

**TAX EXEMPTION UNIT**

**Office**  
Pretoria

**Enquiries**  
MS R.M. GOMES

**Telephone**  
(012) 422 8823

**Facsimile**  
(012) 422 8830

**Room**  
M11

**Reference \***  
RG/0216/08/04

**PRO File No. \***  
930 00/ 621

**Date**  
20 August 2004



**South African Revenue Service**

SARS: TEU  
Pro-Equity Court  
1250 Pretorius Street  
Hatfield, 0028

PO Box 11955  
Hatfield, 0028

Switchboard: (012) 422 8800  
SARS online: [www.sars.gov.za](http://www.sars.gov.za)  
E-mail: [teu@sars.gov.za](mailto:teu@sars.gov.za)

\*Please quote our reference numbers in  
your correspondence with TEU.

Ms. J Phillips  
BDO Spencer Steward (Jhb) Inc.  
Chartered Accountants  
Private Bag X60500  
**HOUGHTON**  
2041

Dear Madam

**EXEMPTION FROM TAXES AND DUTIES AND APPROVAL IN TERMS  
OF SECTION 18A: AVRIL ELIZABETH HOME FOR THE MENTALLY  
HANDICAPPED**

We write with reference to your letter dated 12 December 2003.

**1. It is confirmed that:-**

- 1.1 the association has been approved as a public benefit organisation in terms of section 30 of the Income Tax Act, (the Act) and the receipts and accruals are exempt from income tax in terms of section 10(1)(cN) of the Act.
- 1.2 the public benefit organisation has been approved for purposes of section 18A(1)(a) of the Act and donations to the organisation will be tax deductible in the hands of the donors in terms of and subject to the limitations prescribed in section 18A of the Act;
- 1.3 donations by or to the public benefit organisation are exempt from donations tax in terms of section 56(1)(h) of the Act;


- 1.4 bequests or accruals from the estates of deceased persons in favour of the public benefit organisation are exempt from the payment of estate duty in terms of section 4(h) of the Estate Duty Act, 45 of 1955.
  - 1.5 in terms of section 4(1)(f) of the Stamp Duties Act, 1968, any instrument which is executed by or on behalf of the public benefit organisation is exempt from stamp duty, if the duty thereon would be legally payable and borne by the public benefit organisation, and
  - 1.6 the public benefit organisation is exempt from the payment of the skills development levy in terms of section 4(c) of the Skills Development Levies Act, No. 9 of 1999.
2. Kindly note that the relevant exemptions are subject to the following conditions:
- 2.1 Annual returns of income be submitted to the Tax Exemption Unit, together with financial statements and supporting documentation which must include full particulars of the receipts issued in respect of tax deductible donations in terms of section 18A and how these funds were expended;
  - 2.2 The following information must be given on the tax deductible receipts issued:
    - 2.2.1 the reference number of the public benefit organisation, issued by the Commissioner for the purposes of this section; (The reference number quoted on this letter.)
    - 2.2.2 the date of the receipt of the donation;
    - 2.2.3 the name of the public benefit organisation, which received the donation, together with an address to which enquiries may be directed in connection therewith;
    - 2.2.4 the name and address of the donor;

- 2.2.5 the amount of the donation or the nature of the donation (if not made in cash); and
- 2.2.6 a certification to the effect that the receipt is issued for the purposes of section 18A of the Income Tax Act, 1962, and that the donation has been or will be used exclusively for the object of the public benefit organisation concerned.
- 2.3 The public benefit organisation must, formally amend the founding document to comply with the provisions of section 30 of the Act.
- 2.4 The exemptions approved in paragraph 1 above, are subject to review on an annual basis upon receipt of the financial statements.

Note that the Tax Exemption Unit is a dedicated national office that has been established by the Commissioner to provide a quality service to all our clients. Should you therefore have any further queries pertaining to tax exemption matters, please do not hesitate to revert to the undersigned at your earliest convenience.

Sincerely

  
Miss RM Gomes  
Tax Exemption Analyst

  
Mr. A Kowo  
The Head: Tax Exemption Unit