



UNICUS **TAX UPDATE**

21 April 2026

Trusts Enter the Section 210 Regime:
More Expansion Than Revolution



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HELLO & WELCOME!

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THE LEGAL ENGINE IS OLD; THE TARGET IS NEW

Why the trust story should be framed as an expansion

- Section 210 does not penalise every administrative failure automatically.
- A fixed penalty only applies where the incidence of non-compliance is listed in a public notice issued by the Commissioner.
- Section 211 then provides the fixed-amount table, and section 214 requires a penalty assessment.
- The better description is therefore not “a new trust penalty”, but “trusts entering an existing fixed-amount regime”.

SECTION 210 HAS BEEN WIDENED IN PHASES

Public notice by public notice

2012	Notice 790	Natural persons with outstanding income tax returns
2017	Notice 193	OECD CRS / reporting financial institution non-compliance
2018	Notices 480, 1175, 1372	CbC/master/local file returns, Diamond Export Levy returns, then companies
2021	Notices 1461 and 1531	Natural-person regime revised and widened
2026	Notice 7314	Trusts brought into the regime

HOW THE TRUST PENALTY WORKS

The amount is not trust-specific; it uses the ordinary section 211 table

- Once the trust falls within the listed non-compliance, the monthly amount is determined by the preceding year's assessed loss or taxable income.
- The penalty ranges from R250 to R16 000 per month until the non-compliance is remedied, subject to statutory limits.
- Where the prior-year position is unknown, SARS may work from the lowest band or an estimate.

HOW THE TRUST PENALTY WORKS

The amount is not trust-specific; it uses the ordinary section 211 table

– Monthly penalty bands

Preceding year taxable income	Amount
Assessed loss / up to R250k	R250
R250k - R500k	R500
R500k - R1m	R1 000
R1m - R5m	R2 000
R5m - R10m	R4 000
R10m - R50m	R8 000
Above R50m	R16 000

Takeaway: trusts now use the ordinary section 211 scale; there is no separate trust-specific tariff.

THE NOTICE IS NARROWER THAN SOME COMMENTARY SUGGESTS

Two technical limits matter

Limit 1: time period

Notice 7314 only applies to years of assessment commencing on or after 1 March 2023.

For most trusts, that means 2024 onward. Earlier years remain filing obligations, but they do not fall within this notice.

Limit 2: this can later be widened

The natural-person regime shows that section 210 notices can later be broadened.

So today's exclusions should not be assumed to be permanent. Regularise now, while recognising that the current limits may be temporary.

– No amnesty for old returns – but no need to overstate the immediate reach of Notice 7314.

4 MAY IS IMPORTANT – BUT IT IS NOT THE WHOLE LAW

A media release cannot replace the requirements of the notice

- Notice 7314 does not say every trust automatically becomes liable on 4 May 2026.
- The notice requires SARS to issue that trust with a final demand referring to the notice.
- The trust must then still fail to file within 21 business days of that final demand.
- Only then can the section 210 / 211 penalty mechanism properly be engaged.

4 MAY IS IMPORTANT – BUT IT IS NOT THE WHOLE LAW

A media release cannot replace the requirements of the notice

27 Mar 2026
Notice 7314 gazetted



4 May 2026
First intended penalty run date

- Challenge point: if final demands were issued before the notice was gazetted, the sequencing in a specific case is worth checking.

WHAT TRUSTEES SHOULD DO NOW

Disciplined compliance, not panic

- Check exactly which years are outstanding.
- Verify whether any final demand was issued, and whether it actually refers to Notice 7314.
- Do not rush complex trust returns simply to beat the noise around deadlines.
- Work carefully through beneficiary allocations, conduit treatment, attribution, section 7C, loan accounts and historic administration.
- If a penalty is imposed incorrectly, consider remission and dispute procedures.

WHAT TRUSTEES SHOULD DO NOW

Disciplined compliance, not panic

- If a penalty is imposed incorrectly, consider “remission” and dispute procedures.

Tone for the audience: Take SARS seriously. But do not confuse urgency with panic-filing.

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- There is no revolution here.
 - There is an expansion.
 - SARS is widening an existing enforcement mechanism. But the law, the notice, and the procedural sequence still matter.
 - The answer is not complacency and not hysteria.
 - It is disciplined compliance.

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