



**TAX AND
EXCHANGE
CONTROL**

POCKET GUIDE
2016/2017



CLIFFE DEKKER HOFMEYR

RATES OF TAX

Individual, special trusts^(N1), insolvent and deceased estates

Year of assessment ending 28 February 2017

Taxable income (R)	Rate of tax (R)
0 – 188 000	18% of each R1
188 001 - 293 600	33 840 + 26% of the amount above 188 000
293 601 - 406 400	61 296 + 31% of the amount above 293 600
406 401 - 550 100	96 264 + 36% of the amount above 406 400
550 101 - 701 300	147 996 + 39% of the amount above 550 100
701 301 and above	206 964 + 41% of the amount above 701 300

Year of assessment ending 29 February 2016

Taxable income (R)	Rate of tax (R)
0 – 181 900	18% of each R1
181 901 - 284 100	32 742 + 26% of the amount above 181 900
284 101 - 393 200	59 314 + 31% of the amount above 284 100
393 201 - 550 100	93 135 + 36% of the amount above 393 200
550 101 - 701 300	149 619 + 39% of the amount above 550 100
701 301 and above	208 587 + 41% of the amount above 701 300

RATES OF TAX

Retirement fund lump sum withdrawal benefits

Year of assessment ending 29 February 2016

Taxable income (R)	Rate of tax (R)
0 – 25 000	0% of each R1
25 001 - 660 000	18% of the amount over 25 000
660 001 - 990 000	114 300 + 27% of the amount above 660 000
990 001 and above	203 400 + 36% of the amount above 990 000

Retirement fund lump sum benefits or severance benefits

Year of assessment ending 29 February 2016

Taxable income (R)	Rate of tax (R)
0 – 500 000	0% of each R1
500 001 - 700 000	18% of the amount over 500 000
700 001 - 1 050 000	36 000 + 27% of the amount above 700 000
1 050 001 and above	130 500 + 36% of the amount above 1 050 000

Trusts	2017	2016
Trusts (other than special trusts) for years of assessment ending on 28/29 February	41%	41%
Effective Capital Gains Tax Rate	32.8%	27.31%

USEFUL INFORMATION AT A GLANCE

Rebates and thresholds	2017	2016
Primary rebate for individuals	R13 500	R13 257
Secondary rebate (65 years of age or older) (in addition to primary rebate)	R7 407	R7 407
Tertiary rebate (75 year of age or older) (in addition to primary and secondary rebate)	R2 466	R2 466
Tax threshold for individuals under 65 years of age	R75 000	R73 650
Tax threshold for individuals 65 years of age to below 75 years of age	R116 150	R114 800
Tax threshold for individuals 75 years of age or older	R129 850	R128 500
Interest exemption		
Interest exemption for individuals under 65 years of age ^(N1)	R23 800	R23 800
Interest exemption for individuals 65 years of age or older ^(N1)	R34 500	R34 500

(N1) The interest exemption is only applicable against South African sourced interest.

Donations tax and estate duty

Donations tax rate	20%	20%
Donations tax – annual exemption (individuals only)	R100 000	R100 000
Estate duty rate	20%	20%
Estate duty abatement ^(N1)	R3.5 m	R3.5 m

(N1) Where the deceased was the spouse at the time of death of a previously deceased person, the estate duty abatement is R7m less the abatement utilised in the estate of the previously deceased person.

Capital Gains Tax Individuals	2017	2016
Annual capital gain/loss exclusion	R40 000	R30 000
Primary residence exclusion ^(N1)	R2 m	R2 m
Exclusion on death	R300 000	R300 000
Once-off relief for disposal of qualifying small business assets ^(N2)	R1.8 m	R1.8 m
Effective CGT rate – individuals and special trusts	0 - 16.4%	0 - 13.65%

(N1) The primary residence exclusion reduces losses as well as gains on the disposal of a primary residence.

(N2) Applies in respect of the disposal of 'active business assets' of a 'small business' if the seller is 55 years of age or older or if the disposal is in consequence of ill-health, other infirmity, superannuation or death. The relief may extend to cover the disposal of an entire direct equity interest of at least 10% in a company. To constitute a 'small business', the market value of all assets of the business must not exceed R10m at the date of the disposal.

TRAVEL ALLOWANCE

	2017	2016
Travel allowance subject to PAYE	80%	80% ^(N1)
Travel allowance - maximum vehicle value ^(N2)	R560 000	R560 000

(N1) Where the employer is satisfied that at least 80% of the use of the vehicle will be for business purposes, then PAYE may be based on 20% of the travel allowance.

(N2) In terms of both the deemed and actual cost reduction methods, the value of the vehicle is capped at this amount. In respect of the actual cost reduction method, the capping applies in respect of wear and tear or lease payments and finance charges.

(N3) In order to claim any reduction against the travel allowance received, a log book needs to be maintained.

Travel allowance - deemed expenditure scale as an alternative to actual data applicable for the year ending 29 February 2016

Value of the vehicle (including VAT)	Fixed cost (R)	Fuel cost (c)	Maintenance cost (c)
R0 - R80 000	26 675	82.4	30.8
R80 001 - R160 000	47 644	92.0	38.6
R160 001 - R240 000	68 684	100.0	42.5
R240 001 - R320 000	87 223	107.5	46.4
R320 001 - R400 000	105 822	115.0	54.5
R400 001 - R480 000	125 303	132.0	64.0
R480 001 - R560 000	144 784	136.5	79.5
Exceeding R560 000	144 784	136.5	79.5

Reimbursement based travel allowance

If an employee is reimbursed for business kilometres travelled at a rate not exceeding R3.29 per kilometre, no tax will be payable provided:

- the travel allowance is based on actual business kilometres travelled; and
- the distance travelled in the vehicle for business purposes during the year of assessment does not exceed 8 000 kilometres; or
- where more than one vehicle has been used, the total distance travelled in those vehicles for business purposes does not exceed 8 000 kilometres; and
- no other compensation in the form of a further travel allowance or reimbursement is paid by the employer to the employee.

COMPANY CAR

Company car	2017	2016
Taxable value per month		
• First company car:		
– If no maintenance plan	3.5%	3.5%
– If subject to maintenance plan	3.25%	3.25%
• Second and subsequent company cars (not used primarily for business):		
– If no maintenance plan	3.5%	3.5%
– If subject to maintenance plan	3.25%	3.25%

Notes:

1. The above monthly rates apply to the determined value of the vehicle. From 1 March 2011 VAT is included in calculating the determined value.
2. From 1 March 2011, reductions to the fringe benefit value for private travel and / or costs borne by the employee for insurance, maintenance or fuel for private travel are only made on assessment. In order to claim a reduction, a logbook needs to be maintained.
3. 80% of the fringe benefit value, not reduced for private use or costs above, is subject to PAYE. Where the employer is satisfied that at least 80% of the use of the vehicle will be for business purposes, then PAYE may be based on 20% of the fringe benefit value.
4. Where the employer holds the vehicle under an operating lease, the fringe benefit value is not calculated on the percentage method per the table above, but is the sum of the lease costs and the cost of fuel.

OFFICIAL RATE OF INTEREST (FRINGE BENEFITS)

With effect from 1 March 2011 the official rate of interest is:

- Loan in Rands: 100 basis points above the repurchase (repo) rate
- Loan in foreign currency: 100 basis points above the equivalent of the repo rate for that currency.

Where the repo rate changes the official rate changes from the commencement of the following calendar month.

The current official rate is set at 7.75% with effect from 1 February 2016.

DEDUCTIONS FROM INCOME - INDIVIDUALS

Position up to 29 February 2016

Pension fund contributions

The deductible amount for current contributions is limited to the greater of (1) 7.5% of retirement funding income or (2) R1 750.

The limit for arrear contributions is R1 800 per annum with a carry forward allowed for any excess.

Retirement annuity fund contributions

The deductible amount for current contributions is limited to the greater of (1) 15% of non-retirement funding income (including investment income but excluding income from retirement lump sums) after taking account of all attributable deductions apart from tax deductible donations, tax deductible medical expenses and certain farming losses and expenses, or (2) R3 500 less the deductible current pension fund contributions or (3) R1 750.

The limit for arrear contributions is R1 800 per annum with a carry forward allowed for any excess.

Position from 1 March 2016

Retirement fund contributions:

The deductible amount for current contributions to pension, provident and retirement annuity funds is limited to 27,5% of the greater of remuneration for PAYE purposes or taxable income, (both excluding fund lump sums and severance benefits). Furthermore, the deduction is limited to a maximum of R350 000 per tax year. Any contributions exceeding the limitations are carried forward to the next tax year and are deemed to be contributed in that following year. The amounts carried forward are reduced by contributions set off when determining taxable retirement fund lumps sums or retirement annuities.

MEDICAL EXPENSES

2016 / 2017 year of assessment

No taxpayers claim deductions in respect of medical aid contributions or qualifying medical expenses. A credit - only (tax rebate) system applies.

Where the taxpayer is under the age of 65 and is not disabled and has no disabled dependents:

In respect of medical aid contributions, the amount of the credit is limited to:

- R286 where the contributions are in respect of the taxpayer only;
- R572 in respect of the taxpayer and one dependent;
- R572 plus R192 each, in the case of additional dependents.

An additional credit is allowed in the amount of 25% of so much of the amount of medical aid contributions paid by the taxpayer as exceeds four times the contribution limits above and the sum of qualifying medical expenses to the extent such amounts exceed 7.5% of taxable income (excluding retirement lump sum benefits and severance benefits).

Where the taxpayer is under the age of 65 and is disabled or has a disabled dependent, or alternatively is 65 or older:

In respect of medical aid contributions, the amount of the credit is limited as per the category for taxpayers under the age of 65.

An additional credit is allowed in the amount of 33.3% of so much of the amount of medical aid contributions paid by the taxpayer as exceeds three times the contribution limits above and the sum of qualifying medical expenses.

Donations to certain Public Benefit Organisations

The deduction is limited to 10% of taxable income calculated excluding retirement fund lump sums and severance benefits. Any excess contributions are carried forward to the following tax year. The deduction claimed must be supported by a Section 18A certificate issued by the PBO. A deduction for PAYE purposes may be allowed ('payroll giving').

TRANSFER DUTY

Transfer duty is calculated on the value of fixed property acquired to the extent to which the acquisition is not subject to VAT. With effect from 1 March 2016 the rates are as follows:

Property value	Rate
R0 – R750 000	0%
R750 001 – R1 250 000	3% of the value in excess of R750 000
R1 250 001 – R1 750 000	R15 000 plus 6% of the value in excess of R1 250 000
R1 750 001 – R2 250 000	R45 000 plus 8% of the value in excess of R1 750 000
R2 250 001 - R 10 000 000	R85 000 plus 11% of the value in excess of R2 250 000
R10 000 001 and above	R 937 500 + 13 % of the value exceeding R 10 000 000

COMPANIES AND CLOSE CORPORATIONS (OTHER THAN CERTAIN GOLD MINING COMPANIES AND LONG-TERM INSURERS)

Year of assessment ended during the period of 12 months ending 31 March

Normal tax on taxable income	2017	2016
Companies (other than entities below)	28%	28%
Companies (other than entities below) Effective capital gains tax rate	22.4%	18.6%
Turnover based presumptive tax system (elective) for micro businesses (turnover not exceeding R1m)	0% - 3% of turnover	0% - 3% of turnover
Non-resident companies with a branch in the Republic on SA source income Personal service providers	28% 28%	28% 28%
Small business corporations 2017 ^(N1) taxable income: 0 - R75 000 R75 001 - R365 000 R365 001 - R550 000 R550 001 and above		0% 7% of the amount above R75 000 R20 300 + 21% of the amount above R365 000 R59 150 + 28% of taxable income above R550 000
Small business corporations 2016 ^(N1) taxable income: 0 - R73 650 R73 651 - R365 000 R365 001 - R550 000 R550 001 and above		0% 7% of the amount above R73 650 R20 395 + 21% of the amount above R365 000 R59 245 + 28% above R550 000
Public benefit organisations and recreational clubs (trading income only)	28%	28%

(N1) Primary requirements to qualify as a small business corporation: all the shares are held by individuals, none of whom hold shares in any other company (other than listed shares, unit trusts and shares in certain tax exempt entities); the gross income of the corporation may not exceed R20m for the year of assessment; not more than 20% of the gross income of the company may comprise investment income and income from rendering a personal service and the company is not an 'employment company' or a 'personal service provider'.

WITHHOLDING TAXES

A withholding tax is levied in the Republic on the following amounts (**subject to double tax treaty relief**):

Dividends tax

This is a tax on the beneficial owner of a dividend at the standard rate of 15%, subject to numerous exemptions, including dividends paid to South African resident companies and Public Benefit Organisations as beneficial owners and where the dividend is not exempt from income tax in the hands of the recipient.

In the case of dividends in kind (other than in cash) the tax is borne by the company that declares and pays the dividend.

Interest

A final withholding tax on interest paid to non-residents came into effect in respect of interest that is paid or that becomes due and payable on or after 1 March 2015. The tax will be at the standard rate of 15%. There are numerous exemptions, including interest arising from banks, government debt and listed debt.

Royalties and similar payments to non-residents

A final withholding tax at the rate of 15% of the gross royalties payable in respect of royalties paid to non-residents for the use of patents, designs etc. in the Republic.

Withdrawal of withholding tax on service fees

It is proposed that the withholding tax on service fees of 15% be withdrawn from the Income Tax Act and dealt with under the provisions of reportable arrangements in the Tax Administration Act (2011).

Disposal of immovable property

A withholding tax in advance of a non-resident's capital gains tax liability must be withheld by the purchaser in respect of the disposal by a non-resident of immovable property with a value in excess of R2m. The rates are: 5% of the purchase price if the seller is a natural person, 7.5% if the seller is a company and 10% if the seller is a trust. A lower withholding rate than those set out above may be granted on application.

Foreign entertainers and sportspersons

A final withholding tax of 15% of the gross revenue is payable.

INTEREST RATES PAYABLE / RECEIVABLE

	Rates from 1 March 2016	Rates from 1 November 2014
Late or underpayment of tax	9.75% p.a.	9.25% p.a.
Refund of overpayment of provisional tax	5.75% p.a.	5.25% p.a.
Refund of tax on successful appeal or where the appeal was succeeded by SARS	9.75% p.a.	9.25% p.a.
Refund of VAT after prescribed period	9.75% p.a.	9.25% p.a.
Late payment of VAT	9.75% p.a.	9.25% p.a.
Customs and Excise	9.75% p.a.	9.25% p.a.

VALUE ADDED TAX (VAT)

VAT is levied on taxable supplies by registered VAT vendors at the standard rate of 14%. A number of supplies are zero rated, for example goods exported from the Republic and other supplies are classified as exempt, for example financial services and residential accommodation.

SECURITIES TRANSFER TAX (STT)

STT is levied at a rate of 0.25% on the higher of the consideration paid and the market value in respect of the transfer or redemption of listed or unlisted securities, including that of members' interests in close corporations.

SKILLS DEVELOPMENT LEVY (SDL)

Employers with a payroll of R500 000 or more per annum must account for SDL. SDL is calculated at 1% of the leviable amount of the monthly payroll including directors' fees.

UNEMPLOYMENT INSURANCE FUND (UIF)

Unemployment insurance contributions are payable monthly by employers on the basis of a contribution of 1% by the employer and 1% by the employees, based on employees' remuneration below a certain amount.

BBBEE STATUS: LEVEL TWO CONTRIBUTOR

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

JOHANNESBURG

1 Protea Place, Sandton, Johannesburg, 2196.
Private Bag X40, Benmore, 2010, South Africa.
Dx 154 Randburg and Dx 42 Johannesburg.
T +27 (0)11 562 1000 F +27 (0)11 562 1111
E jhb@cdhlegal.com

CAPE TOWN

11 Buitengracht Street, Cape Town, 8001.
PO Box 695, Cape Town, 8000, South Africa. Dx 5 Cape Town.
T +27 (0)21 481 6300 F +27 (0)21 481 6388
E ctn@cdhlegal.com

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