

SOUTH AFRICAN REVENUE SERVICE
No.

September 2011

**NOTICE ISSUED IN TERMS OF SECTION 41(5) OF THE INCOME TAX ACT,
1962, (THE ACT) PRESCRIBING THE CIRCUMSTANCES UNDER WHICH A
RETURN OF A TRANSACTION OR DISTRIBUTION MUST BE FURNISHED TO
THE COMMISSIONER**

In terms of section 41(5) of the Income Tax Act, No. 58 of 1962 , I, George Ngakane Virgil Magashula, Commissioner for the South African Revenue Service, hereby require a transferee company in terms of an asset-for-share transaction, as defined in section 42(1) of the Act, an amalgamation transaction, as defined in section 44(1) of the Act, an intra-group transaction, as defined in section 45(1) of the Act, or a liquidation distribution as defined in section 47(1) of the Act, to which sections 42, 44, 45 or 47 respectively applies, to furnish a return of that transaction or distribution to the Commissioner under the circumstances set out in the Schedule hereto.

G.N.V MAGASHULA
Commissioner: South African Revenue Service

SCHEDULE

1. The transactions entered into by a taxpayer to an asset or assets cumulatively exceed R30 million over a period of 12 month.
2. An asset or assets are transferred to the taxpayer at market value in terms of an intra-group transaction, in terms of which section 45 of the Act applies and the total value of an asset or assets which exceeds R10 million.
3. Transactions for which approval is required in terms of section 23K(2) in order to secure a deduction of interest incurred, but no approval is requested by the taxpayer.