

LEVEL 3 TAX PRACTICE

PAPER 11

OVERALL AIM

To equip the learner with skills to provide sound professional advice to clients at a local, national and international level.

LEARNING OUTCOMES

On completion of this course, the learner should be able to:

	Learning outcomes	K	C	A	An	S	E
1.	Analyse national and international tax laws				✓		
2.	Advise on the determination of different types of taxes at national and international levels						✓
3.	Advise on resolution of tax disputes						✓
4.	Recommend appropriate solutions to tax cases						✓
5.	Provide industry-specific tax advice						✓
6.	Evaluate current and emerging tax issues at national and international levels						✓
7.	Communicate tax solutions to various clients						✓

LEVEL OF ASSESSMENT

The examination will test learner's advisory, analytical and evaluation skills in providing tax advice in different scenarios at national and international levels.

EXAMINATION STRUCTURE

There will be a four hour examination comprising of a case study. Candidates will be required to produce a professional solution.

DETAILED SYLLABUS

A UGANDA'S FISCAL POLICY

- (a) Fiscal policy objectives and pillars
- (b) Operation of government's fiscal policy
- (c) Impact of Uganda's fiscal policy reforms
- (d) Applying the theories of taxation in Uganda's context
- (e) Uganda's revenue performance over time
- (f) Uganda's tax revenue performance vis-à-vis other countries
- (g) Uganda's alternative domestic revenue mobilisation strategy

B THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR TAXATION IN UGANDA

- (a) The Uganda Constitution (1995)
- (b) Ministry of Finance Planning and Economic Development
- (c) The Parliament
- (d) The Uganda Revenue Authority (URA) Act
- (e) The Tax Appeals Tribunal Act
- (f) The direct judicial system's role on tax related matters
- (g) Impact of case law on revenue targets; circumstances

where case law insinuates amendment of tax statutes

- (h) Retrospective versus prospective application of tax laws
- (i) Tax statutes:
 - (i) Income Tax Act, Value Added Tax Act, Stamp Duty Act, Tax Procedures Code Act, Excise Duty Act, East African Community Customs Management Act (EACCMA), Lotteries and Gaming Act
 - (ii) The power of the Commissioner General
- (j) The Private Ruling Regime in Uganda: Strengths and weaknesses
- (k) Tax practitioners: Roles, responsibilities, ethical requirements

C TAXATION IN THE EAST AFRICAN COMMUNITY (EAC) REGION

- (a) Protocol on the establishment of the EAC customs
- (b) Current tax developments in the EAC region
- (c) Challenges faced during implementation of EAC; role of partner states in addressing the challenges
- (d) Tax administration and tax revenue performance in EAC
- (e) Tax policy gaps in the EAC
- (f) Costs and benefits of using technologies to enhance tax revenue administration

D TAX PLANNING

- (a) Tax planning, tax avoidance and tax evasion.
- (b) International tax planning techniques
- (c) Exploitation of weaknesses in tax legislation for tax planning
- (d) Aggressive tax planning
 - (i) Impact on developing countries
 - (ii) Legislation to counter aggressive tax planning and tax evasion

- (e) Tax planning opportunities
- (f) Case law

E TAXATION OF MULTI-NATIONAL ENTITIES (MNEs)

- (a) Permanent establishment rules in Uganda
- (b) Operations through subsidiaries, branches, foreign offices and digital presence
- (c) Taxation rules applicable to franchises and intangible assets
- (d) Corporate restructuring and related tax issues
- (e) Tax incentives available to MNEs and investors

F DOUBLE TAX AGREEMENTS (DTAs)

- (a) Uganda's DTAs:
 - (i) Implementation in relation to;
 - Businesses
 - Individuals
 - Investments and capital gains
 - (ii) Limitation of DTA provisions relating to benefits
 - (iii) Provisions relating to double taxation
 - (iv) Dispute resolution under DTAs
- (b) Treaty abuse by contracting states
- (c) Tracing illicit transactions

G MEDIATING TAX DISPUTES

- (a) Understanding the dispute and the client
- (b) Risk assessment
- (c) Legal provisions applicable, including decided cases
- (d) Preliminary case based on legal provisions available
- (e) Opinion whether client should proceed
- (f) Dispute resolution/conclusion

H SPECIFIC INDUSTRY TAX REGIMES

- (a) Oil and gas
- (b) Mining
- (c) Not-for-profit organisations
- (d) Insurance
- (e) Financial institutions
- (f) Telecoms
- (g) Digital businesses
- (h) Leisure and hospitality
- (i) Agriculture

I EMERGING ISSUES

- (a) Economic integration and globalization
- (b) Developments in national, regional and international tax statutes
- (c) Digital economy and emerging taxation issues
- (d) Any other emerging tax and economic policy issues

J TAX CONSULTANCY SKILLS

- (a) Understanding the Client
- (b) Commercial awareness
- (c) Risk Management
- (d) Costing the assignment
- (e) Engagement
- (f) Communication with stakeholders
- (g) Records Management
- (h) Problem analysis and Solving Skills
- (i) Negotiation Skills
- (j) Research Skills
- (k) Methodology of the assignment and execution

- (l) Interpersonal Skills for a tax advisor
- (m) Project Management
- (n) Time Management
- (o) Human Resource management
- (p) Report writing

REFERENCES

1. Government of Uganda, by Uganda Printing and Publishing Corporation:
 - (a) Income Tax Act, Cap 340
 - (b) Value Added Tax Act, Cap 349
 - (c) Excise Duty Act, 2018
 - (d) East African Customs Management Act
 - (e) The Tax Procedures Code Act
2. Joseph O. Okuja (2022), Domestic & International Taxation in Uganda, Kampala Uganda.