



### 1. Double taxation - being liable to pay tax in both countries

If you have income from one country and are resident in another, you may be liable to pay tax in both countries under their tax laws. To avoid 'double taxation' in this situation, the United Kingdom (UK) has negotiated Double Taxation (DT) treaties with countries that include South Africa. The precise conditions that apply to your income from the UK as a resident of South Africa can be found in the text of the UK/South Africa Double Taxation Convention. Go to [www.gov.uk/government/collections/tax-treaties](http://www.gov.uk/government/collections/tax-treaties)

### 2. Purpose of form South Africa Individual

Form South Africa Individual allows you as a resident of South Africa to apply under the United Kingdom/South Africa Double Taxation Convention for relief at source from UK Income Tax on UK-source pensions, purchased annuities, royalties and interest. The form also provides for a claim to repayment of UK tax in cases where payments of the income have already been made with UK tax taken off.

### 3. Tax vouchers

There's no need to send tax vouchers with your completed form South Africa Individual, but you should keep them safe in case they're needed later to support your claim. If you've any doubt about how you've completed the form you can send vouchers if you think it will help us. If you receive a work pension, see the notes about Part C.1 in the section 'Completing the form South Africa Individual'.

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

It's 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. Send the completed form South Africa Individual to the South African Revenue Service (SARS) Receiver of Revenue for the district you live in. The Receiver of Revenue will certify that you're resident in South Africa for the purposes of South African tax and will send the form to HM Revenue and Customs, PAYE and Self Assessment, BX9 1AS, United Kingdom.

### 5. Confidentiality

All the information that you provide to HM Revenue and Customs (HMRC) is confidential. We can only discuss your tax affairs with you or any tax adviser named by you.

### 6. Help or further information

If, after using these notes you need help or more information:

- visit our website, go to [www.gov.uk](http://www.gov.uk)
- phone HMRC on + 44 135 535 9022 if calling from outside the UK
- phone us on 0300 200 3300 if you're phoning from the UK
- write to HM Revenue and Customs, Pay As You Earn and Self Assessment, BX9 1AS, United Kingdom

### 7. Completing the form South Africa Individual

Use the following notes to help you complete Parts A to F of form South Africa Individual.

You should:

- include on the form only the income on which you're claiming relief from UK tax under the provisions of the UK/South Africa Double Taxation Convention
- give all the information requested and attach any supporting documents that are asked for, if you need more space, attach a separate sheet, write your name and your HMRC reference number on each additional sheet

#### Part A Personal details of claimant

Give all the details asked for. If you have a tax adviser, include the tax adviser's details.

#### Part B Questions

Answer questions 1 to 8 as appropriate. Tick the boxes that apply to you and give any additional information asked for.

If you're including UK copyright royalties in the form, also answer question 9. See the notes about Part C.3.

Note, please strike through all unused or partially completed sections.

#### Part C Application for relief at source from UK Income Tax

As explained in these notes, the UK/South Africa Double Taxation Convention provides for no UK tax to be withheld from payments of pensions and annuities interest and royalties.

Give the details asked for in Part C to apply for relief at source from UK Income Tax on future payments of income. Relief at source may be available in cases where HMRC is able to exercise its discretion to issue a notice (under Statutory Instrument 1970 Number 488, as amended). We deal with each application on its merits. Where we cannot agree to allow relief at source or cannot arrange it, you can claim repayment of the UK tax taken off.

If relief at source is granted, tell HMRC at the address in Note 6, without delay, if there's any subsequent change to the information you've given on the form South Africa Individual.

#### C.1 UK work pension and/or purchased annuities

Certain types of work pension and most annuities from the UK, paid to you as a resident of South Africa, can be exempted from UK Income Tax.

If the pension and/or annuity is taxed under the PAYE (Pay As You Earn) system, any adjustment will go back to the latest of the following, the:

- date you became resident in South Africa for the purpose of that country's tax
- date payments of the income began
- earliest UK tax year which remains in date for claiming repayment of UK Income Tax

Please send a photocopy of the latest form P60 that you've received from the UK payer of your pension with your form South Africa Individual. This will help us make the adjustment.

## **UK Government, local authority and publicly funded educational institution pensions**

If you receive a pension paid by the UK for service to the UK Government or a local authority, there are special provisions in the Double Taxation Convention. Your pension from that employment will be exempt from UK tax to you as a resident of South Africa only if you're a national of South Africa.

If these provisions mean that your pension will be taxed in the UK, you may be able to claim UK personal allowances, provided that you satisfy certain conditions. If you have any questions or wish to make a claim, contact HMRC at the address in Note 6.

## **UK State Pension and UK Incapacity Benefit**

The UK State Pension and UK Incapacity Benefit are normally liable to UK Income Tax. The UK/South Africa Double Taxation Convention does not provide for exemption from UK tax to be given on these sources of income.

### **C.2 UK interest**

UK source interest can be paid to you with no tax taken off. Any UK tax that has been taken off can be repaid to you.

#### **Interest from securities**

UK tax is deducted from interest on loan stocks issued by:

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

We may be able to arrange for interest on these stocks to be paid to you with no tax taken off.

Interest from the following UK sources is paid with no UK tax taken off, so you do not need to apply on form South Africa Individual for relief from UK tax at source.

Do not enter in Part C2:

- 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)
- interest from banks and building societies (paid automatically without deduction of tax)

If you've already received bank or building society interest with UK tax taken off, you may claim repayment of the tax on Part D of the form.

#### **Other interest**

If you receive interest from a privately arranged loan, attach a separate sheet to form South Africa Individual giving the following details:

- name and address of the UK payer of the interest
- date of the loan agreement
- amount of the loan
- due dates of the interest

Also attach a copy of the loan agreement.

### **C.3 Royalties**

Most UK source royalties can be paid to you with no tax taken off. Any UK tax that has been taken off can be repaid to you. 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 you're not the originator but have acquired the rights, attach a copy of the licence to the form South Africa Individual, contract or assignment under which you've acquired the UK rights. This will help HMRC to check that the beneficial ownership condition in the Double Taxation Convention is satisfied.

### **Other royalties**

Attach a copy of the licence agreement between you and the UK payer of the royalties to the form South Africa Individual. If you're not the originator of the product giving rise to the royalties but have acquired the rights, also attach a copy of the licence, contract or assignment under which you've acquired the UK rights.

## **Part D Claim for repayment of UK Income Tax**

### **Trivial Pension Commutation Payments**

From 6 April 2006, registered pension schemes and life insurance companies can pay 'Trivial Pension Commutation Payments'. This means that instead of receiving a small annual pension or annuity, a single lump sum is paid. UK tax is taken off these amounts under the UK's normal PAYE (Pay as You Earn) rules.

If you've received a Trivial Pension Commutation Payment and on the date the lump sum was paid you were resident for tax purposes in South Africa you can claim repayment of the tax that has been taken off.

You should:

- enter details of the lump sum in Part D of the form South Africa Individual
- attach Parts 2 and 3 of the form P45 that you received from the payer of the lump sum

### **Interest and royalties**

As explained in these notes, the UK/South Africa Double Taxation Convention provides for no UK tax to be withheld from payments of interest and royalties. If you've received interest or royalty payments from which UK tax has been taken off, you may claim repayment of the UK tax. Enter the details asked for in Part D.

### **Income from a trust or estate**

If you receive payments from a trust or estate, write the name of the trust or estate in the 'source of income' box in Part D.

If you've received a payment from a discretionary trust, write both the name of the trust and its UK tax reference number in the 'source of income' box in Part D.

HMRC will 'look through' to the income received by the trustees and work out the repayment due to you. It's likely that you'll only be entitled to some of the amount shown as tax credit at the rate applicable to trusts in the Statement of Income from Trusts, R185 (Trust Income), given to you by the trustees.

## **Part E Payment details and authority**

### **E1 Payment to a nominee**

You should only complete Part E if you want HMRC to make any repayment to a nominee on your behalf. We'll send the repayment by post direct to your nominee's address so you'll need to give the full postal address and other details asked for on the form.

### **E2 Payment to you at another address**

If you want HMRC to send the repayment to you at the address that is not your residential address, please give details in Part E2.

## **Part F Declaration**

You must sign the form South Africa Individual personally in Part F. You may claim on behalf of:

- an unmarried minor (someone under the age of 18)
- a mentally incapacitated person
- someone who's died

Claims should normally be made by:

- a parent or guardian on behalf of an unmarried minor
- the person authorised by the courts to look after the affairs of a mentally incapacitated adult (or the DWP appointee)
- the executor or administrator of the estate of someone who's died (the claim will relate to income up to the date of death only)

Ask HMRC if you're in any doubt about whether you're the right person to make the claim. Remember that in these notes and in the form, references to 'you' and 'your' may equally apply to the person on whose behalf you're claiming.