

United Kingdom/South Africa Double Taxation Convention (SI 2002 Number 3138)

APPLICATION for relief at source from United Kingdom income tax and CLAIM to repayment of United Kingdom income tax

This form is for use by a company/concern in South Africa receiving interest or royalties arising in the UK and paid on or after 6 April 2003.

- Please use the **Guidance Notes for form South Africa/Company** to help you complete this form.
 - Give **ALL** the information asked for in the form and Guidance Notes and **attach supporting documents** as requested. If you need more room, attach a separate sheet. Remember to sign the **declaration** in Part E, giving details of the capacity in which you sign.
 - If you claim repayment on behalf of the company or concern, attach the **tax deduction certificates** (originals, not photocopies).
 - Send the completed form to the South African Revenue Service (SARS) Receiver of Revenue for the district in South Africa in which the registered office of the company is situated.
- Note:** *In making this application/claim, you are consenting to the South African tax authorities certifying to the UK Inland Revenue that the applicant/claimant is resident in South Africa for the purposes of South African tax. See Guidance Note 3.*

If you need help with this form, please write to **Inland Revenue - Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England NG2 1BD**. Or phone us during UK office hours, Monday to Friday. Our number is + 44 115 974 1945 if calling from outside the UK or 0115 974 1945 if calling from the UK.

Part A Details of the South African company/concern and tax adviser (if any)

Full name of the company/concern in South Africa

Full registered address (*do not use 'care of' address*)

Telephone number _____

Fax number _____

Reference (if any) _____

Details of tax adviser (if any) or other authorised person whom the Centre for Non-Residents may contact about the information given on this form. *See Guidance Note 4.*

Name and address of adviser etc.

Telephone number _____

Fax number _____

Reference (if any) or contact name _____

- Please give
- the company's South African tax reference,
 - the address of the tax office in South Africa where the company's latest tax return was sent, *and*
 - the date on which it was sent.

- If the company files a consolidated tax return in South Africa, please give:
- the name of the parent company, *and*
 - its South African tax reference.

For use by the South African Revenue Service (SARS)

Please sign and affix your official stamp and then send the form to Inland Revenue – Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England, NG2 1BD. You may wish to take a copy of this form for your records.

I certify that _____ Official Stamp
is resident in South Africa and liable to South African tax in respect of ('✓' as appropriate)

the whole amount of income included in this form, or

the amount shown in answer to question 6 in Part B of this form.

Signature _____ Date _____

Part B Questions about the South African company

Please answer the following questions about the South African company. If you are completing this form on behalf of a South African pension fund, charity, partnership or other concern, please answer the questions as they apply to the concern. See *Guidance Note 2*.

'✓' where appropriate

1 Is it a company created in, or organised under the laws of, South Africa? Yes No

2 Where is the company's business managed and controlled?

3 Is this the company's first application/claim of this kind? Yes No

4 Is the company engaged in any trade or business, from a permanent establishment or fixed base situated in the United Kingdom? Yes No

If 'Yes', give full details, including the name and reference number of the UK tax office dealing with the permanent establishment or fixed base. Attach a separate sheet if you need more room.

5 Is there any relationship between the company and the United Kingdom payer of the income, other than that of payee and payer? Yes No

If 'Yes', give full details. Attach a separate sheet if you need more room.

6 Is the whole amount of the income that is included in this form remitted to or received in South Africa? Yes No

If 'No', how much is remitted or received? If there is more than one source of income, say on a separate sheet how much (if any) income from each source is remitted to or received in South Africa.

£ _____

Part C Application for relief at source from UK income tax See *Guidance Note 5*

- Complete Part **C1**, **C2** or **C3** as appropriate, to apply on behalf of the company or concern for relief at source from UK income tax.
- If the company or concern has already received payments of the income with **UK income tax deducted**, please also complete **Part D** to claim repayment of the tax.

Part C1 Interest from loans See *Guidance Note 6*

Complete the columns below, giving the information requested.

Name and address of the UK payer of the interest	Date of the loan agreement*	Amount of the loan	Due date(s) of the interest

* Please attach a copy of the loan agreement(s).

Part C2 Interest from UK securities *Important - see Guidance Note 6 before you complete this part.*

Complete the columns below, giving the information requested.

Amount and full title of security	Name and address in which security is registered	Registrar's account number or reference	Due date(s) of the interest

Part C3 Royalties See *Guidance Note 7*

Complete **columns (a) to (c)** as appropriate, giving the information requested.

For **copyright royalties on literary, dramatic, musical or artistic works**

- Enter in **column (a)** a full description of the royalties.
- Enter in **column (b)** the date of the **licence agreement** between the company and the UK payer.
- Enter in **column (c)** the **payer's** name and address.
If payments are made **through** or **by** an agent in the UK, also enter the agent's name and address.

For **other royalties**

- Enter in **column (a)** a full description of the royalties.
- Enter in **column (b)** the date of the **licence agreement** between the company and the UK payer **and attach a copy of the licence agreement.**
- Enter in **column (c)** the name and address of the UK payer of the royalties.

Column (a)	Column (b)	Column (c)

Is the South African company the **originator** of the work or product that has been licensed to the UK? Yes No

(*✓* as appropriate)

If **'No'**, please attach a copy of the licence, contract or assignment under which the rights sub-licensed to the UK payer have been acquired from the originator.

Part D Claim for repayment (where appropriate)

- If the South African company or concern has already received payments of income with UK tax deducted, please give details below to claim repayment under the UK/South Africa Double Taxation Convention. Remember to attach the **original** tax deduction certificate for each item that you show. See *Guidance Note 8*.
- If no payments of the income have yet been made, go direct to the Declaration in **Part E**.

Source of income <i>For example 'Copyright royalties paid by [name of payer]'</i>	Date of payment of income	Amount of income before UK tax £	Amount of UK tax deducted £
Totals			

Part E Declaration (complete this section in all cases)

- The company or concern is beneficially entitled to the income from the source(s) included in this form.
- The information I have given in this application/claim is correct and complete to the best of my knowledge and belief.
- On behalf of the company/unincorporated concern

✓ *as appropriate*

- I apply for relief at source from UK income tax and undertake to tell Inland Revenue Centre for Non-Residents if there is any change to the information that I have given in this form. (See *Guidance Note 5*)

- I claim repayment of £
- (Enter the total amount of UK income tax from Part D)*

Signature Date

Please print your name here and say in what capacity you are signing.

If you claim repayment of UK tax, give details below.

Please make the repayment (✓ *as appropriate*)

- direct to the company or concern
- to our bank/agent **in the UK.**

Enter name and address below.

Account/reference number:

For official use by the United Kingdom Inland Revenue

Examined _____ Authorised _____	Amount repaid: £ _____ : _____ CNR Date stamp
--	---

Guidance Notes for form South Africa / Company

- Use these Notes to help you complete form South Africa/Company. If you need further information, please contact **Inland Revenue – Centre for Non-Residents**. Our address, telephone and fax numbers are in Note 9.

1. Purpose of form South Africa / Company

Form South Africa/Company enables

- a South African company
- an *unincorporated* concern such as a pension fund, partnership, in South Africa

receiving interest or royalties arising in the United Kingdom to apply for relief at source from UK income tax under the United Kingdom/South Africa Double Taxation Convention (*SI 2002 Number 3138 which has effect for UK income tax from 6 April 2003*). The form also provides for a claim to repayment of UK income tax in cases where payments of the income have been made with UK tax deducted.

2. Who can sign the declaration on the form

- **For a company or fund etc**, a responsible officer of the company or fund. An agent (e.g. tax adviser), 'custodian' or other duly authorised person acting with the authority of a company may also sign on the company's behalf.
- **For a partnership**, the senior, general or managing partner (as appropriate) in the name of the partnership. *Please attach to the form a list giving the names and residential addresses (or registered business addresses if companies) of all the partners, and each partner's percentage share in the partnership.*

3. Evidence of residence in South Africa and where to send the completed form

It is a condition of relief from UK income tax under the terms of United Kingdom/South Africa Double Taxation Convention that the beneficial owner of the income is resident in South Africa. The South African tax authorities will therefore need to certify that the company or concern is resident in South Africa for the purposes of South African tax.

Send the completed form to the South African Revenue Service (SARS) Receiver of Revenue for the district in South Africa in which the registered office is situated. The Receiver of Revenue will certify the form and arrange for it to be sent to the UK Inland Revenue – Centre for Non-Residents.

4. Confidentiality

All the information that you provide to the Centre for Non-Residents is confidential. We can therefore only discuss the tax affairs of the company or concern with

- an officer of the company *and/or*
- any agent (e.g. tax adviser) who is nominated by the company or concern.

5. Relief at source from UK income tax on future income payments

Relief at source from UK income tax on future payments of income may be available in cases where the Centre for Non-Residents is able to exercise its discretion to issue a notice (under Statutory Instrument 1970 Number 488, as amended). The Centre for Non-Residents deals with each application on its merits. Where the Centre for Non-Residents cannot agree to allow relief at source, a company or concern resident in South Africa can claim **repayment** of the UK tax deducted.

If relief at source is granted, please tell the Centre for Non-Residents at the address in Note 9, without delay, if there is any subsequent change to the information you have given on the form South Africa/Company.

6. UK Interest

◆ **Interest from loans**

Where the interest is payable on a loan to a UK resident company or individual, the Centre for Non-Residents routinely asks the UK Tax Office dealing with the tax affairs of the payer of the interest for a report. We can do this **before** we receive the certified form South Africa/Company from the South African Tax Office if you send us

- a copy of the loan agreement(s) *and*
- an advance copy of the completed form South Africa/Company.

But please remember that the Centre for Non-Residents cannot finalise matters until we have received a satisfactory certified form.

◆ **Interest from securities**

UK tax is deducted from interest on loan stocks issued by

- companies which are **not quoted** on the Stock Exchange and
- local authorities.

We may be able to arrange for interest on these stocks to be paid with no UK tax deducted, as explained in Note 5.

Interest from the following UK sources is paid with no UK tax deducted, so there is no need to apply for relief from UK tax at source. Please **do not** enter in Part C2 of form South Africa/Company

- interest from company loan stocks quoted on the Stock Exchange (*paid automatically without deduction of UK tax*)
- interest from UK government securities (*paid automatically without deduction of UK tax*).

7. UK Royalties

The Double Taxation Convention allows relief only to the **beneficial owner** of the royalties. The beneficial owner is normally the originator of the work or product.

◆ **Copyright royalties for literary, dramatic, musical or artistic works**

If your company or concern is **not** the originator but has acquired the rights, please attach to the form South Africa/Company a copy of the licence, contract or assignment under which the UK rights have been acquired. This will help the Centre for Non-Residents to check that the beneficial ownership condition in the Double Taxation Convention is satisfied.

If your company or concern is in the **publishing or music business** and uses a standard form of contract with all its authors or composers, please attach a copy of the standard contract. You need do this only the first time a form South Africa/Company is completed.

◆ **Other royalties**

Where your company or concern is the originator of a process or design etc., please attach to the form South Africa/Company a copy of the licence agreement between **yourselves** and the **UK payer** of the royalties. If your company or concern is **not** the originator of the product giving rise to the royalties but has acquired the rights, please also attach a copy of the licence, contract or assignment under which the UK rights have been acquired.

8. Repayment claims and tax deduction certificates

If you have completed **Part D** of the form South Africa/Company to claim repayment of UK income tax, you **must** attach the **original** UK tax deduction certificate(s) to the completed form. If you do not send the tax certificate(s) the claim will not be valid. The Centre for Non-Residents cannot accept photocopy certificates as evidence for repayment purposes.

9. Help or further information

If you need help or further information, please

- write to **Inland Revenue, Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England NG2 1BD**
- **or** phone the Centre for Non-Residents during UK office hours, Monday to Friday.

Our phone number is

+ 44 115 974 1945 if calling from outside the UK, **or 0115 974 1945** if calling from the UK

Our fax number is

+ 44 115 974 1918 from outside the UK, **or 0115 974 1918** from the UK.

When contacting us, please quote the company's UK reference number, if it has one (for example 'FD69/A/123456').

Our service commitment to you

The Inland Revenue and Customs & Excise are committed to serving your needs well by

Acting fairly and impartially

We

- treat your affairs in strict confidence, within the law
- want you to pay or receive only the right amount due.

Communicating effectively with you

We aim to provide

- clear and simple forms and guidance
- accurate and complete information in a helpful and appropriate way.

Providing good quality service

We aim to

- handle your affairs promptly and accurately
- be accessible in ways that are convenient to you
- keep your costs to the minimum necessary
- take reasonable steps to meet special needs
- be courteous and professional.

Taking responsibility for our service

- We publish annually our customer service aims and achievements.
- If you wish to comment, or make a complaint, we want to hear from you so we can improve our service. We advise you how to do this.

We can provide better service if you help us by

- keeping accurate and up to date records
- letting us know if your personal/business circumstances change
- giving us correct and complete information when we ask for it
- paying on time what you should pay.

Further information on customer service is available at Inland Revenue and Customs and Excise local offices, set out in our Charters, complaints leaflets (IR120 and Notice 1000) and Codes of Practice.

These notes are for guidance only and reflect the UK tax position at the time of writing. They do not affect any rights of appeal.