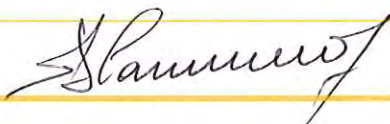


DOCUMENT CONTROL	
Document Title	Guideline on the Issuance of Tax Compliance Certificate
Date	January 2017
Document Number	2
Revision Number	1
Distribution List	
Process Owner	Director Legislative
▪ Job Title	Director Legislative
▪ Name	Ntombifuthi T. Nhlengethwa
▪ Signature	
Approval	Commissioner Domestic Taxes
Job Title	Commissioner Domestic Taxes
Name	Nompumelelo W. Dlamini
Signature	 2017/02/27

Guideline on the Issuance of Tax Compliance Certificate

Citation and Commencement

This Notice shall be cited as the Guidelines on Issuing of Tax Compliance Certificate in terms of Section 69 (3) (d),(e) and (f) of the Income Tax Order of 1975 as Amended and (*hereinafter referred to as the Order*) and Section 17 of the 2011 Amendment.

Purpose

To give guidance to SRA officials on requirements to be satisfied by a taxpayer in order to be eligible to be issued with a TCC.

The Law

In terms of Section 69 (3) (d) of the Order a person requiring a Tax Compliance Certificate shall apply for such certificate either by himself or through his representative or agent to the Commissioner General and a certificate granted shall state that no tax is outstanding against the person or satisfactory arrangements have been made with the Commissioner for any outstanding tax.

Definitions

For purposes of this guideline, the following terms shall, unless the context otherwise indicates, be defined as follows;

Tax Compliance means the degree to which a taxpayer complies (or fails to comply) with the tax legislation administered by the Swaziland Revenue Authority(SRA), for example by declaring income, filing a return, and paying the tax due in a timely manner.

Tax Compliance Certificate means a written confirmation from the SRA that a person's tax affairs are in order at the date of issue of the Certificate.

When Shall the Commissioner General Issue A TCC?

The Commissioner General shall issue a Tax Compliance Certificate to a taxpayer who is compliant with all his tax obligations in accordance with the tax laws. These obligations are as follows:

- i. Filing of tax returns for the registered tax obligations;
- ii. Payment of the assessed taxes; and
- iii. Declaring the correct annual income.

N.B

- i. The registration details on the TCC application form must correspond with the information in the records of the SRARMS. When considering an application, all tax types of the taxpayer must be considered, whether the taxpayer is an individual, company or trust.*
- ii. In the case of a business with sub-branches, all branches must be tax compliant before any branch can be issued with a TCC.*
- iii. Where a taxpayer makes payment by EFT to rectify any non-compliance, the decision on whether to grant a TCC will be delayed until the EFT is cleared.*

When Shall the Commissioner General NOT issue a Tax Compliance Certificate?

Where:

- i. There is an outstanding tax liability against such taxpayer in respect of income for any year of assessment ; and
- ii. There are outstanding returns of income in respect of any year of assessment or part thereof.
- iii. Where a taxpayer has outstanding tax returns and decides to submit such on the spot the returns have to be assessed first before the TCC application is considered.
- iv. Where the TCC application details do not match with SRA's records (e.g. taxpayer name, public officer etc.), the TCC application shall be declined and will have to be re-submitted once same has been corrected. To avoid these unnecessary delays taxpayers must ensure that their registration details are accurate and up-to-date.

When MAY the Commissioner General issue a Tax Compliance Certificate?

Where:

- i. The outstanding amount is as a result of an incorrect assessment which has been proven through an allowed objection, proven incorrect assessments;
- ii. The outstanding tax liability is for a taxpayer whose income qualifies to be exempt from Income Tax, who has been disqualified for not submitting financial statements due to the fact that it is the organization's first year of operation;
- iii. A taxpayer who has tax arrears provided such arrears are covered by an instalment arrangement that has been agreed with the SRA; and
- iv. The outstanding tax liability does not exceed E1 000.00.
- v. where property is being transferred from estate of deceased person.

Transactions that require a TCC and the documents required for the application

<i>Transaction</i>	<i>Documents Required for the Application</i>	<i>Reasons why documents are required</i>
1. Renewal or transfer of any licence (other than renewal of motor vehicle licence), permit or similar documents relating to any trade, business, profession or vacation, for businesses or trade.	<ul style="list-style-type: none"> i. Applicants Graded Tax Number, PIN/TIN; and ii. Tax Identification Number (in case of companies). 	<ul style="list-style-type: none"> i. Required as there is a slot for it when issuing the TCC certificate. ii. Needed for checking compliance
2. Transfer of immovable property or any endorsement to any title deed having the effect of	<ul style="list-style-type: none"> i. Letter from Conveyancer clearly stating the lot/farm that is being transferred; and 	<ul style="list-style-type: none"> i. Required for Intelligence purposes- to be scanned and uploaded to RMS/Intelligence sharepoint

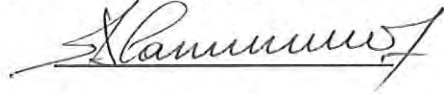
<p>transferring immovable property.</p>	<ul style="list-style-type: none"> ii. Letters of Curatorship where applicable iii. Transferor's and Transferee Graded Tax Number TIN and PIN iv. Curators Graded Tax and TIN, PIN 	<ul style="list-style-type: none"> ii. Required for Intelligence purposes. To be scanned and uploaded into RMS/ Intelligence sharepoint iii. Required for Intelligence purposes. iv. Required for Intelligence purposes. uploaded into RMS/ Intelligence sharepoint
<p>3. Transfer of Immovable property to an estate of a deceased person.</p>	<ul style="list-style-type: none"> i. Letter of Administration from Master of the High court appointing the executor of deceased estate; ii. Title deed of the property being transferred/ Transferor and transferee TIN, Graded Tax and PIN; iii. copy of death certificate of the deceased person iv. ID of the executor/PIN, GRADED TAX/TIN 	<ul style="list-style-type: none"> i. Required for Intelligence purposes. To be scanned and uploaded into RMS/ Intelligence sharepoint ii. Required for Intelligence purposes. To be scanned and uploaded into RMS/ intelligent sharepoint iii. Required to confirm the status of the deceased iv. Required to ensure that the TCC is being requested by and

		issued to the rightful person
4. De-registration of a company	<ul style="list-style-type: none"> i. Application to deregister ii. Directors Graded Tax Number, PIN / TIN; and iii. Companies TIN. 	<ul style="list-style-type: none"> i. Required to be able to determine the deregistration purposes ii. Required for compliance iii. Required for compliance
5. First registration of a motor vehicle in Swaziland	<ul style="list-style-type: none"> i. Purchaser's Graded Tax Number TIN and PIN. 	<ul style="list-style-type: none"> i. Required for checking compliance
6. Registration of 2 nd hand motor vehicle, haulage trailers and any other motorized vehicles	<ul style="list-style-type: none"> i. ; and ii. Purchaser's Graded Tax Number, PIN and TIN. iii. Seller's Graded tax, TIN and PIN 	<ul style="list-style-type: none"> i. ii. Required for checking compliance iii. Required for Intelligence purposes. To be scanned and uploaded into RMS Intelligence to get access to the form

7. The provision of goods or services to the Government, a government institution, local authority or parastatal body, a company and any other entity in excess of E5,000 (five thousand emalangen) for residents and non-residents	<ul style="list-style-type: none"> i. Company TIN; ii. Graded Tax Number and TIN, PIN (in case of individuals); iii. TIN/Graded Tax Number, PIN for the local Company/Individual engaging such foreign entity/consultant. 	<ul style="list-style-type: none"> i. Required for checking compliance ii. Required for checking compliance iii. Required for checking compliance and for Intelligence purposes. Intelligence to get access to the form
8. Purchase , sale or transfer of shares in companies	<ul style="list-style-type: none"> i. Companies TIN (where company is the transferor, seller or purchaser); and ii. TIN and Graded Tax Number, transferor/ transferee) PIN in the case of individuals 	<p>Required for checking Compliance (transferor is for the issuance of the TCC whilst transferee is for Intelligence)</p> <ul style="list-style-type: none"> i. Required for checking Compliance
9. Renewal of work Permit	<ul style="list-style-type: none"> i. TIN and Graded Tax Number, PIN. 	<ul style="list-style-type: none"> i. Required for checking Compliance-
10. The performance of any theatrical, musical, sporting or	<ul style="list-style-type: none"> i. Contract of engagement between resident and non-resident performer; 	<ul style="list-style-type: none"> i. Required for intelligence To be forwarded to WHT units.

<p>any other entertainment in Swaziland by a non-resident entertainer or sportsperson</p>	<p>ii. TIN/Graded Tax Number/PIN of the person engaging the non-resident performer.</p>	<p>ii. Required for checking Compliance</p>
<p>11. Transfer of funds by all persons from Financial Institutions, Building Societies, Co-operatives in Swaziland to banks and investments institution offshore</p>	<p>i. TIN/Graded Tax Number, PIN (in the case of individuals), TIN (in case of companies);</p> <p>ii. Bank statement reflecting account out of which funds will be transferred;</p> <p>iii. Details of the Bank, Investment Institution, to which funds are being transferred to; and</p> <p>iv. Transfer of funds form</p>	<p>i. Required for checking Compliance and for intelligence purposes</p> <p>ii. Required for intelligence purposes. To be forwarded to intelligence unit./Intelligence sharepoint</p> <p>iii. Required for intelligence purposes</p> <p>iv. Required for intelligence to be uploaded to the intelligence sharepoint</p>
<p>12. Any other persons as so required by law and or policies of certain organizations not listed above</p>	<p>i. TIN where the taxpayer is company;</p> <p>ii. TIN/Graded Tax Number, PIN where taxpayer is an individual;</p> <p>iii. Any document to prove that a transaction requires such Tax Compliance Certificate</p>	<p>i. Required for checking Compliance</p> <p>ii. Required for checking Compliance</p> <p>iii. Required for confirming issuance</p>

ISSUED BY THE COMMISSIONER DOMESTIC TAXES

A handwritten signature in black ink, appearing to read 'Nompumelelo W. Dlamini', written in a cursive style with a horizontal line underneath.

NOMPUMELELO W. DLAMINI

