Deloitte.

Quick Tax Guide 2015/16
Driving progress

South Africa

Contents

Individuals

Tax Rates and Rebates

Individuals, Estates & Special Trusts (1)
(Year ending 29 February 2016)

Taxable income	*Rate of tax*
R0 – R181 900	18% of taxable income
R181 901 – R284 100	R32 742 + 26% of taxable income above R181 900
R284 101 – R393 200	R59 314 + 31% of taxable income above R284 100
R393 201 – R550 100	R93 135 + 36% of taxable income above R393 200
R550 101 – R701 300	R149 619 + 39% of taxable income above R550 100
R701 301 and above	R208 587 + 41% of taxable income above R701 300

Note (1): Trusts for the benefit of ill or disabled persons and testamentary trusts established for the benefit of minor children.

Primary Rebate:	All individuals	R13 257
Age Rebate(s) *:		
Secondary Rebate	Age 65 and older	R7 407
Tertiary Rebate	Age 75 and older	R2 466
* Additional to Primary Rebate.		

Tax Threshold:	Below age 65	R73 650
	Age 65 and older	R114 800
	Age 75 and older	R128 500

Exemptions

Local interest

- Individuals under 65 years of age: R23 800 per annum
- Individuals over 65 years of age: R34 500 per annum

Interest earned by a non-resident is exempt, unless the non-resident was physically present in South Africa (SA) for more than 183 days during the 12-month period preceding the date on which the interest is received or accrued, or the debt from which the interest arises is effectively connected to a permanent establishment (PE) of that person in SA. With effect from 1 March 2015, interest paid to non-residents may be subject to withholding tax (WHT) at a rate of 15% (see Withholding taxes).

Dividends

Subject to certain exceptions, local dividends are fully exempt from income tax in the hands of the recipient. However, see comments below in respect of WHT on dividends in the form of a dividends tax. Foreign dividends are subject to income tax in the hands of a South African shareholder, but exempt if the shareholder holds at least 10% of the equity shares and voting rights in the foreign company declaring the dividend. Foreign dividends received by individuals from foreign companies are taxable at a maximum effective rate of 15%. No deductions are allowed for expenses incurred to produce foreign dividends.

Tax-free investments

Amounts received by or accrued to an individual in respect of particular prescribed investment instruments and policies will be exempt. Contributions to these prescribed investments/policies will be subject to a R30 000 annual limit and a R500 000 lifetime limit.

Remuneration for services rendered outside South Africa

SA residents working abroad for more than 183 days over a 12-month period, and for a continuous period of more than 60 days during that period, are exempt from income tax on remuneration for services rendered while abroad.

Deductions and Tax Credits

Medical expenses

- Medical scheme fees tax credit:
  Monthly credit of R270 each for the taxpayer and his/her spouse (or first dependant), and a further R181 for every additional dependant
- Taxpayers 65 years (or older) and taxpayers with a disability (taxpayer, spouse or child):
  - 33.3% of the amount of contributions to a medical scheme as exceeds three times the medical scheme fees tax credit, and
  - 33.3% of qualifying medical expenses incurred.
- Taxpayers under 65 years:
  - 25% of the aggregate of the amount of fees paid to a medical scheme as exceeds four times the medical scheme fees tax credit and qualifying medical expenses as exceeds 7.5% of taxable income (before medical deduction and excluding retirement lump sum benefits).

Pension fund contributions

- Current contributions: Limited to the greater of: (a) R1 750; or (b) 7.5% of remuneration from retirement funding employment. Any excess may not be carried forward to the following year of assessment.
- Arrear contributions: R1 800 per annum. Any excess over R1 800 may be carried forward to the following year of assessment.

Retirement annuity fund (RAF) contributions

- Current contributions: Limited to the greater of: (a)15% of net income, excluding income derived from "retirement funding employment" (i.e. pensionable earnings); or (b) R3 500 less deductible current pension contributions; or (c) R1 750.
- Reinstatement contributions: R1 800 per annum.

Notes:

1. Any excess may be carried forward to the following year of assessment.
2. Provident fund contributions made by an individual are not tax deductible.
3. Significant changes have been proposed to the taxation of retirement fund contributions with effect from 1 March 2016. Currently, the proposals are that a taxable fringe benefit will arise in the hands of the employee in relation to an employer's contribution to a retirement fund and individuals will be able to claim a deduction of up to 27.5% of their taxable income for contributions to pension, provident and retirement annuity funds, with a maximum annual deduction limit of R350 000.

Donations

Donations to certain approved public benefit organisations (PBOs) are tax deductible. The tax deduction is limited to 10% of taxable income before medical expenses and donations (excluding retirement fund lump sums and severance benefits). These organisations include most welfare, healthcare, education and development, land and housing, and conservation, environmental and animal welfare organisations, with certain exceptions. Any excess may be carried forward and is treated as a donation made in the subsequent year.

Benefits and Allowances

Travel allowances

The following table sets out the three components of the rates that may be used in determining the cost of business travel, where actual costs are not used. Pay-As-You-Earn (PAYE) is withheld from 80% of travel allowances (20% is allowed in some circumstances):

Value of the vehicle (incl. VAT) (R)	*Fixed cost (R p.a.)*	*Fuel cost (c/km)*	*Maintenance cost (c/km)*
0 – 80 000	26 105	78.7	29.3
80 001 – 160 000	46 505	87.9	36.7
160 001 – 240 000	66 976	95.5	40.4
240 001 – 320 000	84 945	102.7	44.1
320 001 – 400 000	102 974	109.9	51.8
400 001 – 480 000	121 886	126.1	60.8
480 001 – 560 000	140 797	130.4	75.6
Exceeding 560 000	140 797	130.4	75.6

* If the travel allowance is applicable to a portion of the tax year, the fixed cost is reduced proportionately.

** Where the travel allowance is based on actual distance travelled and business travel during the tax year does not exceed 8 000 kilometres, no tax is payable on an allowance paid by an employer to an employee, up to the rate of 318 cents per kilometre, regardless of the value of the vehicle. This alternative is not available if other compensation in the form of an allowance or reimbursement (other than for parking or toll fees) is received from the employer in respect of the vehicle.

*** The logbook method to claim business travelling expenses is compulsory.

Company car fringe benefit

Taxable value per month = 3.5% of determined value (e.g. retail market value). (If subject to a maintenance plan, 3.25%). These rates apply for all vehicles provided by an employer. The benefit will be reduced by any consideration paid by the employee (other than consideration relating to insurance, licensing, maintenance or fuel, for which there are specific deductions available). On assessment there will be a reduction in the fringe benefit for business use, where an employee can furnish accurate records of distances travelled for business purposes and total distances travelled. The employee will also be entitled to a reduction in the taxable fringe benefit where he/she has borne the full expenditure relating to maintenance, licensing, insurance or fuel in relation to the company car, and has kept accurate details thereof. 80% of the fringe benefit will be included in remuneration for PAYE purposes. This monthly fringe benefit inclusion may be further reduced where employees travel extensively for business.

Residential accommodation

The taxable fringe benefit to be included in gross income will ordinarily be calculated by applying a prescribed formula, but it will comprise the lower of the formula and the cost to the employer in circumstances where the employer supplied accommodation that was obtained under an arm's length transaction with an independent third party. No taxable fringe benefit will apply in certain circumstances, including in the case of accommodation provided to employees who are away from their usual place of residence within SA or their usual place of residence outside SA (i.e. in respect of expatriate employees), subject to certain conditions and limitations.

Subsistence allowances

Subsistence allowances are tax-free if they are granted to an employee who is obliged to spend at least one night away from his/her usual place of residence while on business and if they do not exceed the following amounts:

- Varying amounts per day for meals and incidental costs for travel outside the Republic depending on the country/countries visited.
- R353 per day for meals and incidental costs for travel within the Republic.
- R109 per day for incidental costs only within the Republic.

Interest-free or low-interest loans
The difference between interest charged at the official rate, and the actual amount of interest charged, is to be included in gross income as a taxable fringe benefit.

Retirement Fund Lump Sum Withdrawal Benefits
Lump sum benefits in consequence of membership of a retirement fund, including amounts assigned in terms of divorce settlements in certain circumstances, other than lump sum benefits as below, are taxed according to the following table:

Taxable income from withdrawal benefits	*Tax payable*
R0 – R25 000	0% of taxable income
R25 001 – R660 000	18% of taxable income above R25 000
R660 001 – R990 000	R114 300 + 27% of taxable income above R660 000
R990 001 and above	R203 400 + 36% of taxable income above R990 000

Note: Taxable income is cumulative and includes all lump sum payments, whether on retirement (after 1 October 2007) or withdrawal (after 1 March 2009) or a severance benefit (after 1 March 2011).

Severance Benefits and Retirement Fund Lump Sum Benefits
Severance benefits are lump sums received by employees from employers in respect of the relinquishment or termination of employment for the following reasons:
- Attaining the age of 55 years.
- Due to incapacity through sickness or other ailment.
- Retrenchment due to cessation of trade or general reduction in staff.

Severance benefits and lump sum awards following retirement or retrenchment are taxed according to the following table:

Taxable income from severance benefits	***Tax payable***
R0 – R500 000	0% of taxable income
R500 001 – R700 000	R0 + 18% of taxable income above R500 000
R700 001 – R1 050 000	R36 000 + 27% of taxable income above R700 000
R1 050 001 and above	R130 500 + 36% of taxable income above R1 050 000

Note: Taxable income is cumulative and includes all lump sum payments whether on retirement (after 1 October 2007) or withdrawal (after 1 March 2009) or a severance benefit (after 1 March 2011).

Companies and Trusts

Tax Rates

(Unless otherwise stated, financial years ending on any date between 1 April 2015 and 31 March 2016)

- Basic rate (other than entities specified below): 28%
- Companies in certain special economic zones (proposed): 15%
- Trusts (other than special trusts)*: 41%

* Years of assessment commencing on 1 March 2015 or ending on 29 February 2016.

- Small business corporations (annual turnover of R20 million or less):

Taxable income	***Rate of tax***
R0 – R73 650	0% of taxable income
R73 651 – R365 000	7% of taxable income above R73 650
R365 001 – R550 000	R20 395 + 21% of taxable income above R365 000
R550 001 and above	R59 245 + 28% of the amount above R550 000

• Elective presumptive turnover tax for micro-businesses (qualifying annual turnover of R1 million or less)*:

Taxable turnover	*Rate of tax*
R0 – R335 000	0% of taxable turnover
R335 001 – R500 000	1% of the amount above R335 000
R500 001 – R750 000	R1 650 + 2% of the amount above R500 000
R750 001 and above	R6 650 + 3% of the amount above R750 000

Note: Qualifying micro-businesses are able to pay turnover tax, VAT and employees' tax twice a year.

* Years of assessment ending during the period of 12 months ending on 29 February 2016.

• Long-term insurers:
- Individual policyholder fund 30%#
- Company policyholder fund 28%
- Corporate fund 28%
- Untaxed policyholder fund 0%

Proposed that "risk" policies be taxed in a fifth fund.

• Gold mining companies:
- On gold mining income 34 - (170/x)*
  - * Where "x" is the ratio of taxable income from gold mining to income from gold mining, expressed as a percentage.
- On other income 28%

• Foreign resident companies earning SA source income: 28%

• PBOs and recreational clubs*: 28%

* Annual trading income exemption for PBOs and recreational clubs are R200 000 and R120 000 respectively.

Capital Allowances

Buildings

• Industrial (manufacture or similar process):
- Commenced 1/7/96 – 30/9/99 10%
- After 1 January 1989 5%
- Other 2%

• New and unused commercial buildings (and improvements): 5%

Intellectual property (see also Research and development)

- Costs incurred in acquiring (i.e. other than developing or creating):
  - Inventions, patents or copyrights — 5%
  - Designs — 10%

Note: Costs not exceeding R5 000 may be deducted in full. No deduction is available in respect of trademarks.

Research and development (R&D)

Costs incurred in any year of assessment:

- Systematic investigative or experimental activities of which the result is uncertain for discovering non-obvious scientific or technical information, or creating any invention, design, computer program or essential knowledge, specified improvements to the above, certain pharmaceutical products and clinical trials: — 150%
- New or unused building, machinery, plant, implement, utensils or article or improvements thereto brought into use for the first time for R&D purposes: — 50%/30%/20%

Note: The R&D must be approved by the Minister of Science and Technology in advance to qualify for the enhanced allowance of 150%. To the extent that government grants are received to fund R&D, the expenditure so incurred does not qualify for the additional 50% allowance. Certain activities are excluded.

Plant and machinery

- Manufacturing or similar process (new only): — 40%/20%/20%/20%
- Industrial policy projects (additional investment allowance):
  - Preferred status — 55%
  - Preferred status in IDZ (SEZ) — 100%
  - Other — 35%
  - Other in IDZ (SEZ) — 75%
- Renewable energy technology equipment: — 50%/30%/20%
- Small business corporations:
  - Manufacturing assets — 100%
  - Other depreciable assets* — 50%/30%/20%

* General depreciation regime optional.

Movable capital assets

Assets that are not subject to other capital allowances: Wear-and-tear at rates in terms of Interpretation Note No.47 (Issue 3) may apply. Any asset costing R7 000 or less may be written off in the year in which it is acquired.

Older buildings, plant, aircraft and ships and R&D assets

These may be subject to allowances at different rates.

Employees' Tax

Employees' tax is withheld by an employer from remuneration paid to an employee. Directors of private companies are subject to tax on their "deemed remuneration" calculated in accordance with a formula, as well as any actual remuneration paid or payable to them, unless at least 75% of their remuneration in the previous tax year comprised fixed monthly payments.

Note: All allowances paid to an employee (except subsistence allowances and travel allowances) are subject to employees' tax in full or according to a formula.

Skills Development Levy (SDL)

- On remuneration payable: 1%

Note: Employers with annual payroll of less than R500 000 are exempt, as well as certain approved PBOs. Generally, the total value of remuneration paid is used to calculate the levy, but it excludes amounts paid to independent contractors, reimbursement payments to employees, pensions paid and remuneration of learners under contract.

Unemployment Insurance Fund (UIF) Contributions

UIF contributions are payable monthly by employers on the basis of a contribution of 1% by employers and 1% by employees, based on employees' remuneration below a certain amount (currently R14 872, proposed at R1 000 for the 2015/16 year). Employers not registered for PAYE or SDL purposes must pay the contributions to the Unemployment Insurance Commissioner.

Employment Tax Incentive

Employers of qualifying employees (e.g. employees between the age of 18 and 29 years) may be eligible for a rebate/refund of employees' tax as follows:

- First 12 months of qualifying employee's employment:
  - 50% of an employee's monthly remuneration up to R2 000 per month (This would only be applicable if the minimum wage prescribed by the relevant sector determination or bargaining council agreement was less than R2 000 per month).
  - For an employee with a monthly remuneration of between R2 000 and R4 000, the incentive will be R1 000 per month.
  - For employees with monthly remuneration of between R4 000 and R6 000, the value of the incentive will be between R1 000 and zero per month, as determined in terms of a formula.
- Second 12 months of qualifying employee's employment: Half of the amounts mentioned above.

Other Taxes, Duties and Levies

Withholding Taxes (WHTs)

Dividends tax

Dividends tax (DT) must be withheld from dividends at a rate of 15% by local companies and foreign companies on shares listed on the Johannesburg Stock Exchange (JSE). The rate may be reduced in terms of Double Taxation Agreements (DTAs). Exemptions apply for domestic retirement funds, PBOs and domestic companies. Certain requirements have to be complied with in order for the exemption or reduced rate to apply.

Other payments to non-residents#

• Royalties*:	15%
• Interest**:	15%
• Service fees***:	15%
• Sportsmen and entertainers who perform in SA:	15%
• Fixed property acquired in SA from a seller that is a non-resident:	
- If the non-resident is a natural person	5%
- If the non-resident is a company	7.5%
- If the non-resident is a trust	10%

Note: WHT is not payable if the total amount payable for the immovable property does not exceed R2 million.

Certain of these rates may be reduced by DTAs.

* The WHT on royalties is a final tax levied at 15% (prior to 1 January 2015, 12%). The WHT does not apply to amounts derived by non-resident companies from a branch or agency in South Africa, or to amounts relating to the use of certain copyrights in printed publications, or royalties paid to any controlled foreign company.

** The WHT on interest is effective from 1 March 2015. Certain exemptions apply (e.g. government bonds, listed debt and local collective investment schemes).

*** The WHT on service fees is proposed to come into effect on 1 January 2016 and will be a final tax levied at a rate of 15%.

Capital Gains Tax (CGT)

Inclusion rates

• Individuals, special trusts and individual policyholder funds:	33.3%
• Other taxpayers:	66.6%

Exclusions

• Individuals (annual non-cumulative):	R30 000
• Individuals in year of death:	R300 000
• Primary residence exclusion on the disposal of a primary residence:	R2 million gain/loss
• Small business assets (persons over age 55 and market value of assets not more than R10 million):	R1.8 million

Value-Added Tax (VAT)

Rates: 14% and 0%

The VAT registration threshold is R1 million of taxable supplies per annum. A vendor making taxable supplies of more than R50 000, but not more than R1 million per annum, may apply for voluntary registration. Non-residents that carry on an enterprise in SA are required to register. Certain supplies are zero-rated or exempt from VAT.

Provisional Tax

A provisional taxpayer is a company and any person who earns income other than remuneration or an allowance/advance payable by the person's principal. Compulsory provisional tax payments – which are made six months after the beginning of a year of assessment, as well as at the end of it – represent tax on expected income. A "two-tier" model is applicable. For taxpayers with taxable income of less than R1 million (i.e. "tier one" taxpayers), the second provisional payment must equal the lower of the "basic amount", which is the previously assessed income for the latest tax year, escalated by 8% per annum if the period is more than one year old, or 90% of actual taxable income. For other taxpayers (i.e. "tier two" taxpayers), an estimate that is equal to at least 80% of the taxable income for the year is required for the second provisional tax payment. A penalty will be levied if the estimate does not meet the required percentage of actual taxable income.

Donations Tax

Rate: 20%

Exemptions include (among others): R100 000 per annum (individuals), R10 000 per annum (private companies), donations between spouses, donations to approved PBOs and recreational clubs, donations by public companies and donations between SA resident group companies, etc.

Estate Duty

Rate: 20% of the dutiable amount of a deceased estate (property of residents and SA property of non-residents). Deductions include: A standard deduction of R3.5 million per estate (R7 million for a married couple) and certain other deductions, the most important of which is the deduction for property accruing to a surviving spouse.

Transfer Duty

Paid on acquisition of immovable property where the transaction is not subject to VAT. Transfer duty is also payable on the acquisition of residential property through an interest in a company or trust. The rates of duty are as follows:

Value of property	*Rate*
R0 to R750 000	0% of property value
R750 001 to R1 250 000	3% of property value above R750 000
R1 250 001 to R1 750 000	R15 000 + 6% of property value above R1 250 000
R1 750 001 to R2 250 000	R45 000 + 8% of property value above R1 750 000
R2 250 001 and above	R85 000 + 11% of property value above R2 250 000

Securities Transfer Tax (STT)

STT is a tax levied on the transfer or cancellation of any listed and unlisted security. The STT rate is 0.25%.

Exchange Control*

Individuals	*Allowance**
Individuals are entitled to an annual allowance of R10 million which does not require exchange control approval. The Financial Surveillance Department of the South African Reserve Bank (SARB) will consider applications in excess of R10 million subject to conditions.	Foreign capital/investment allowance: - Natural persons: R10 million per calendar year or upon emigration, or R20 million per family unit. - No exchange control approval required.
	Single discretionary allowance: - The annual R1 million allowances may be used for legal purposes abroad.
Corporates	
	- No approval from the SARB is required for companies wanting to invest R1 billion or less (per year per application). However, authorised dealers will be required to ascertain whether the company meets certain criteria. - The dispensation for credit card usage, currently limited to individuals, will be extended to corporates.

*As from 1 April 2015.

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