

EXTERNAL

FREQUENTLY ASKED QUESTIONS

REQUEST FOR RETURN, COMPLETION AND

SUBMISSION OF INCOME TAX RETURNS

1 PURPOSE

- These FAQs provide general information regarding the request of returns, as well as the completion and submission thereof. This document should not be used as a legal reference.

2 SCOPE

- This document addresses the basic questions regarding the request of returns, and the completion and submission thereof.
- The income tax returns include:
 - ITRR – Request for income tax return;
 - ITR12 – Income tax return for individuals;
 - IT12TR – Return of income: Trusts;
 - IT12EI – Return of income: Exempt Organisations; and
 - IT14 – Return of income: Companies and Close Corporations.

3 REFERENCES

3.1 LEGISLATION

TYPE OF REFERENCE	REFERENCE
Legislation and Rules administered by SARS:	Income Tax Act, No. 58 of 1962
Other Legislation:	None
International Instruments:	None

3.2 CROSS REFERENCES

DOCUMENT #	DOCUMENT TITLE	QUALITY REQUIREMENTS
	Quick Guide: How to complete your individual income tax return (ITR12)	All
	ITR12 – Comprehensive Guide	All
	How to complete the IT12TR Guide	All
	How to complete the IT14 Guide	All

4 DEFINITIONS AND ACRONYMS

BEADS	Business Enabling and Delivery Services
BFE	Branch Front End
CC	Close corporation
FAQ	Frequently asked question
ID	Identity document
IVR	Interactive Voice Recognition
PAYE	Pay As You Earn
POA	Power of attorney
RFC	Request for Correction
SARS	South African Revenue Service
SITE	Standard Income Tax on Employees
SOP	Standard operating procedure
TCC	Tax Clearance Certificate
The Act	The Income Tax Act, No.58 of 1962
TPS	Taxpayer Service

5 FREQUENTLY ASKED QUESTIONS

5.1 GENERAL

QUESTION	ANSWER
1. What are the submission dates for the returns?	The submission deadline dates for the 2010 year of assessment are: <ul style="list-style-type: none"> ▫ ITR12, IT12TR and IT12EI: <ul style="list-style-type: none"> ○ Postal submission – 30 September 2010; ○ eFiling submission – 26 November 2010; and ▫ IT14 <ul style="list-style-type: none"> ○ Within 12 months after the financial year end of the Company/Close Corporation (CC).
2. What are the different channels to obtain a return?	The returns can be obtained via the following channels: <ul style="list-style-type: none"> ▫ By calling the SARS Contact Centre on 0800 00 (SARS) 7277; ▫ By visiting the nearest SARS Branch; or ▫ Via eFiling.
1. If I need to complete a source code, where can I access this information?	If a source code needs to be completed on your return, this information is available in the SARS Source code booklet. This booklet can be accessed on www.sars.gov.za > Tax Types > Income Tax > Tax Season 2010 > Source code booklet 2010.
2. Will SARS accept photocopies of income tax returns submitted?	No, SARS will not accept any photocopies. The original income tax return must be submitted to SARS.
3. How can an income tax return be submitted?	An income tax return can be submitted by: <ul style="list-style-type: none"> ▫ Posting the completed return to SARS; ▫ Placing the completed return in a drop box available at all SARS branches; ▫ Completing the return electronically via eFiling.
3. When should a copy of an ID be certified?	A copy of an ID should be certified, when a taxpayer or taxpayer representative does not have the original ID document.
4. In the case of husband and wife, must they obtain a POA every year?	A POA is valid until the date stipulated in the document. If no date has been stated, the POA is valid for one year from the date of receipt. Therefore the POA must be checked to determine whether re-application must be submitted or if the POA is still valid.
5. Should the taxpayer Representative or the taxpayer keep POA as supporting documents for 5 yrs?	Yes, both the taxpayer representative and the taxpayer should keep the POA supporting documents for a period of 5 years.

5.2 ITRR – REQUEST FOR INCOME TAX RETURN

QUESTION	ANSWER
1. What is an ITRR?	An ITRR is a request for an income tax return (ITR12).
2. What is an ITRR used for?	An ITRR is a step-by-step wizard sent in the form of a letter that requests the taxpayer to indicate which fields they require on their ITR12 income tax return, thereby assisting SARS in issuing unique ITR12 returns with only the sections that are applicable to the taxpayer.
3. To who is an ITRR issued?	An ITRR is issued to all taxpayers who submitted an ITRR in previous years or to taxpayers who submitted their returns via post in previous years, e.g.

QUESTION	ANSWER
	<ul style="list-style-type: none"> ▫ An ITR12 return received by SARS via post (in the SARS-addressed envelope); or ▫ An ITR12 return received by SARS via the Branch drop box; or ▫ An ITR12 return received by SARS, completed with the assistance of a Taxpayer Service Agent/Consultant (BFE).
4. When will an ITRR be issued?	An ITRR will be issued to the predetermined taxpayers a few weeks before the commencement of Filing Season. If you are not included in the predetermined taxpayer group, the ITRR will be issued to you as and when requested by you via the SARS Contact Centre.
5. How do I obtain an ITRR?	An ITRR can be obtained via post if you have been identified to receive one or by calling the SARS Contact Centre on 0800 00 SARS (7277), i.e. Interactive Voice Recognition (IVR).
6. Do I need to complete both pages of the ITRR?	No, you do not need to complete both pages of the ITRR. However, take note of the following: <ul style="list-style-type: none"> ▫ If your requirements have not changed from the previous year, indicate this by marking the box on the front page, sign and date the bottom of the page and return the ITRR using the SARS-addressed envelope. ▫ If your requirements have changed from the previous year, indicate your new requirements on the reverse page sign and date the bottom of the page, and return the ITRR using the SARS-addressed envelope.
7. Do I need to sign both sides of the ITRR?	No, you do not need to sign both sides of the ITRR. You will only sign either on the front page or the back page, depending on whether your requirements have changed or not.
8. Where do I send my completed ITRR?	Along with your ITRR, you will receive an envelope already addressed to SARS. All you need to do is put the completed and signed ITRR form in the SARS-addressed envelope and put it in the mail, or place the completed ITRR in a drop box at your nearest SARS Branch.
9. What will SARS do with the completed ITRR?	The completed ITRR will be scanned at one of SARS Processing Centres (Alberton, Doringkloof, Western Cape or Kwa-Zulu Natal). This will enable SARS to issue an ITR12 return to the taxpayer (specifically suited to their requirements) from 1 July onwards.
10. In a case where a taxpayer is seriously ill and an ITRR needs to be completed and returned to SARS, who can sign on the taxpayer's behalf?	The spouse/representative can sign on behalf of the taxpayer provided the following document(s) are submitted: <ul style="list-style-type: none"> ▫ An original POA that confirms that the representative has authority to act on behalf of the taxpayer; ▫ An affidavit with the medical certificate from the doctor must be requested in a case where the representative is acting on behalf of a taxpayer who is seriously ill.

5.3 ITR12 – INCOME TAX RETURN FOR INDIVIDUALS

QUESTION	ANSWER
1. Which return must be issued for an individual?	An ITR12 income tax return must be issued to individuals.
2. What is an ITR12 return?	An ITR12 return is an income tax return for an individual that stipulates all the income and allowable deductions claimed by the taxpayer for a year of assessment.
3. When is the year of assessment?	The year of assessment is from the 1 st of March to the end of February of the following year.

QUESTION	ANSWER
4. What is the threshold for the submission of returns for individuals?	If a taxpayer receives remuneration less than R120 000.00, from a single employer, for the full year of assessment and that remuneration does not include amounts in respect of allowance from which PAYE was not deducted in full, such as travel allowance, he/she does not have to submit an ITR12 return unless the taxpayer wishes to claim deductions.
5. What supporting documents are required to complete my ITR12 return?	<p>To complete your ITR12 return, you will need the following supporting documents:</p> <ul style="list-style-type: none"> ▫ Details of your banking particulars; ▫ Your IRP5/IT3(a) certificate(s); ▫ Certificates that you received in respect of investment income [IT3(b)]; ▫ Details of medical expenses incurred; ▫ Completed confirmation of diagnosis of disability (ITR-DD), if applicable; ▫ Information relating to retirement annuity contributions; ▫ Details of business travel (if you received a travel allowance); ▫ Information relating to capital gains transactions; ▫ Financial statements, if applicable e.g. business income; and/or ▫ Any other documentation relating to income you received or deductions you want to claim.
6. Must these supporting documents be submitted to SARS together with my ITR12 return?	No, although you will be using these supporting documents to complete your return, you must NOT submit it to SARS with your return. You must retain the supporting documents for a period of 5 years, after submission, should SARS require them in future.
7. What information is populated by SARS on my return?	<p>The information which will be populated by SARS is:</p> <ul style="list-style-type: none"> ▫ Personal details (e.g. name, surname, banking details etc); and <p>Note: In order to guard against fraud SARS has chosen to protect critical taxpayer information relating to bank account information. Only the last four digits of your bank account number will appear on the ITR12 return, e.g. XXXXXXXXXXX8584. If the last four digits do not correspond with your bank account number, you will need to correct your bank details refer to question 9 below.</p> <ul style="list-style-type: none"> ▫ Information received from employers/pension funds relating to income received, e.g. IRP5/IT3(a) information, provided the employer/pension fund has submitted the information to SARS timeously.
8. In what colour will the populated information be printed for postal submission?	The populated information will be printed in pink if you have submitted your ITR12 return via the post in previous years.
9. If the populated information is incorrect, how do I correct this?	<p>If the populated information is incorrect, you can change any populated information by:</p> <ul style="list-style-type: none"> ▫ Using a black pen to write over the information printed in pink; ▫ Use capital letters; ▫ Keep your writing within the spaces provided; <ul style="list-style-type: none"> ○ Do not worry if some of the pink lettering is still displayed where the correction in black has been made. SARS will ignore the pink populated

QUESTION	ANSWER
	<p>information if it has been written over in black.</p> <ul style="list-style-type: none"> ○ If you have made a mistake in completing a field, do not correct it by completing the correct information outside the field, or making notes in the margin, as all this information will not be considered as valid and won't be taken into account in the calculation of the assessment. ○ Overwrite the word or number in full, i.e. do not change only one letter of a name or one digit of a number, but re-write the full name or number in full. ○ If you have to delete populated information that is no longer applicable, do so by putting a horizontal line through the middle of the incorrect characters in the field.
<p>10. Will SARS accept photocopies of an ITR12 return submitted?</p>	<p>No, SARS will not accept any photocopies or self-printed forms. The original ITR12 return, issued by SARS must be submitted because the return contains a unique printed barcode for purposes of capturing and scanning of the return.</p>
<p>11. Can taxpayers' update bank details or address changes on ITR12 return?</p>	<p>Yes, taxpayers can update banking details and address changes on the ITR12 return, refer to question 9 above.</p>
<p>12. What if there are still blank areas on my ITR12 return?</p>	<p>If there are still blank areas on your ITR12 return:</p> <ul style="list-style-type: none"> ▫ Do not write N/A; ▫ Enter a zero; or ▫ Strike through the spaces that do not apply. <p>Leave these spaces blank.</p>
<p>13. Will penalties and interest be charged if I do not submit my return on time?</p>	<p>Yes, penalties and interest will be charged if you do not submit your return by the submission deadline (as per section 5.1 above).</p>
<p>14. Must my bank account details be completed on my ITR12 return?</p>	<p>Yes, bank account details are mandatory and must be completed on your ITR12 return. Without accurate banking details SARS cannot issue a refund. SARS only pays refunds electronically into verified bank accounts held in the name of the taxpayer (no third party and no joint accounts).</p>
<p>15. What are the changes regarding medical expenses deductions in respect of handicapped/disabled persons?</p>	<p>The amendment of section 18 of the Income Tax Act No.58 of 1962 provides for a more widely accepted and understood definition of "disability" instead of the previous term "handicapped". Persons, who qualified as "handicapped person" in the past, must have his/her disability re-confirmed by a qualified medical practitioner in order to claim the deduction.</p> <p>A person with a disability is now defined broadly to include a moderate to severe limitation on a person's ability to perform daily activities as a result of a physical, sensory, communication, intellectual or mental impairment lasting more than a year and confirmed by a duly registered medical practitioner.</p>
<p>16. How do I have my disability re-confirmed in order to continue to claim my deduction?</p>	<p>As a result of the change in legislation, an ITR-DD form - Confirmation of diagnosis of disability form for an individual taxpayer (which is available on www.sars.gov.za) has been designed and contains the criteria for the diagnosis of disability. These legislative changes are effective from 1 March 2009 and are applicable for the 2010 year of assessment.</p> <p>The ITR-DD form must be completed by you and a qualified medical</p>

QUESTION	ANSWER
	practitioner.
17. Where can I find information to help me complete my ITR12 return correctly?	You can find information on www.sars.gov.za under Income Tax > Tax Season 2010. There are guides available to help you complete you ITR12 return i.e. Quick Guide – How to complete you individual income tax return (ITR12) and an ITR12 – Comprehensive Guide.
18. How much can a sole proprietor claim as a deduction in terms of their cellphone?	A sole proprietor can claim all cellphone expenses incurred in the production of income.
19. I have an outstanding return for 2006, when supporting documents were still required to be submitted with an income tax return. Must I now submit these supporting documents?	No, you must use the current ITR12 income tax return form without supporting document(s). You must; however, retain these supporting documents as required by law, for a period of 5 years after you have submitted your return to SARS.
20. Does it mean that my previous year's income tax return will be assessed using the current income tax laws and provisions?	No. Your old returns will be assessed using the income and deduction allowances applicable to the relevant year of assessment. The SARS income tax calculation system is able to calculate tax accurately using the new returns for any year since 1975.
21. In what format must my outstanding returns be submitted?	Old format income tax returns will not be accepted by SARS. Outstanding returns must be submitted on the current year ITR12 Income Tax Return form. In this return you must indicate in the section provided on the first page what year of assessment the return is in respect of. If you submit an old return it will be mailed back to you with a copy of the latest ITR12 return for you to complete and re-submit. The return will not be marked as submitted until the correctly completed new return is received. That means you will still be penalised until you submit the correct document.
22. If a taxpayer worked for 2 companies in the tax year, and used the same vehicle for both companies how is the form created? Will 1 or 2 vehicles be used in the calculation?	One vehicle will be used against 2 allowances. The only difference will be on the ITRR where the question appears - How many IRP5/IT3(a)s did you receive? You must indicate 2 IRP5/IT3(a)'s and two codes 3701 will be populated on the return. Under Travel allowances where the question appears: Number of vehicles - indicate 1 vehicle.
23. With regards to the extension for provisional taxpayers in terms of the submission of their ITR12, does the taxpayer have to request an extension or is it automatic?	The taxpayer does not have to request an extension because this will automatically be granted.
24. With the PAYE changes to the IRP5/IT3(a), will the ITR12 disclose employee's details such as e-mail address, home telephone number, fax number and cellphone number?	All of these fields are optional fields on the IRP5/IT3(a) tax certificate and the information may differ from that supplied on the IT return. Where the information is not available, the tax certificates will be accepted by SARS. Employers are however required to request this information from employees and update their records accordingly for purposes of providing it on the tax certificates. This information will be used to contact employees if and when the information provided on the income tax return is not valid and SARS needs to contact such an employee, specifically where a tax refund is held up by invalid bank account details provided in the income tax return.

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	Employees should also be requested to provide updated details to the employer if any of their demographic information changes, to enable the employer to populate tax certificates with the latest information.
25. Can a taxpayer request an IRP5/IT3(a) directly from SARS if no contact can be established with the employer?	<p>According to Paragraph 13(8) of the Fourth Schedule to the Income Tax Act, an employer must, at the request of his employee or former employee, issue a duplicate certificate. Such duplicate certificate must disclose the full details of the original certificate.</p> <p>The following circumstances, however, may arise where an employee requests a duplicate certificate from SARS;</p> <ul style="list-style-type: none"> ▫ The employer has ceased trading; ▫ The employer no longer has the relevant records; ▫ The employee cannot trace the employer; ▫ Legal action is taken by SARS against an employee for the submission of an outstanding Income Tax return or financial information in respect of an Income Tax Assessment.
26. If I receive a reimbursement travel allowance (3702), can I claim travel expenses on the ITR12 return (using my logbook/actual costs)? Does this mean that only taxpayers who received a travel allowance (3701) or commission are entitled to claim travel expenses?	A reimbursement travel allowance can be claimed for kilometres not exceeding 8000 kilometres per tax year (3702). Travelling expenses can be claimed on the ITR12 return using the logbook provided that the taxpayer receives another form of travelling allowance (3701).
27. Will my ITR12 return be populated on eFiling OR per postal return if the surname on the IRP5/IT3(a) is different to that found on SARS system, but the ID and tax numbers are correctly reflected on the IRP5/IT3(a)?	Yes, your ITR12 return will be populated if the ID and tax reference numbers are correct.
28. In the medical section under code 4020 (medical expenses), must I take the amount from the tax certificate (claims not recovered by the scheme) and also add the receipts for payments I made to reflect the full amount?	<p>Code 4020 is for other medical expenditure not recoverable from the medical fund which does not exceed 7.5% of your taxable income after application of the capping amount. The capped amounts are as follows:</p> <ul style="list-style-type: none"> ▫ R625 for each month in the year of assessment in respect of which the contributions were made for benefits for yourself; ▫ R1 250 for each month in the year of assessment in respect of which the contributions were made for benefits for yourself and one dependant: <ul style="list-style-type: none"> ○ Where those contributions are made with respect to yourself and more than one dependant, R1 250 in respect of yourself and one dependant plus R380 for every additional dependant for each month in the year of assessment in respect of which those contributions were made.
29. What is the purpose of asking if I would like to have my loss against local business/trade or	The purpose is to ascertain if the loss incurred should be off-set against the profit from that specific trade only. Automatic off-set is not lightly done as the Act outlines procedures and tests before it can be

QUESTION	ANSWER
<p>professional income ring-fenced? If a I indicate "NO", will the loss be automatically off-set against other taxable income?</p>	<p>effected.</p>
<p>30. Where on the ITR12 return do you declare drawings from a Close Corporation (CC)?</p>	<p>The amount declared as drawings from a CC will be completed as follows:</p> <ul style="list-style-type: none"> ▫ Under "Amounts Considered Non-Taxable"; ▫ Complete the amount in "Other" field; ▫ Add a description in "Description relating to other" field.
<p>31. Would I, who is registered for income tax but works overseas, be required to submit an ITR12 return if I earn no income from a South African (SA) source? What if I only earn exempt interest income from an SA source?</p>	<p>If you are still a resident in SA, all residents are taxed on world wide income irrespective of where the income was earned. If you are a resident, exempt interest should be declared as it forms part of gross income.</p>
<p>32. If I receive a taxable reimbursement allowance, where do I claim this amount?</p>	<p>You can claim this amount depending on the type of allowance.</p> <ul style="list-style-type: none"> ▫ If it is a travel allowance, you would claim against it under code 4014; ▫ If it is a subsistence allowance you will claim against it under either: <ul style="list-style-type: none"> ○ Code 4017 - local subsistence; or ○ Code 4019 - foreign subsistence.
<p>33. If I am not supposed to submit an ITR12 return and I submit it after the due date, will I incur any penalties?</p>	<p>If you submitted a return and you were not supposed to, penalties will still be imposed unless it is a SITE case. However, the taxpayer has a right to object to the penalty imposed.</p>
<p>34. Can I use my payslips to complete my ITR12 return? If so, which IRP5 /IT3(a) number must I use?</p>	<p>The employer is obligated to furnish the employee with an IRP5/IT3(a) certificate. In exceptional circumstances payslips will be accepted, e.g. when the employer is insolvent and cannot furnish an IRP5/IT3(a) certificate. Where this is the case, an IRP5/IT3(a) number is not mandatory to complete the ITR12 return.</p>
<p>35. Is the sale of time share subject to capital gains tax (CGT)?</p>	<p>Yes, the sale of a time share will be subject to capital gains tax. The basic principal is that if any asset is sold it will be subject to CGT. An asset is defined in paragraph 1 of the 8th Schedule to the Income Tax Act as:</p> <ul style="list-style-type: none"> ▫ Property of whatever nature (movable and immovable); ▫ Including tangible and intangible assets; ▫ Including any coin made mainly from gold or platinum; ▫ Including rights or interest of whatever nature to or in such property. ▫ Except for shares sold after being held for three years, there are no rules for when the sale of an asset is subject to normal tax and when it is subject to tax on capital gains. If the sale of an asset is subject to normal tax (i.e. it is a sale in the course of a scheme of profit-making, e.g. a land dealer who sells land as trading stock will be subject to normal tax), the CGT rules will not apply. If, however, an asset is held as a long-term capital asset it will be subject to CGT when sold.
<p>36. When I complete the statement of assets and</p>	<p>You should complete the value of the asset/liability as at the 28th of February of the year of assessment.</p>

QUESTION	ANSWER
liabilities, what values should be used?	
37. What is the limit (maximum) on kilometres granted on a travel claim, for reimbursement on taxable/non-taxable travel allowance?	<p>In terms of section 8(1)(b) of the Income Tax Act:</p> <ul style="list-style-type: none"> ▫ The actual business kilometres method is used to claim travelling expenses where accurate records were kept. ▫ The deemed business kilometres travelled method is used to claim travelling expenses and the records thereof were not kept. ▫ 32 000 total deemed kilometres (limited to 32000). ▫ 18 000 kilometres are deemed to be private. ▫ 14 000 kilometres are deemed to be business.
38. How can I obtain previous years' ITR12 returns if it is not available for public download?	<p>Previous years' income tax returns in prior formats will not be accepted by SARS. Outstanding returns must be submitted on the current year's ITR12 return form. To obtain an ITR12 return for previous years you can:</p> <ul style="list-style-type: none"> ▫ Call the SARS Contact Centre on 0800 00 (SARS) 7277; ▫ Visit the nearest SARS Branch; or ▫ Via eFiling. <p>In this return you must indicate in the section provided on the first page what year of assessment the return is in respect of. If you submit an old return it will be mailed back to you with a copy of the latest ITR12 return for you to complete and re-submit. The return will not be marked as submitted until the properly completed new return is received. That means you will still be penalised until you submit the correct document.</p>
39. Which form must I use to complete previous years' returns?	<p>Previous years' income tax returns in prior formats will not be accepted by SARS. Outstanding returns must be submitted on the current year's ITR12 Income Tax Return form, and the relevant year of assessment will be reflected on the ITR12 return.</p>
40. If I have already requested an ITR12 return but earn less than R120 000 and meet the criteria for non-submission, do I still have to complete the return?	<p>No, you do not have to complete and submit the ITR12 return. Ensure, however, that you meet the non-submission criteria.</p>
41. What if my employer's business closes down and I cannot get a hold of the employer to issue me with IRP5/IT3(a)?	<p>Where IRP5/IT3(a)s' are not available, the employee must attach payslips to the ITR12 return as proof of income received during the year of assessment. Supporting documents will only be attached to the ITR12 return in exceptional cases, when requested by SARS.</p>
42. How does one declare profits generated from Forex trading on the Johannesburg Stock Exchange (JSE)?	<p>Any income received from investments (including local interest, foreign interest and foreign dividends) must be declared, in the Investment income section of the ITR12 return.</p> <p>Withholding tax on foreign interest and foreign dividends must also be declared. The amounts received in respect of local interest, foreign interest and foreign dividends must be entered in the provided fields. For persons married in community of property, the full investment income received must be entered and SARS will do the apportionment. If the person is married out of community of property or is unmarried, the own investment income must be declared.</p>
43. How do commission earners	<p>If you are a commission earner, you can claim Travel expenses by</p>

QUESTION	ANSWER
claim against travel?	<p>following these steps:</p> <ul style="list-style-type: none"> ▫ On the ITRR, select “other income and deductions”; ▫ Under “Other deductions” on the ITR12 return, enter your claim next to source code “4015”. Commission earners will need to claim actual travel expenses.
44. Why is it important to include my banking details when I complete my Income Tax return?	<p>As a measure to expedite payments into taxpayers’ accounts and to curb criminal activities, SARS uses the electronic method of payment rather than issuing cheques. It is therefore essential that your banking details on your income tax return are correct, because incorrect information will result in refunds being delayed. You should also remember that it is important to include the branch number of your bank.</p> <p>Please note that no refunds will be paid into a third party’s or joint bank accounts.</p>
45. How does my odometer reading affect my claim for travel expenses?	<p>You should always maintain an opening and closing odometer reading for your travel claim to be considered. Also, note that the distance travelled between home and work is considered private.</p>
46. A new source code 4493 appears now on the taxpayer’s IRP5/IT3(a) - what does this mean?	<p>This refers to Medical contributions paid by the taxpayer’s employer (and it relates to a retired employee). Code 4493 amounts are not subject to tax and should not be reflected in the medical container.</p>
47. What should taxpayers do if they are unable to get a return on the SARS internet?	<p>There are no returns available for public download. Only if the taxpayer is a registered eFiler can they access the return electronically and submit it via eFiling. Alternatively, a taxpayer must visit their nearest SARS branch or call the SARS Contact Centre on 0800 00 SARS (7277) to request a return.</p>
48. What happens if my employer sends SARS the wrong information?	<p>You are still responsible for the information on your income tax return – which you sign to declare that it is true and correct.</p> <p>This means that you need to verify all the information on your return – including the information which SARS populates on your behalf – to ensure that it is correct before you sign and submit it to SARS.</p>
49. What happens if my employer does not send SARS my information on time?	<p>SARS cannot provide you with a populated return nor process your return until your tax certificate information from your employer is received.</p> <p>However, SARS will not penalise the taxpayer for the non-compliance by an employer. You can also receive a blank return from SARS, complete it and submit it to SARS.</p> <p>Note this return will be classified as a third party mismatch and will only be assessed when the employer reconciles.</p>
50. What happens if I am not employed or self-employed?	<p>If you do not have an employee tax certificate (IRP5/IT3(a)), you will receive a blank ITR12 return. You will be required to request your return using the return request form or by contacting the SARS Contact Centre.</p>
51. How does SARS know what fields to build into my return?	<p>You need to inform SARS what type of income and deductions you had during the previous tax year so as to issue you with a customised return. You can do this by completing an ITRR, or calling the SARS Contact Centre on 0800 00 SARS (7277). The easiest way, however, is to use SARS eFiling which enables you to create your own return.</p>
52. What are the different methods for completing my	<p>You can complete your ITR12 return in either one of the following ways:</p>

QUESTION	ANSWER
<p>ITR12 income tax return?</p>	<ul style="list-style-type: none"> ▫ Postal submission – By requesting a copy of the return, from SARS, and completing it in a legible handwriting, or by filling out the return electronically and then printing it out. The completed return must be signed and submitted by posting it to SARS, using the SARS-addressed envelope, or placing it in a drop box at your nearest SARS branch office. ▫ Electronically – By either going to the nearest SARS Branch Office, for assistance, or by using your personal computer to access the eFiling website and completing your return on line.
<p>53. What are the different channels to submit my ITR12 return?</p>	<p>You can submit your ITR12 return by:</p> <ul style="list-style-type: none"> ▫ Logging onto your e-Filing profile and completing and submitting your return online; ▫ Visiting your nearest SARS Branch Office and dropping off your completed and signed return; or by ▫ Posting your completed and signed return to SARS.
<p>54. When will SARS send me my ITR12 return?</p>	<p>SARS will no longer be sending out the ITR12 returns in bulk but will only send your ITR12 return once you have requested the return. SARS will be sending out an ITRR, which you must complete and return to SARS.</p>
<p>55. What is a dynamic ITR12 return?</p>	<p>The dynamic ITR12 return has enhanced features that will enable you complete the return:</p> <ul style="list-style-type: none"> ▫ In one of 6 official languages; and ▫ By utilising the step-by-step wizard you can create your own personalised income tax return.
<p>56. Will I be able to complete the ITR12 return in my language of choice?</p>	<p>The ITR12 returns are currently available in the following languages:</p> <ul style="list-style-type: none"> ▫ English; ▫ Afrikaans; ▫ isiZulu; ▫ Setswana; ▫ Tshivenda; and ▫ Xitsonga. <p>SARS is committed to making the form available in all official languages in the near future.</p>
<p>57. Why am I receiving an ITR12 return when I am no longer employed?</p>	<p>An ITR12 return is only issued on request from the taxpayer. If the taxpayer indicated that an ITR12 return is required on the ITRR, an ITR12 return will be issued.</p>
<p>58. What if I need help in completing my ITR12 income tax return?</p>	<p>You can obtain assistance by:</p> <ul style="list-style-type: none"> ▫ Visiting your nearest SARS branch office; ▫ Calling the SARS Contact Centre on 0800 00 SARS (7277) where a Taxpayer Service Agent/Consultant will talk you through completing your return; or ▫ Approaching our staff when they visit shopping centres, libraries, community halls and other public places to help you complete your returns. For more information about where and when our staff will be visiting your area check the SARS website at www.sars.gov.za or your local newspapers.
<p>59. Will I still have to maintain a vehicle logbook?</p>	<p>Yes. This must be retained as together with all other supporting documentation.</p>

QUESTION	ANSWER
60. Do I need to submit my logbook?	No. However a log book must be maintained and retained with other supporting documentation for a period of 5 years from the due date of submission.
61. What happens if I send SARS my supporting documents?	Unless supporting documents are specifically requested by SARS, taxpayers must not submit any supporting documentation with their ITR12 return. However, if you do submit supporting documents, SARS will post the documents back to you. Please note that in terms of section 73A of the Income Tax Act, No.58 of 1962, you will be required to retain your original supporting documents for a period of five (5) years.
62. Can I apply for an extension to submit my ITR12 income tax return at a later stage?	No extensions will be allowed and ITR12 returns must be submitted by the submission deadline, refer to Section 5.1 above.
63. How long will SARS take to acknowledge receipt of my ITR12 return?	SARS does not issue a formal acknowledgement of receipt of an ITR12 return.
64. Do I need to keep a copy of my ITR12 return?	Yes, it is suggested that you always make a copy of your ITR12 return and retain it for a period of 5 years.
65. How long will I have to wait before my ITR12 return is assessed?	The SARS Service Charter states that the turnaround time for all tax returns is 90 working days from date of receipt during peak periods and 34 working days from the date of receipt in off-peak periods. If you use eFiling or the new electronic return you can expect vastly reduced turnaround times.
66. Do I need to register for income tax if I earned R120 000 or less, but more than R60 000	Yes, you must register if: <ul style="list-style-type: none"> ▫ You are a salary earner and earn more than R5 000 per month or R60 000 for a full 12 month period; ▫ You receive allowances against which expenditure can be claimed; ▫ PAYE is deducted from your income. ▫ You are a director of a company or a member of Close Corporations (CC). ▫ The following must also register: <ul style="list-style-type: none"> ○ Any company (including CCs). ○ Any person required by the Commissioner to do so. ○ A sole proprietor (i.e. an individual who is in business in his or her own name), including small businesses. ○ Trusts and beneficiaries thereof if they received taxable income. ○ Commission Taxpayer Service Agent/Consultant and contract workers; or ○ Taxpayers who would like to register voluntarily.

5.4 IT14 – RETURN OF INCOME: COMPANIES AND CLOSE CORPORATIONS

QUESTION	ANSWER
1. Which return must be issued for companies and CC?	An IT14 income tax return must be issued to companies and CCs.
2. Where on the SARS website can I access the Mining Schedule for the IT14 return?	On the SARS Website - www.sars.gov.za > Income Tax > Tax season 2010. The form "Mining and Tax Consumption" needs to be completed.

3. When must the IT14 be completed and submitted to SARS?	An IT14 return must be completed and submitted to SARS within 12 months after the financial year end of a company/CC.
4. Will SARS be populating the information for companies and CCs?	Yes, if a company or CC request an IT14 return via the SARS Contact Centre or at a SARS Branch Office. The information available to SARS will be populated on the IT14 return in pink.
5. How do I affect changes to an IT14 return?	If the IT14 return is being completed manually, write over the pink information with a black pen and use capital letters.
6. What if there are still blank areas on the IT14 return?	If there are still blank areas on the IT14 return do not write N/A, enter a zero or strike through the spaces that do not apply. Rather leave these spaces blank.
7. Where can I find information to help me complete my IT14 return correctly?	You can find information on www.sars.gov.za , under Income Tax > Tax Season 2010. There are guides available to help you complete you IT14 return i.e. Quick Guide – How to complete the IT14 return.
8. When and how does an exempt institution submit its IT14?	An exempt institution does not submit an IT14. The income tax return IT12EI specifically designed for organisations formally exempted from income tax must be completed. The exempt institutions must complete the IT12EI annually and submit the form at the Tax Exemption Unit (refer to paragraph 5.6 below).
9. On the IT14, the return does not make provision for a Passport Number under public officer details. Does this mean that a Public Officer can only be a South African citizen/resident?	The public officer must be a South African resident and not necessarily a citizen. The ID number can be left blank if no ID is available.
10. Besides eFiling submission, will SARS be posting the IT14 and IT12TR returns; or can companies and trusts download the form from "Forms and Guides" on eFiling?	No, SARS will not be posting the IT14 and IT12TR returns. The forms can be obtained in any of the following ways: <ul style="list-style-type: none"> ▫ Requested by calling the Contact Centre on 0800 00 SARS (7277); ▫ Completed via eFiling; or ▫ Visiting your closest SARS branch. <p>Complete the return and submit the return to SARS.</p>

5.5 IT12TR – RETURN OF INCOME: TRUSTS

QUESTION	ANSWER
1. Which return must be issued for Trusts?	An IT12TR income tax return must be issued for Trusts.
2. Where can I find information to help me complete the IT12TR return correctly?	You can find information on www.sars.gov.za , under Income Tax > Tax Season 2010. There are guides available to help you complete you IT12TR return i.e. Quick Guide – How to complete return on income: Trust (IT12TR)
3. How do I affect changes to an IT12TR return?	If the IT12TR return is being completed manually, write over the pink information with a black pen and use capital letters. If there are still blank areas on the IT12TR return do not write N/A, enter a zero or strike through the spaces that do not apply. Rather leave these spaces blank.
4. What documentation will be required to complete the IT12TR?	To complete the It12TR, the following documents will be needed: <ul style="list-style-type: none"> ▫ All certificates and documents relating to income; ▫ Financial statements and/or administration accounts; ▫ Proof of payment of any tax credits; and ▫ Particulars of assets and liabilities.
5. Should any supporting	No supporting documents must be submitted with the IT12TR return,

documents be submitted with the IT12TR return?	except those requested by SARS. The supporting documents, however, must be retained for a period of 5 years.
6. What are the different types of Trusts?	<p>The different types of trusts are:</p> <ul style="list-style-type: none"> ▫ Special Type A – a trust that has solely been created for the benefit of a person that suffers from a defined mental illness as defined by section 1 of the Mental Health Care Act, 2002 (Act No.17 of 2002); or has a serious physical disability. ▫ Special Type B – a trust that has solely been created for the benefit of persons who are relatives of the deceased person who created the trust in terms of his/her will. <p>Please note: In his Budget Review of 1998, the Minister of Finance announced the introduction of separate rates of tax applicable to trusts. These rates of tax are, however, not applicable to Special Trusts which are taxable at the rates applicable to persons other than companies or trusts.</p> <ul style="list-style-type: none"> ▫ Inter Vivos – a trust set up during the lifetime of a person. ▫ Testamentary – a trust set up in terms of the will of a person and which comes into effect after his/her death.
7. If a trust partakes in partnership farming activities must an IT12TR-I schedule be completed and where can this be obtained?	Yes, an IT12TR-I schedule must be completed for each partnership. The IT12TR-I schedule will be attached to the return.
8. A trust only receives local interest as their source of income. The trust has expenses to claim (bank charges, admin fees etc), where can these expenses be claimed on the IT12TR?	There is no specific section for deductions because on the IT12TR form it is "taxable income available for distribution". Taxable income is the amount remaining after all the expenses relating to the income has been deducted.

5.6 IT12EI – RETURN OF INCOME: EXEMPT ORGANISATIONS

QUESTION	ANSWER
1. Which return must be issued for Exempt Institutions?	An IT12EI income tax return must be issued for Exempt Institutions.
2. Where can I find information to help me complete the IT12EI return correctly?	You can find information on www.sarsefiling > Forms and Guides > IT12EI or www.sars.gov.za , under Income Tax > Tax Season 2010. There are guides available to help you complete you IT12TR return i.e. Quick Guide – How to complete return on income: Exempt Institutions(IT12EI).
3. Who can I contact if I require assistance in completing the IT12EI return?	<p>If assistance is required in completing the IT12EI return, the Tax Exemption Unit can be contact via:</p> <ul style="list-style-type: none"> ▫ Email teu@sars.gov.za ▫ Telephone (012) 422 8800 ▫ Facsimile (012) 422 8830

6 QUALITY RECORDS

Number	Title
IRP5/IT3(a)	Employee Income Tax Certificate
IT12EI	Return of income: Exempt Organisations
IT12TR	Return of income: Trusts
IT12TR-I	Schedule: Income from Partnership Farming Operations (IT48V)
IT14	Return of income: Companies and Close Corporations
IT3(b)	Return of income from investments, property, rights and royalties
ITR12	Income tax return for individuals
ITR-DD	Confirmation of diagnosis of disability form for an individual taxpayer
ITRR	Request for income tax return

7 DOCUMENT MANAGEMENT

Designation	Name / Division
Business Owner:	Chief Officer: BEADS & Group Executive: TPS
Policy Owner:	Executive: EBE – Process Solutions – Assessment, Enforcement and Services Portfolio
Author:	T. Klassen
Detail of change from previous revision:	Revision 0 – Initial Release (01.07.2010)
Template number and revision	POL-TM-12 - Rev 4