agree with the decision.

Phambili further establishes that the decision-maker is required to set out his understanding of the relevant law, the findings of fact on which his conclusions depend, and the reasoning process which led him to his conclusions.

Reasons should be properly informative. They must ex-

plain why the decision was taken.

Two Johannesburg Tax Court cases were recently published which dealt with the question what constitutes sufficient reasons. Case numbers 0032/2016 & 0033/2016 are available on the SARS website.



#### Tax treaties

A tax treaty is an international agreement aimed at eliminating or providing relief from international double taxation. A tax treaty does not impose tax. Tax is imposed in terms of a country's domestic law. Its purpose is to allocate taxing rights between countries.

Generally, a tax treaty will provide for income to be taxed solely in one country or, if it remains taxable in both countries, for a taxpayer's country of residence to be obliged to grant relief under an Article on "Elimination of Double Taxation". In South Africa, should an amount qualify for relief under the said Article, relief will generally be granted in the form of a credit. Reduced levels of withholding taxes, in situations that double taxation is permitted, are also provided for.

A list of the tax treaties in force in South Africa is available on the SARS website. Since each tax treaty is unique, the relevant agreement must be consulted and the provisions of it adhered to. The SARS website also provides details

of progress made on tax treaties currently being negotiated but not yet entered into

A resident that is liable for income tax in South Africa on income received from a foreign country and that is also liable for tax in the foreign country on that income will be allowed a rebate for the foreign tax paid or proved to be payable against the South African tax liability or a deduction from income



#### Income tax—Prohibited deductions

Certain expenses may not be deducted from income in determining a person's tax liability. These prohibited deductions are listed in section 23 and includes:

- Domestic or private expenses—this category includes the cost incurred in the maintenance of the taxpayer, or the taxpayer's family or establishment.
- Domestic or private expenses, including the rent or repair of or expenses relating to any premises not occupied for purposes of trade or of any dwelling or house used for domestic purposes, except on those parts as may be occupied for the purpose of trade.
- Bribes, fines and penalties
- Loss of income insurance premiums

- Income carried to a reserve fund
- Amounts incurred for nontrade purposes
- Penalties and interest levied under a tax act

Hire character.

Train skill.

Peter Schutz

#### **Expenses incurred to obtain a license**

Expenditure incurred to obtain a license from certain government authorities to carry on a trade which constitutes the provision of telecommunication services, the exploration, production or distribution of petroleum or the provision of gambling facilities, may be claimed as a deduction.

The deduction for any year of assessment must not exceed an amount equal to the amount of the expenditure divided by the number of years for which the taxpayer has the right to the license after the date that the expenditure was incurred, or 30 years, whichever is the lesser.



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#### Tax residency—Natural persons

Natural persons who are South African tax residents are, subject to certain exceptions taxed on their world wide income.

For natural persons there is a two-pronged approach to determine tax residency; i.e. the 'ordinarily resident' test and the 'physical presence' test.

#### **Ordinarily resident test**

The courts have interpreted the concept "ordinarily resident", to mean the country to which an individual would naturally return from his or her wanderings. It might, therefore, be called an individual's usual or principal residence and it would be described more aptly, in comparison to other countries, as that person's real home.

#### **Physical presence test**

A natural person, who is not ordinarily resident in South Africa at any time during a year of assessment but meets all three requirements of the physical presence test, will be a resident. These require-

ments refer to the number of days of physical presence in South Africa exceeding –

- 91 days in aggregate during the relevant year of assessment;
- 91 days in aggregate during each of the five years of assessment preceding the relevant year of assessment; and
- 915 days in aggregate during those five preceding years of assessment.



#### Welcome to our new members

Students			
Membership No	Surname	Name	
655538	Nguta	Sesethu	
655540	Nkonjane	Thabo	
655539	Chiurunga	Reagan Zvikomborero	
655537	Munyai	Moraswi Charles	
655536	Nduna	Siphosethu	
655532	Maluleke	Tinnie	
655530	Sokufudumala	Nasiphi	
655528	Njomo	Quencilia Nozipho	
655527	Flandorp	Mark John	
655524	Kotelo	Mahutwane Philemon	
655523	Mtetandaba	Bongani	
655521	Mthombeni	Walter Donald	
655520	Mokalapa	Boyi Gilbert	
655519	Pohlo	Tsenyane	
655518	Mazibuko	Nhlanhla	
655514	Mangena	Phineas	
655513	Letsoenyo	Karabo	
655478	Lekgwathi	Mpho	

#### Welcome to our new members

Independent Accounting	ng Professional (Accounting Offi	cer / Reviewer) / Certified Tax Practioner
Membership No	Surname	Name
610148 (IAP)	Singh	Prakash
650970 (IAP)	Cilliers	Gideon Andreas
Financial Accou	untant in Practice (Accounting O	fficer) / Certified Tax Practitioner
Membership No	Surname	Name
655531 (FAP)	Kagumya	Roland Mpamizo
655492 (FAP)	Samie	Nasr
655533 (FAP)	Chiriseri	Mark
655534 (FAP)	Davids	Waleed
	Technical Accounta	nt
Membership No	Surname	Name
655525 (TA)	Hendricks	Leon Louis
1	Fechnical Accountant / Certified	Tax Practitioner
Membership No	Surname	Name
655529 (TA)	Hoyer	Monique
655506 (TA)	Bianconi-Smith	Marta
655510 (TA)	Mkhize	Khaba
655511 (TA)	Le Roux	Anina
655502 (TA)	Mayet	Ebrahim
655535 (TA)	Makhavhu	Khaukanani
	Certified Tax Practition	oner
Membership No	Surname	Name
655526 (CTP)	Nefale	Rendani
655516 (CTP)	Kona	Ntombizanele Deline
655517 (CTP)	Yozi	Mhleli Hopeworth
	Associate Tax Practiti	ioner
Membership No	Surname	Name
655508 (ATP)	Singh	Anesh
	Approved Training Co	entre
ATC Number	Surname	Name
ATC010/655515		Protektum Accounting CC

## INSTITUTE OF ACCOUNTING AND COMMERCE

252 Rosmead Avenue Wynberg 7780

Phone: (021) 761 6211 Fax: (021) 761 5089

#### **ENQUERIES**

#### General:

Abeeda Busch info@iacsa.co.za

#### Membership

Soraya Busch members@iacsa.co.za

#### Compliance

Bronwyn Benjamin compliance@iacsa.co.za

#### Finance

Valencia Williams finance2@iac.co.za

#### Information Technology

Duncan Stark finance@iacsa.co.za

#### **GM & Technical**

Prakash Singh gm@iacsa.co.za

#### CEO & Technical

Ehsaan Nagia: ceo@iacsa.co.za

#### Office Hours:

Monday - Thursday 08:00 - 16:00 Friday 08:00 - 15:30

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It is the aim of the Institute of Accounting and Commerce to promote actively the effective utilisation and development of qualified manpower through the achievement of the highest standards of professional competence and ethical conduct amongst its members.



