

# EXTERNAL GUIDE

## COMPLETION GUIDE FOR IRP3(a) AND IRP3(s) FORMS

## REVISION HISTORY TABLE

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16-10-2020	4	The email address for manual tax directives has been updated with the new email address

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## 1 PURPOSE

- This guide in its design, development, implementation and review phases is guided and underpinned by the [SARS Strategic Plan 2020/21 - 2024/25](#) and the applicable legislation. Should any aspect of this guide be in conflict with the applicable legislation the legislation will take precedence.
- The purpose of this guide is to assist employers with the completion of a Tax Directive Application form to obtain a Tax Directive (IRP3) before a lump sum can be paid to an employee. The forms that will be addressed in this guide are:
  - IRP3(a) - Application for a Tax Directive: Gratuities
  - IRP3(s) - Application for a Tax Directive: Section 8A or 8C amount
- This guide **does not** apply to the following tax directive applications:
  - Request for a Tax Deduction Directive: Pension and Provident funds (Form A&D).
  - Request for a Tax Deduction Directive: Pension and Provident funds Transfer (Form B).
  - Request for a Tax Deduction Directive: Retirement Annuity funds (Form C).
  - Request for a Tax Deduction Directive: After Retirement and Death Annuity Commutations (Form C).
    - For above mentioned forms refer to the '*Guide to Complete the Tax Directive Application Forms*' on SARS website.
  - Application for Tax Directive: Fixed percentage [IRP3(b)].
  - Application for Tax Directive: Fixed Amount [IRP3(c)].
  - Application for Tax Directive: Fixed percentage -Freelance Artist [IRP3(pa)].
  - Request for a Directive – Variation in the Deduction / Withholding of Employees' Tax [IRP3(q)]
  - Request for a Directive: Provision for Doubtful Debt [IRP3(f)].

## 2 GENERAL INFORMATION

### 2.1 WHO MUST COMPLETE AND SUBMIT A TAX DIRECTIVE APPLICATION FORM?

- In some instances, an employer will pay a lump sum to an employee as a direct result of their employment or due to the employment being terminated.
- Employers are required in terms of paragraph 9(3) of the Fourth Schedule to the Income Tax Act No.58 of 1962, as amended ('the Act') to apply for a Tax Directive in respect of any lump sum payable by way of a severance benefit, gratuity or any other amount.
  - An employee cannot complete and submit an IRP3(a) or IRP3(s) Tax Directive Application form.
  - Tax Directives completed by the employee in their personal capacity should not be accepted by the employer. Only the employer can complete the tax directive application form and apply for tax directives on behalf of the employee.
- SARS will prescribe the amount of employees' tax that has to be withheld from the specific lump sum payment and subsequently paid over to SARS.
  - The date of accrual, the annual income on the tax directive application form and the reason selected will determine the tax treatment of the amount payable and the rate of tax to be used to calculate the employees' tax.

- Employers have to submit a Tax Directive Application form irrespective of the amount payable.
- In an instance where the employee exercises a share option (section 8A gain or section 8C amounts) or certain dividends, the amount must be included as remuneration in terms of paragraphs (e) and (g) of the definition 'remuneration' in the Fourth Schedule to the Act, read with paragraph 11A.
- In terms of paragraph 11A(4) of the Fourth Schedule, the employer must ascertain from the Commissioner the amount to be deducted or withheld from:
  - section 8A gains;
  - amounts referred to in section 8C;
  - amounts received or accrued by way of dividends in;
    - paragraph (dd) of the proviso to section 10(1)(k)(i);
    - paragraph (ii) of the proviso to section 10(1)(k)(i);
    - paragraph (jj) of the proviso to section 10(1)(k)(i); or
    - paragraph (kk) of the proviso to section 10(1)(k)(i).
  - The employer must make use of the IRP3(s) Tax Directive Application form.

## 2.2 WHERE TO OBTAIN A TAX DIRECTIVE APPLICATION FORM?

- The updated Tax Directive Application forms can be obtained through any of the following channels:
  - **The SARS website [www.sars.gov.za](http://www.sars.gov.za)**
    - The latest version of the manual (hard copy) application forms is available.
      - The updated manual forms on the SARS website must only be used for a manual tax directive applications where the employer could not obtain a directive electronically and there is evidence of previous rejected submission. If a rejected submission could not be found on the SARS system the tax directive application form will be sent back with a request to submit the tax directive application through eFiling or an Interface Agency.
  - **eFiling:**
    - If your organisation is not registered as an eFiler, please log on to [www.sarsefiling.co.za](http://www.sarsefiling.co.za) to register and refer to the guide: '*How to Register, Manage Users and Change User Password on eFiling*'. Once the employer is registered as an organisation on eFiling the tax directive applications can be submitted through eFiling.
  - **Electronically** (via an Interface)
    - An employer can register as an interface agent or use established interface agents to capture the application forms online. The interface agent will submit the data as required by SARS to process the Tax Directive applications.
    - The interface specification 'IBIR-006- Tax Directive and the INF001 form to register to get access to SARS Interface are on SARS website.
    - To submit Tax Directives in 'bulk' the employer must register as an interface agent (Complete INF001) and set up their system to submit the applications in bulk.

## 2.3 HOW TO SUBMIT A TAX DIRECTIVE APPLICATION FORM?

- A completed application form can be submitted through any of the following channels:
  - **eFiling: Registered eFiling** Employers can complete the tax directive forms online and obtain the directive once the application has been processed **or view the reason the application was declined.**

- **Electronically:** Through the employer's own interface or use established interface agency.
- **Email:** Only in extreme circumstance where the employer cannot obtain a tax directive through eFiling or an Interface Agency can the employer email the hardcopy IRP3(a) or IRP3(s) to [contactus@sars.gov.za](mailto:contactus@sars.gov.za). Additional information is available on SARS website under 'Contact Us'.

### 3 COMPLETING THE TAX DIRECTIVE APPLICATION FORM

- The layout of the application form referred to in this completion guide is based on the manual application forms. The information in this guide is also applicable to the completion of the electronic application forms.

#### 3.1 TAXPAYER DETAILS

- This part of the form is generic to the IRP3(a) and IRP3(s) Tax Directive Application forms.

Taxpayer Details	
Taxpayer ref no.	Year of Assessment ended on (CCYYMMDD)
Surname	
First Name	
Other Name	
Initials	Date of Birth (CCYYMMDD)
Passport/ Permit no.	Identity Number
	Passport Country / Country of Origin (e.g. South Africa = ZAF)
If the taxpayer/member is not registered for income tax, select one of the following reasons:	
	Unemployed <input type="checkbox"/> Other <input type="checkbox"/>
Specify other	
Annual Salary R	Employee no.
Residential Address	
	Postal Code
Postal Address	
	Postal Code

- Under the 'Taxpayer Details' container provide the personal details of the employee who will receive the lump sum payment.
  - The information in this container must be similar to the information used to issue an IRP5/IT3(a) tax certificate for the lump sum amount paid.

##### 3.1.1 Taxpayer's Reference Number:

- This number is also referred to as income tax reference number and is allocated by SARS to the taxpayer when registering for income tax purposes. This number must also be reflected on the IRP5/IT3(a) tax certificate.
  - The income tax reference number can only start with and 0, 1, 2 or 3 and must have 10 digits.
  - The error message 'Invalid reference number for applicant' or 'Contact SARS - Tax No on application differs from Client DB' (data base) will be displayed where:
    - The employer has used the incorrect income tax number on the tax directive application form;

- The employee has more than one active income tax reference number; or
- The identity (ID) number on the tax directive application form does not correspond with the ID number on SARS's system.
- Where an employee has registered for Income Tax purposes, an income tax reference number was issued and the employer submits the tax directive application form without the income tax reference number, the SARS tax directive system will decline the application.
- The employee must provide the employer with the correct income tax reference number.

### 3.1.2 Year of assessment ended on (Tax Year)

- This is the period commencing on 1 March of a particular year to the end of February of the following year.
  - The date of accrual will determine the 'Year of Assessment' on the IRP5/IT3(a) tax certificate and must fall within the 'Year of assessment ended on' or the 'Tax year'.
  - The date of accrual must fall within the year.
    - For example if the date of accrual is 25 April 2018 the 'Tax year' or 'Year of assessment ended on' will be 2019-02-28. The tax year on the Tax Directive will be 2019 and the 'Year of assessment' on the IRP5/IT3(a) tax certificate must be 2019.

### 3.1.3 Taxpayer's personal details

- **Surname:** This is a mandatory field.
- **First name and other name:** This is a mandatory field.
  - Enter the employee's name(s). Use the name(s) as contained in the identity document or passport.
  - Do not use nicknames to avoid the tax directive being rejected.
  - The names must correspond with the information on SARS's records.
  - The "Initials" are mandatory for electronically submitted application forms and must correspond with the names.
- **Date of birth:**
  - This is a mandatory field.
  - The date of birth must correspond with the first six digits of the ID number where the ID number is provided.
- **Identity number:**
  - This is a mandatory field.
  - The ID number must correspond with the latest issued identity document or identity card issued by the South African Department of Home Affairs.
    - One of the reasons for the rejection '*Income tax reference number invalid for applicant*' **can** be due to the ID number on the application form not matching the ID number on SARS' records. Employer is using the incorrect tax number or captured the incorrect ID number.
- **Other Identification:**
  - The "*Other Identification*" field must only be completed where the taxpayer does not have a South African ID number.

- If the taxpayer is registered for Income Tax, the other identification number on the Tax Directive Application form must match the other identification number that the taxpayer has used to register for Income Tax with SARS.
        - If the passport number has changed and the current passport number differs from the passport number on SARS's records, the taxpayer must first visit the nearest SARS branch to update the passport number on the taxpayer's registered details before the application form can be submitted.
- **Specify other identification:** If the 'Other Identification' field is completed instead of the 'Identity Number', specify what type of 'Other Identification' was used, e.g. passport number or work permit number.

### 3.1.4 If the taxpayer / employee is not registered for Income Tax, select one of the following reasons:

- The employer can select:
  - 'Unemployed'; or
  - 'Other'.
    - If reason 'Other' is selected a reason for this must be supplied.
  - If the employer submits the tax directive application without the income tax reference number and indicate '*the reason taxpayer is not registered*' is unknown or any other reason, and the employee has registered for Income Tax and an income tax reference number was issued, the SARS tax directive system will decline the application for a tax directive. The taxpayer / employee must provide the employer with the correct income tax reference number if registered for Income Tax.

### 3.1.5 Annual Salary:

- The **annual** salary field is mandatory.
  - The annual salary must **exclude** the amount on the tax directive application form to be processed, for example the severance benefit amount, the leave payment, CCMA award, etc.
  - This is the employee's total package for the year including any fringe benefits and any other allowances that the employee has received during the year of assessment.
  - If the annual salary amount is not completed correctly, the tax calculation will be incorrect, where the annual payment / bonus calculation is used to determine the tax payable. Incorrect completion of the annual salary might cause financial hardship for the employee on assessment.

### 3.1.6 Employee Number:

- This field is not mandatory.

### 3.1.7 Residential address and postal code:

- The Residential address and postal code fields are mandatory.
  - Provide both the employee's residential address and the postal code.
  - Do not use symbols or other characters in the address field. Only complete numerical and alphabetical characters.

### 3.1.8 Postal address and postal code:

- These fields are mandatory and can be the same as the residential address.
  - Provide both the employee's postal address and postal code.
  - Do not use symbols or other characters in the address field. Only complete numerical and alphabetical characters.

## 3.2 PARTICULARS OF THE EMPLOYER

- This part of the form is generic to the IRP3(a) and IRP3(s) Tax Directive Application forms.

Particulars of Employer	
PAYE reference No.	7
Name of Employer	
Contact person	
Tel No.	
Email address of Employer	
Business Address	
	Postal Code
Postal Address	
	Postal Code

### 3.2.1 Employer's PAYE number

- The Employer's PAYE number is mandatory.
  - This number starts with a 7 and consists of 10 digits. This is the Pay-As-You-Earn (PAYE) reference number issued by SARS when the employer registers for PAYE with SARS.
  - The tax liability on the tax directive must be paid over to SARS with reference to this number and the employer must issue an IRP5/IT3(a) tax certificate.
    - Paragraph 13(1) of the Fourth Schedule prescribes that an employer must furnish an employee, to whom remuneration is paid or has become payable and from which employees' tax in respect of a tax period was deducted or withheld, with an IRP5/IT3(a) certificate within the prescribed period.
    - The prescribed period in terms of paragraph 13(2) is fourteen (14) days after an employee has left the employer's service or 60 days after the end of that year of assessment if that person remains an employee of the employer.

### 3.2.2 Name of the employer:

- This field is mandatory.

### 3.2.3 Contact person:

- This field is mandatory.
- Provide the name of the person to be contacted when more information regarding the tax directive application is required.

### 3.2.4 Contact person's telephone number:

- Provide the telephone number of the person to be contacted when more information regarding the tax directive application is required.

### 3.2.5 The employer's e-mail address:

- It is a mandatory field and must contain an "@" sign and a domain.

### 3.2.6 The employer's business address and postal code:

- Provide the employer's business address.
  - Do not use symbols or other characters in the address field. Only complete numerical and alphabetical characters.

### 3.2.7 The employer's postal address and postal code:

- This address is mandatory.
  - Provide the employer's postal address.
  - Do not use symbols or other characters in the address field. Only complete numerical and alphabetical characters.
  - This address is used to post the manual tax directive if the tax directive application form was submitted manually.

## 3.3 IRP3(A) APPLICATION FORM - ADDITIONAL DETAILS OF APPLICATION

- This part of the application form is not generic, although certain fields are generic but will be dealt with under each application form type.
- In this part of the application form, the employer has to indicate the reason(s) for submitting the tax directive application. The reason indicates why the lump sum / amount is payable.
- The '*Reason for directive*' selected on a tax directive application form will determine the applicable rate of tax that must be applied to the taxable portion of the amount payable by the employer.
  - Therefore **only one reason** per application form can be used.
  - Leave payments and pro-rata bonus fields must not be completed if one of the '*Severance benefit*' fields are selected as different tax rates are used to determine the tax payable.
  - If the reason field '*Other*' is selected, a list of amounts applicable can be provided under '*Other (Specify other payment separately)*'.

### 3.3.1 Date of accrual (CCYYMMDD):

- The date of accrual is a mandatory field and should be completed in order to comply.
  - The accrual date is the date the benefit accrues to the employee, e.g. the date of death, the date of retirement, etc.
    - If an amount is payable after date of death the date of accrual for that taxpayer cannot be after the date of death. The date of accrual must then be equal to the date of death.







- A tax directive must be obtained from SARS for the full benefit payable. The applicable exemption shall be determined by SARS on the processing of the tax directive application.
- Such amount which becomes payable in consequence of / or following the death of a person must be deemed to accrue to such person immediately prior to his or her death.

- Reason to be selected and the amount field to be completed:

Section 10(1)(gB)(iii) Compensation	
Section 10(1)(gB)(ii) - Death compensation payable	R <input style="width: 150px; height: 15px;" type="text"/> , <input style="width: 20px; height: 15px;" type="text"/>

- The source code to be used for dates of accruals after 01 March 2011 for the gross amount is code 3922 on the IRP5/IT3(a) tax certificate. Tax certificate reason code 04 'Non-taxable earnings (including nil directives)' must be used in the 'Reason for no tax deducted' field if this amount is the only amount on the IRP5/IT3(a) tax certificate.

### 3.3.9 Employer owned policy proceeds - Taxable

- This is a lump sum paid as a direct result of an insurance policy, which the employer enters into for the benefit of employees or directors, or for their dependants / nominees.

- A tax directive application must be submitted -
    - Where the policy proceeds are received by the employee, or the dependant or nominee of the employee; or
    - Where the policy proceeds will be received directly (from the insurer) or indirectly (from the employer).

- Reason to be selected and the amount field to be completed:

Employer owned policy proceeds - Taxable	
Employer owned policy proceeds payable	R <input style="width: 150px; height: 15px;" type="text"/> , <input style="width: 20px; height: 15px;" type="text"/>

- The source code to be used for dates of accruals after 01 March 2012 for the gross amount is code 3907 on the IRP5/IT3(a) tax certificate. The code 4102 must be used for the employees' tax withheld in terms of the directive.

### 3.3.10 Employer owned policy proceeds - exempt s10(1)(gG)

- The employee will be entitled to an exemption in terms of section 10(1)(gG) to any employer owned policy proceeds if:

- The premiums payable by the employer were included in the employee's gross income and taxed as a fringe benefit ; or
  - In the case of employer owned income protection risk policy, if the premiums were allowed as a deduction to the employee, the exemption will not be applicable to the employee.

**NOTE:** An employer is required to apply for a tax directive if **any** lump sum amount in respect of an employer owned policy proceeds is payable to an employee.

- Reason to be selected and the amount field to be completed:

Employer owned policy proceeds – Exempt section 10(1) (gG)	
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### 3.4 IRP3(S) - APPLICATION FOR A TAX DIRECTIVE: SECTION 8A OR 8C AMOUNT

- The IRP3(s) must be used for gains made in respect of rights to acquire marketable securities; and amounts in respect of the vesting of equity instruments.

#### 3.4.1 Mark the applicable reason for the directive application request with an X

- The employer must analyse the nature of the payment(s) that will be made to the employee and select the appropriate reason(s) provided on the tax directive application form.
- Below is a detailed description of each available reason on the application form.

Amount Details		
Mark the applicable reason for the directive application request with an X:		
Revenue gain i.r.o rights to acquire marketable securities in terms of section 8A	Revenue gain i.r.o the vesting of equity instruments in terms of section 8C	Amounts in terms of par (dd) of the proviso to section 10(1)(k)(i) dividends
Amounts in terms of par (i) of the proviso to section 10(1)(k)(i) dividends	Amounts in terms of par (j) of the proviso to section 10(1)(k)(i) dividends	Amounts in terms of par (kk) of the proviso to section 10(1)(k)(i) dividends

#### 3.4.2 Revenue gain i.r.o rights to acquire marketable securities in terms of section 8A

- Reason to be selected:

Revenue gain i.r.o rights to acquire marketable securities in terms of section 8A

- Enter the amount next to 'Gross value of gain/amount'.
- The gross value of the gain must be reflected under code 3707 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the directive, under code 4102.

#### 3.4.3 Revenue gain i.r.o the vesting of equity instruments in terms of section 8C

- Reason to be selected:

Revenue gain i.r.o the vesting of equity instruments in terms of section 8C

- Enter the amount next to 'Gross value of gain / amount'.
- The gross value of the gain must be reflected under code 3718 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the directive, under code 4102.

#### 3.4.4 Is the Employee a tax resident?

- Select 'Yes' or 'No' to indicate if the application is for an employee who is a tax resident in terms of the definition of 'resident' in section 1(1) of the Income Tax Act.
  - For more detailed information regarding 'resident' refer to Interpretation Note 3 – 'Resident: Definition in relation to a natural person - ordinarily resident' and Interpretation Note 4 – 'Resident: Definition in relation to a natural person - physical presence test' on SARS's website.
- If the response to this question is 'Yes' the next question is mandatory. The source period relating to the section 8A / 8C revenue gain can only be completed if the employee is a tax resident.

### 3.4.5 Is the exemption in terms of section 10(1)(o)(ii) applicable?

- If the answer is 'Yes' to the question '*Is the exemption in terms of section 10(1)(o)(ii) applicable?*' at least one of the qualifying period fields must be completed.
  - Indicate if the exemption in terms of section 10(1)(o)(ii) is applicable.
    - If the exemption is applicable provide the 'start date' and 'end date' for each qualifying 12-month period in the source period where service was rendered outside SA.
      - Start with the oldest period first and the dates must be chronological.
    - Only the qualifying 12-months periods during the source period must be completed.
      - The days from the 'Start date' to the 'End date' cannot be more than a 12-month period. The 'End date' must end a day before the 'Start date' of the next qualifying 12-months periods.
    - The 12-months periods must fall within the source period. Refer to the field '*Please provide source period relating to the section 8A / 8C revenue gain*':
      - These fields must only be completed where service was rendered outside South Africa during the source period relating to the section 8A or 8C revenue gain.
      - The total days of these 12 month periods must correspond with the days in the '*Number of work days outside SA during the source period*' field. If there is a difference in these days the application will be rejected with an error message '*Outside SA days - 12 month period differs from source period totals*'.
    - Where services were not rendered outside SA these fields must be blank.
    - These fields are not applicable to the following reasons:
      - Amounts in terms of par (dd) of the proviso to section 10(1)(k)(i) dividends;
      - Amounts in terms of par (ii) of the proviso to section 10(1)(k)(i) dividends;
      - Amounts in terms of par (jj) of the proviso to section 10(1)(k)(i) dividends; or
      - Amounts in terms of par (kk) of the proviso to section 10(1)(k)(i) dividends.

Is the exemption in terms of section 10(1)(o)(ii) applicable? Yes  No

Indicate the qualifying 12 months period(s) during which the exemption in terms of section 10(1)(o)(ii) applies:

Start date (CCYYMMDD) <input style="width: 100%;" type="text"/>	End date (CCYYMMDD) <input style="width: 100%;" type="text"/>
Total number of work days during above qualifying period <input style="width: 100%;" type="text"/>	Number of work days outside SA during above qualifying period <input style="width: 100%;" type="text"/>
Start date (CCYYMMDD) <input style="width: 100%;" type="text"/>	End date (CCYYMMDD) <input style="width: 100%;" type="text"/>
Total number of work days during above qualifying period <input style="width: 100%;" type="text"/>	Number of work days outside SA during above qualifying period <input style="width: 100%;" type="text"/>
Start date (CCYYMMDD) <input style="width: 100%;" type="text"/>	End date (CCYYMMDD) <input style="width: 100%;" type="text"/>
Total number of work days during above qualifying period <input style="width: 100%;" type="text"/>	Number of work days outside SA during above qualifying period <input style="width: 100%;" type="text"/>
Start date (CCYYMMDD) <input style="width: 100%;" type="text"/>	End date (CCYYMMDD) <input style="width: 100%;" type="text"/>
Total number of work days during above qualifying period <input style="width: 100%;" type="text"/>	Number of work days outside SA during above qualifying period <input style="width: 100%;" type="text"/>
Start date (CCYYMMDD) <input style="width: 100%;" type="text"/>	End date (CCYYMMDD) <input style="width: 100%;" type="text"/>
Total number of work days during above qualifying period <input style="width: 100%;" type="text"/>	Number of work days outside SA during above qualifying period <input style="width: 100%;" type="text"/>

### 3.4.6 Please provide source period relating to the section 8A / 8C revenue gain

- The source period fields are mandatory.
  - The number of work days outside SA must be zero if the answer is 'No' to the question 'Is the exemption in terms of section 10(1)(o)(ii) applicable?'.
- The information in these fields must and will be used to determine the exemption under section 10(1)(o)(ii) applicable to the period where the service was rendered outside SA and is a summary of the qualifying 12-month period in the source period.
  - The 'Total number of work days during above qualifying period' and 'Number of work days outside SA during above qualifying period' must fall within the source period.
    - For old schemes entered into before 2018 year of assessment where the 'working days' are not available the calendar days can be used. For schemes with a start date after 1 March 2018 only working days can be used.
      - If the total number of the days, entered in the 12 month period fields, differs from the days entered in 'Number of work days outside SA during the source period' field the application will be rejected with an error message 'Outside SA days - 12 month period differs from source period totals'.

Please provide source period relating to the section 8A/8C revenue gain:

Start date (CCYYMMDD)

End date (CCYYMMDD)

Total number of work days during source period

Number of work days outside SA during source period

- The above fields must only be completed if the employee has worked outside SA during the source period.

### 3.4.7 Gross value of gain / amount

Gross value of gain/amount

R  ,

- This is a mandatory field.
- The employer must enter the gross value of the gain or the dividend amount payable in terms of paragraph (g) of the definition 'remuneration' in the Fourth Schedule to the Act in the amount field.



- The total must be entered in the amount field for '*Exempt amount of the gain / amount under section 10(1)(o)(ii)*'.

### 3.4.8 Exempt amount of the gain / amount under section 10(1)(o)(ii)

- If the exemption under section 10(1)(o)(ii) is applicable, the employer must calculate the exemption and enter the exempt amount in this field.
  - The SARS tax directive system will calculate and verify the exempt amount is in accordance with the information provided in all the applicable fields. The tax directive application will be declined if the difference exceeds R1.

### 3.4.9 Amounts in terms of par (dd) of the proviso to section 10(1)(k)(i) dividends

- Reason to be selected:

Amounts in terms of par (dd) of the proviso to section 10(1)(k)(i) dividends

- Enter the amount on the field '*Gross value of gain / amount*'.
- The gross amount must be reflected under code 3719 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the tax directive, under code 4102.

### 3.4.10 Amounts in terms of par (ii) of the proviso to section 10(1)(k)(i) dividends

- Reason to be selected:

Amounts in terms of par (ii) of the proviso to section 10(1)(k)(i) dividends

- Enter the amount next to '*Gross value of gain / amount*'.
- The gross amount must be reflected under code 3720 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the tax directive, under code 4102.

### 3.4.11 Amounts in terms of par (jj) of the proviso to section 10(1)(k)(i) dividends

- Reason to be selected:

Amounts in terms of par (jj) of the proviso to section 10(1)(k)(i) dividends

- Enter the amount next to '*Gross value of gain / amount*'.
- The gross amount must be reflected under code 3721 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the directive, under code 4102.

### 3.4.12 Amounts in terms of par (kk) of the proviso to section 10(1)(k)(i) dividends

- Reason to be selected:

Amounts in terms of par (kk) of the proviso to section 10(1)(k)(i) dividends

- Enter the amount on the field '*Gross value of gain / amount*'.
- The gross amount must be reflected under code 3723 on the IRP5/IT3(a) tax certificate and the employees' tax withheld in terms of the directive, under code 4102.

### **3.5 Paragraph 11A(5) of the Fourth Schedule**

- The employer must first submit a tax directive application and attach the IRP3 tax directive to the correspondence regarding paragraph 11A(5) of the Fourth Schedule:
  - The correspondence must indicate where the employer is registered for PAYE purposes; and
  - Reason or explanation why the employer is unable to deduct the PAYE, indicated on the IRP3 tax directive.

## **4 PROCESS THE TAX DIRECTIVE APPLICATION**

- The SARS tax directive system will validate that the minimum required information is captured via the various submission channels and that the information is correct according to the validations built into SARS's tax directive system.
- Where the directive could not be issued due to errors on the application form or other validations, the employer will be notified as follows:
  - Application submitted through an Interface Agency will get the error responses electronically in a responses file.
  - Where the application was submitted through eFiling the error will be displayed on eFiling.

### **4.1 MINIMUM INFORMATION REQUIRED ON AN APPLICATION FORM**

- Tax Year
- Taxpayer Surname
- Taxpayer First names
- Taxpayer Initials (only applicable to electronic submissions)
- Taxpayer Date of Birth
- Taxpayer ID number or other unique number if the person is not a SA citizen
- Reason for non-registration (Unemployed or 'Other' specified) if no reference number entered.

**NOTE:** The income tax reference number must be provided on the IRP5/IT3(a) tax certificate.

- Taxpayer's physical address and postal code
- Taxpayer's postal address and postal code
- Annual Salary
- The PAYE number of the Employer.
- The name of the Employer.
- The Employer's postal address and postal code.
- Employer's email address.
- One of the amount fields must be completed.
- Date of accrual.
- The reason for the directive.

## 5 TAX DIRECTIVE

- When the tax directive application is captured and successfully processed on the SARS tax directive system, a directive (IRP3) will be issued to the employer who requested the directive:
  - For tax directive applications that were submitted electronically, the tax directive issued information will be sent electronically. The Interface Agent will generate the tax directive. The tax directive may only be reproduced by registered Interface Agents in the prescribe format set out in the IBIR-006 - Tax Directive Interface Specifications **Error! Reference source not found.**and only in respect of electronic certificates approved for that particular Interface Agent.
  - Where a tax directive application was submitted manually and captured by a SARS user on SARS tax directive system, due to the fact that the employer could not obtain a directive through an Interface Agency or eFiling, the tax directive will be emailed to the employer.

### 5.1 IT88L (Notice attached to the tax directive)

- The IT88L attached to the directive will contain all outstanding tax amounts to be paid over to SARS. Taxes outstanding can include Assessed Tax, Provisional Tax and Administrative Penalties.
  - The 'Tax amount' (PAYE) to be withheld in relation to the lump sum or any other amount, will be indicated on the tax directive (IRP3). If the amount on the directive is greater than R 0, the amount must be deducted from the lump sum amount and paid over to SARS with the monthly EMP201 return. The employer has to issue an IT3(a) if no tax is to be withheld and an IRP5/IT3(a) tax certificate where tax (PAYE) is to be withheld from the lump sum or any other amount payable.
  - The IT88L is an instruction to the employer to deduct and pay over **an additional amount** after the 'Tax amount' on the directive was deducted. This amount must not be reflected on the IRP5/IT3(a) tax certificate.
  - The amounts indicated on the IT88L must be paid to SARS under the relevant income tax reference numbers indicated (taxpayers account) on the IT88L.
  - Payments to SARS must be itemised per taxpayer reference number. A single payment per group of taxpayers **must not be made electronically**, i.e. via bank transfer, as it is not possible to itemise the tax reference numbers.
  - If payment is done electronically, it must be done individually per stop order (IT88L). Refer to the External Guide South African Revenue Service Payment Rules - GEN-PAYM-01-G01.
- IT88L will not be attached to the directive if the reason of the directive is "*Severance Benefit - Death*".
- If the taxpayer has an arrangement for outstanding taxes or indicates the amount on the IT88L must not be withheld, a letter from SARS Debt collection is required to instruct the employer on the amount to be paid over to SARS or, where debt was settled or reduced, to ignore the IT88L.

## 6 ADDITIONAL DETAILS

### 6.1 CANCELLATION OF TAX DIRECTIVES

- The process for the submission of the tax directive application is as follows:
  - The employer is obligated to submit a tax directive application for any lump sum amount payable.
  - SARS will issue a tax directive indicating the PAYE tax amount to be withheld, relating to the requested lump sum benefit.
    - If a severance benefit is payable, all previous lump sums (i.e. the aggregation principle applicable to severance lump sums) will be taken into account when the tax is determined; or
    - If the reason '*Other*' was selected, tax will be calculated according to the annual payment / bonus method using the normal rate of tax.
  - If an employee has outstanding taxes, SARS will issue an IT88L (stop-order) for the outstanding debt; and
  - Once a tax directive has been issued, the tax directive status on SARS tax directive system will be shown as '*FINALISED*'.
- Once a tax directive has been issued, the employer, to avoid hardship to the employee, may not cancel it.
- The cancellation of a tax directive can only be considered in the following instances:
  - Where the reason '*Severance Benefit - Death*' was selected instead of '*Severance Benefit - Retirement*' or '*Severance Benefit - Retirement due to ill-health*'. Although the same tax rate is applicable, the SARS tax directive system would have classified the income tax reference number of the employee as an estate and no directive applications from employer / fund administrator will be allowed since the date of accrual cannot be after the date of the estate; or
  - Where the reason '*Other*' was used instead of '*Severance Benefit – Voluntary retrenchment*'. The directive has to be cancelled as the tax rates differ.
  - The incorrect date of birth was used in circumstances where the taxpayer does not have a SA ID number and a passport number was used in the '*Other Identification*' field. The correct date of birth is required to determine the correct PAYE to be withheld from the lump sum benefit.
  - The incorrect income tax reference number was used on the tax directive application form.
  - In circumstances where a duplicate tax directive application was submitted, the duplicate tax directive must be cancelled, e.g. the employee number and PAYE number is the same, only the date of accrual will differ.
  - The tax directive application was captured for an Income tax reference number and thereafter the employee was declared insolvent with a date of insolvency before the date of accrual of the lump sum. A tax directive with a date of accrual after the date of insolvency must be cancelled where the tax directive application was submitted on the taxpayer's Income Tax number applicable to the period prior to insolvency. In such instances, the tax directive application must be submitted for the income tax reference number issued by SARS after insolvency. Where the tax directive was captured and issued without an income tax reference number, and thereafter the employee registered with SARS. If the employee submits a tax return with the IRP5/IT3(a) tax certificate, the tax return will be rejected. The tax return can only be finalised if the directive is submitted with the correct income tax reference number. Therefore, the employer must cancel the directive without an income tax reference and resubmit the tax directive application using the Income tax reference number issued by SARS.
- Where the employer cannot cancel a tax directive submitted electronically the **employer** must send a request (on the employer's letterhead) to SARS to cancel the tax directive.

- The request must clearly indicate:
  - The reason for the request to cancel the tax directive.
  - The tax directive number, full names, surname, ID number or other identity information used on the tax directive application form and the income tax reference number; and
  - Reason(s) as to why the employer cannot cancel the tax directive electronically.

## 6.2 IRP5/IT3 (a) certificates where directive was cancelled

- Where a tax directive has been cancelled and a new tax directive application was submitted and issued:
  - Do not cancel the IRP5/IT3(a) certificate if the reconciliation was submitted to SARS; and
  - **Do not refund** the taxpayer where the employer received a new tax directive indicating the original directive has been cancelled and replaced by another directive and *'the tax amount'* on the directive is less or nil on the directive. SARS will refund the taxpayer since **the employees' tax was already paid over** to SARS.
  - Where the employees' tax amount (PAYE) on the new directive is more than the amount on the original directive and the amount cannot be collected from the employee the employer must inform SARS and must provide SARS with reason or an explanation why the employer is unable to deduct *'the tax amount'* on the directive, indicated on the IRP3 tax directive.
- The employer must ensure the IRP5/IT3(a) certificates has been amended to reflect the correct source code, directive number and the correct lump sum amount **and** the employees' tax paid over to SARS by the employer must be reflected on the certificate and not the reduced amount on the directive. If any certificate has been amended the amended certificate must be resubmitted to SARS to ensure the correct IRP5/IT3(a) certificate is reflecting on SARS PAYE system and to avoid the rejection of the taxpayer's return. The employer must ensure the employee has the updated IRP5/IT3(a) certificate as well as a letter indicating the reasons for the amendment to the IRP5/IT3(a) certificate.

## 6.3 ADDITIONAL AMOUNT PAYABLE

- If an additional amount is payable, the original tax directive **must not** be cancelled. A second tax directive application for the additional amount payable must be submitted.
- When capturing the tax directive application, a day must be added or subtracted from the original date of accrual to avoid duplicating the existing application. It is however important to ensure that the date of accrual remains in the same year of assessment.

## 7 STATUTORY RATES OF TAX APPLICABLE TO LUMP SUMS

### 7.1 RATES FOR THE 2020 YEAR OF ASSESSMENT

Per Schedule 1, paragraph 9(c)(i) of the Rates and Monetary Amounts and Amendment of Revenue Laws Act, 2019, if a severance benefit accrues to a person in any year of assessment commencing on or after 1 March 2019, the rate of tax referred to in section 1(1) of this Act, that is to be levied on that person in respect of taxable income comprising the aggregate of—

- (aa) that severance benefit;

- (bb) severance benefits received by or accrued to that person on or after 1 March 2011 and prior to the accrual of the severance benefit contemplated in sub item (aa);
- (cc) retirement fund lump sum withdrawal benefits received by or accrued to that person on or after 1 March 2009 and prior to the accrual of the severance benefit contemplated in sub item (aa); and
- (dd) retirement fund lump sum benefits received by or accrued to that person on or after 1 October 2007 and prior to the accrual of the severance benefit contemplated in sub item (aa),

is set out in the table below:

<b>Taxable income from lump sum benefits</b>	<b>Rate of tax</b>
Not exceeding R500 000	0 per cent of taxable income
Exceeding R500 000 but not exceeding R700 000	18 per cent of the amount by which the taxable income exceeds R500 000
Exceeding R700 000 but not exceeding R1 050 000	R36 000 plus 27 per cent of the amount by which taxable income exceeds R700 000
Exceeding R1 050 000	R130 500 plus 36 per cent of the amount by which taxable income exceeds R1 050 000

- (ii) The amount of tax levied in terms of item (i) must be reduced by an amount equal to the tax that would be leviable on the person in terms of that item in respect of taxable income comprising the aggregate of—
  - (aa) severance benefits received by or accrued to that person on or after 1 March 2011 and prior to the accrual of the severance benefit contemplated in item (i)(aa);
  - (bb) retirement fund lump sum withdrawal benefits received by or accrued to that person on or after 1 March 2009 and prior to the accrual of the severance benefit contemplated in item (i)(aa); and
  - (cc) retirement fund lump sum benefits received by or accrued to that person on or after 1 October 2007 and prior to the accrual of the severance benefit contemplated in item (i)(aa).

## 8 CROSS REFERENCES

<b>DOCUMENT TITLE</b>	<b>APPLICABILITY</b>
Interpretation Note: No. 3	All
Interpretation Note: No. 4	All
Interpretation Note: No. 16	All
Guide for employers in respect of employees' tax for 2021 – External Guide	All

## 9 DEFINITIONS AND ACRONYMS

<b>ID number</b>	Identity Document
<b>PAYE</b>	Pay-As-You-Earn
<b>SA</b>	South Africa
<b>SARS</b>	South African Revenue Services
<b>The Act</b>	Income Tax Act No.58 of 1962, as amended

## **DISCLAIMER**

The information contained in this guide is intended as guidance only and is not considered to be a legal reference, nor is it a binding ruling. The information does not take the place of legislation and readers who are in doubt regarding any aspect of the information displayed in the guide should refer to the relevant legislation, or seek a formal opinion from a suitably qualified individual.

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- Visit the SARS website at [www.sars.gov.za](http://www.sars.gov.za)
- Visit your nearest SARS branch
- Contact your own registered tax practitioner
- If calling from within South Africa, contact the SARS Contact Centre on 0800 00 7277
- If calling from outside South Africa, contact the SARS Contact Centre on +27 11 602 2093 (only between 8am and 4pm South African time).