

V O L U M E 1

Tax Law Design and Drafting

Editor
Victor Thuronyi

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Tax Law Design And Drafting Vol 1

Antti Laukkanen



Tax Law Design And Drafting Vol 1:

Tax Law Design and Drafting, Volume 1 Mr.Victor Thuronyi,1996-08-23 Edited by Victor Thuronyi this book offers an introduction to a broad range of issues in comparative tax law and is based on comparative discussion of the tax laws of developed countries It presents practical models and guidelines for drafting tax legislation that can be used by officials of developing and transition countries Volume I covers general issues some special topics and major taxes other than income tax

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Tax Law Design and Drafting: Volume 1 Victor Thuronyi,1996

Tax Law Design and Drafting, Volume 2
Mr.Victor Thuronyi,1998-06-25 A comprehensive guide to income tax legislation this book is the second of two volumes dealing with tax legislation from a comparative law perspective Distilled from the IMF Legal Department s extensive experience the book covers a wide range of issues in both domestic and international taxation It also includes the most extensive bibliography currently available of the national tax laws of IMF member countries

Justice, Equality and Tax Law Nevla Čičin-Šain,Mario Riedl,2022-10-05 An in depth analysis of the specific aspects of justice equality and tax law Justice Equality and Tax Law is a topic that is both old and new at the same time Even if the society changes the demands that tax needs to be just and equal seem to be immutable What changes of course is the perception of the content of those demands International taxation post BEPS has been fraught with new challenges that warranted urgent responses These challenges were mainly provoked by the unprecedented rise of the digital economy which truly marked a change in the way business is conducted how value is created and how goods and services are produced and consumed Digitalization in turn had repercussions on all aspects of taxation direct taxation indirect taxation and even tax procedures For instance the quest for more justice and equality in profit taxes was the reason why in October 2021 a historical deal based on a two pillar solution to address the tax challenges arising from the digitalization of the economy was negotiated within the OECD G20 Inclusive Framework on Base Erosion and Profit Shifting and agreed upon by 137 member countries It was also the motive behind the shift from a typical vendor collection model to an intermediary collection model supported by centralized registration points in indirect taxes notably the VAT GST Abundant data from the European Union or the OECD signaled an ever increasing gap between expected VAT revenues and VAT actually collected making it obvious that the classical system of VAT GST collection was unable to respond to challenges posed by the digital economy Therefore new solutions based on the participation of digital platforms as intermediaries had been introduced Finally new technologies such as blockchain paved new avenues in enhancing tax compliance In this context this volume entitled Justice Equality and Tax Law contains

not only a selection of the best master s theses of the full time LL M programme in 2021 2022 but also represents an in depth analysis of various aspects of this evergreen topic

Research Handbook on International Taxation Yariv Brauner, 2020-12-25 Capturing the core challenges faced by the international tax regime this timely Research Handbook assesses the impacts of these challenges on a range of stakeholders evaluating various paths to reform at a time when international tax policy is a topic high on politicians agendas

Global Perspectives on Income Taxation Law Reuven Shlomo Avi-Yonah, Nicola Sartori, Omri Marian, 2011 In Global Perspectives on Income Taxation Law Avi Yonah covers basic corporate and international tax law from a comparative perspective The book both supplements readings in U S tax law courses and serves as a textbook for a comparative tax law class It is arranged by subject matter in the order in which they are usually covered in U S tax law classes The materials are drawn from a wide variety of countries including developing countries

Revenue Law John Tiley, Glen Loutzenhiser, 2012-10-11 This is the 7th Edition of John Tiley s major text on revenue law now massively restructured to focus upon the UK Tax system Income Tax Capital Gains Tax and Inheritance Tax What were previously sections dealing with Corporation Tax International and European Tax Savings and Charities have been spun off to an entirely new book entitled Advanced Topics in Revenue Law While this narrowing of the scope of Revenue Law means that it focuses on the most important UK taxes its reduced size also makes it a more manageable and portable volume for law students and practitioners As with previous editions the text has been revised to incorporate changes wrought by new enactments in the past four years This however remains the only book on tax law which continues to explain the new law found in ITEPA ITTOIA and ITA in light of its legislative predecessors with references to the former enactments still remaining where relevant Those familiar with the old law of income tax but wanting to find their way round the new will find this work particularly valuable The book is designed for law students taking the subject in the final year of their law degree course or for more advanced courses and is intended to be of interest to all who enjoy tax law Its purpose is not only to provide an account of the rules but to include citation of the relevant literature from legal periodicals and some discussion of or reference to the background material in terms of policy history or other countries tax systems

Tiley s Revenue Law Glen Loutzenhiser, 2022-05-05 This is the 10th edition of John Tiley s classic textbook on revenue law covering the UK tax system income tax capital gains tax inheritance tax and corporation tax as well as incorporating sections dealing with international and European tax savings charities and new to this edition value added tax and stamp duties The new edition has been comprehensively revised and fully updated with the latest case law statutory and other developments including the Finance Act 2021 The book s companion website provides bonus chapters on investment intermediaries pensions charities and the UK s value added tax and stamp duties The companion website will also supply annual updates to the print edition as well as study questions to help students navigate this complex subject The book is designed for students taking modules in tax law in the final year of their law degree or for more advanced courses It is also a valuable resource for academics and

professionals in the field It provides an account of the rules as well as citation of the relevant literature from legal periodicals and some discussion of or reference to the background material in terms of policy history or other countries tax systems to give readers a contextual overview of the subject Accompanying online resources for this title can be found at bloomsbury pub tileys revenue law These resources are designed to support teaching and learning when using this textbook and are available at no extra cost

VAT Neutrality Charlène Adline Herbain,2015-05-04 Most major economies use a value added tax VAT which is a derivation of the French 1954 *taxe sur la valeur ajoutée* The initial imposition of VAT in France and its spread around the world have been driven by economic reasons This book focuses on one of these economic triggers the neutrality of VAT as regards the functioning of the economy It demonstrates that the reason VAT was chosen in France and why thereafter it spread around the world was because it offered the possibility to collect governmental revenue while allowing the economic forces of the market to interplay without being adversely affected The prerequisite conditions for the existence of VAT neutrality are therefore identified herein along with an overview of the VAT mechanism demonstrating that the concept of neutrality is built into the VAT system in a manner that allows for the preservation of the natural functioning of the market After the definition of VAT neutrality is set forth the elements that comprise VAT neutrality are tested against the realities on the ground and the issues that infringe the neutrality of VAT are identified and analysed In conclusion remedies for these issues are being sought by a review of the causes of infringement of VAT neutrality in the perspective of selected proposals for modified VAT systems These proposals include redesignating the place where VAT is levied and improving VAT collection Ultimately the proposed solution has recourse to the roots of VAT together with the most advanced technological tools available to give back to VAT the power to levy revenue while letting the economic forces of the market interplay without instigating any adverse influence

Legitimate expectations in Luxembourg tax law Fatima Chaouche,2019-06-25 This book is the result of a 4 year research project conducted at the Faculty of Law of the University of Luxembourg It explores the legal value and enforceability of tax circulars and tax rulings in Luxembourg domestic law in light of the principle of legitimate expectations and related principles After studying the historical roots of both interpretative acts this research questions the level of protection taxpayers enjoy when relying on circulars and tax rulings and contains a review of decades of administrative case law to assess the judicial discourse on taxpayers rights to certainty This book further investigates the case of circulars and tax rulings that contain interpretations of tax laws that are contrary to the law *contra legem* and builds upon the existing normative framework to introduce proposals addressing issues of uncertainty and inequality taxpayers are likely to suffer when relying on such interpretative acts *Prix Pierre Pescatore de la Faculté de Droit de Luxembourg* *cole doctorale de droit*

Taxmann's Interpretation of Taxing Statutes - Treatise to Understand Legislative Intent & Interpretation Strategies - Covering Rules (Literal | Golden | Mischief) & Approaches (Plain | Purposive) Dr. K.N. Chaturvedi,2024-04-02 This book enables the reader to understand the complex world of statutory interpretation especially

in the context of taxation laws This book analyses the intricate relationship between legislation and its interpretation by the judiciary underscoring the critical role that statutory law plays in contemporary society It highlights the challenges judges face in deciphering the often opaque language used in statutes The book stresses the importance of understanding legislative intent and the various approaches to interpretation such as the literal rule golden rule and mischief rule while also introducing the reader to more modern methodologies like the plain meaning approach and purposive approach This book is tailored for a broad audience including tax practitioners lawyers judges academicians and policymakers Its comprehensive coverage of both foundational principles and contemporary developments in tax law interpretation makes it an invaluable resource for those engaged in the legal academic and practical aspects of taxation The Present Publication is the 2nd Edition authored by Dr K N Chaturvedi with the following noteworthy features Highlights of the 2nd Edition are as follows

- o Updates Discusses the developments in tax policy and interpretation since 2008 including the implementation of the GST regime in India and global tax law alignments like GAAR and MLI
- o Judicial Decisions Discusses recent Supreme Court decisions on key aspects of the Income tax Act 1961 and analyses the judicial stance on tax exemptions and deductions
- o New Content Introduces chapters on Tax exemptions and DTAA updates on customs tariff classifications and discussions on the simplification and rationalization of direct taxes
- o Legislative Changes Notes the enactment of the Provisional Collection of Taxes Act 2023 which updates the 1931 Act reflecting ongoing legislative evolution
- Judicial Scrutiny and the Art of Drafting It presents examples from judicial pronouncements that critique legislative drafting illustrating this with case laws and discusses the resulting judicial efforts to interpret ambiguous statutes
- Legislative Language and Public Understanding The debate on whether laws should be written in plain English is addressed with opinions suggesting that simplifying legal language may not necessarily benefit the general public due to the complexities of legal interpretation and context
- Evolving Principles of Judicial Interpretation The book notes a shift from traditional rules of statutory interpretation literal golden and mischief rules towards more nuanced approaches like plain meaning contextual and purposive interpretations reflecting a broader and more flexible understanding of legislative texts
- Comparative Analysis of Statutory Interpretation This book discusses interpretation practices across common law countries the United Kingdom Canada Australia the United States and India highlighting differences and commonalities in approaches
- Structural Overview of Tax Law Early chapters provide an in depth look at India s tax system the constitutional framework of taxation the legislative process for tax statutes and the structural anatomy of an Act laying a foundation for understanding statutory interpretation in the context of taxation

The detailed contents of the book are as follows

- o Tax System in India
- o The book begins with an exploration of the principles of rule of law and governance as they relate to taxation
- o It discusses the complexities of statutory interpretation specifically within the realm of taxation laws
- o An in depth look at the various tax systems in India including service tax income tax and other significant taxes
- o Attention is given to state taxes and the introduction of new tax laws illustrating the evolving nature

of tax legislation Constitutional Provisions Relating to Taxation o Delivers a foundational understanding of what constitutes a tax and the necessity of legal authority for its levy and collection o Examines constitutional remedies in tax matters and differentiates between tax fee and cess o Details the distribution of legislative powers between Parliament and State Legislature including competence to tax and specific taxes like income tax sales tax and excise duty on liquor o Addresses the interpretation of legislative entries the concept of pith and substance and the limits of taxing power including instances where statutes have been held constitutional or unconstitutional Various Stages of Law Making and Their Relevance as an Aid to Interpretation o Offers insight into the law making process the relationship between policy and drafting and the introduction and types of bills o Discusses the significance of presidential recommendations accompanying documents for taxation bills and various memorandums and notes that provide clarity to legislative intent o Explores how statutory interpretation is influenced by law commission reports taxation committees parliamentary committees and speeches by legislators Structure of a Taxing Statute o Provides a comprehensive guide to drafting taxing statutes including the importance of the title preamble and definition clauses o Explains the roles of legal fiction headings marginal notes explanations provisos schedules and the power to remove difficulties in tax legislation Tax Interpretation of Exemption Provisions o Discusses the preliminary aspects constitutional provisions and complexity of tax exemption provisions o Emphasizes procedural safeguards judicial review flexibility in designing exemption provisions and interpretation of these provisions o Covers tax incentives and the concept of legitimate expectation in tax law DTAA and International Taxation o Introduces Double Taxation Avoidance Agreements DTAA and their role in international taxation including Supreme Court rulings on the matter o Details the new scheme of international taxation amendments to the Income tax Act and specific sections pertinent to international agreements o Explores the interpretation of DTAA and the Multilateral Instrument MLI as well as significant judgments related to international tax law Different Approaches to Interpretation o Expounds on the basic principles of statutory interpretation and compares the approaches taken by various jurisdictions including the United Kingdom Australia Canada and India Tax Evasion Tax Avoidance and Tax Mitigation o Addresses the distinctions between tax evasion tax avoidance and tax mitigation o Details the statutory framework on tax avoidance including General Anti Avoidance Rules GAAR and transfer pricing provisions Aids to Interpretation o Discusses general internal and external aids to the interpretation of tax statutes o Outlines general presumptions relevant to the interpretation of tax laws including presumptions about constitutionality retrospective effect exemption provisions and implied repeal o Includes a discussion on the use of Latin maxims and the significance of popular ordinary and technical meanings in statutory interpretation Simplification and Rationalisation of Direct Taxes o Covers efforts towards simplifying and rationalizing direct taxes including the roles of various committees commissions and reports from the Comptroller and Auditor General CAG and Public Accounts Committee PAC o Reviews the Direct Tax Code Bill 2010 and outlines key concepts for the future of tax law

simplification **Tax, Public Finance, and the Rule of Law** Dominic de Cogan, Alexis Brassey, May Hen, 2025-02-20 This book offers a key point of reference for reflective and thoughtful examinations of the rule of law in tax and related disciplines. It features a stellar cast of established and early career researchers from a variety of jurisdictions who have entered into conversations about the nature of the rule of law, its relevance to questions about tax, welfare, distribution, and public spending, and the challenges involved in applying legal standards in these fields. There is a particular focus on the interaction between the rule of law and the rapidly emerging world of cross border tax avoidance reforms influenced by the OECD's Base Erosion and Profits Shifting project and the evolution of EU level governance over direct as well as indirect taxes. The book is accessible to those new to taxation and public finance as well as to experts and to lawyers and non lawyers alike.

The Routledge Companion to Tax Avoidance Research Nigar Hashimzade, Yuliya Epifantseva, 2017-10-02 An inherently interdisciplinary subject, tax avoidance has attracted growing interest of scholars in many fields. No longer limited to law and accounting, research increasingly has been conducted from other perspectives such as anthropology, business ethics, corporate social responsibility, and economic psychology. This was recently stimulated by politicians, mass media, and the public focussing on tax avoidance after the global financial and economic crisis put a squeeze on private and public finances. New challenges were posed by changing definitions and controversies in the interpretation of tax avoidance concept as well as a host of new rules and policies that need to be fully understood. This collection provides a comprehensive guide to students and academics on the subjects of tax avoidance from an interdisciplinary perspective, exploring the areas of accounting, law, economics, psychology, and sociology. It covers global as well as regional issues, presents a discussion of the definition, legality, morality, and psychology of tax avoidance, and provides guidance on measurement of economic effect of tax avoidance activities. With a truly international selection of authors from the UK, North America, Africa, Asia, Australasia, Middle East, and continental Europe, with well known experts and rising stars of the field, the contributors cover the entire terrain of this important topic. *The Routledge Companion to Tax Avoidance Research* is a ground breaking attempt to bring together scholarly research in tax avoidance, offering rigorous academic analysis of an important and hotly debated issue in a structured and balanced way.

The Oxford Handbook of International Law and Development Ruth Buchanan, Luis Eslava, Sundhya Pahuja, 2024-02-15 The Oxford Handbook of International Law and Development is a unique overview of the field of international law and development, examining how normative beliefs and assumptions around development are instantiated in law, and critically examining disciplinary frameworks, competing agendas, legal actors, and institutions and alternative futures.

Federal Tax Practice and Procedures Felix I. Lessambo, 2025-06-16 Federal Tax Practice and Procedure is often described as a rebarbative course. Instructors tend to put more emphasis on datelines, tax filings, etc. Though these aspects are important, they do not capture the essence of tax procedure. This book encapsulates the delightful aspects of tax procedure and aims to equip students and practitioners with analytical skills through the use of the Code.

Regulations and case law Readers will enjoy learning about fiscal procedure aspects such as Taxpayer bill of rights Tax Audit Process and Tax Assessment Period Assessment of Tax Deficiencies Overpayments Refunds and Refund Litigation Liens Levies and Collection Procedures etc In a nutshell this book is geared to equip practitioners and students to identify and analyse the procedural issues involved in a tax controversy in order to represent a client in a civil federal tax dispute from its inception through the administrative process culminating in tax litigation **Nigerian Taxation** Saka Muhammed

Olokooba,2019-01-23 This book offers a simplified and straightforward introduction to the basics of Nigerian taxation While discussing various laws practices and procedures it also addresses the latest amendments to Nigerian tax laws The book begins by discussing the central issue of Islamic taxation and its legality under Nigerian law Divided into four main sections the book was designed for simplicity and uses language that is accessible for all tax stakeholders **Rethinking EU VAT**

for P2P Distribution Cristina Trenta,2015-09-24 Peer to peer P2P networks decentralized group structures allowing anyone to easily download and share resources online already play a critical role in the distribution of digital content Most of the debate on P2P heretofore has focused on copyright issues However as the basis for legitimate business models a number of companies have already quietly embraced P2P has a largely unknown and underestimated impact on taxation with vast repercussions on the development of mature profitable markets This book analyses the current framing for digital and media supplies provided via P2P technologies through the lens of an interdisciplinary approach drawing on tax law computer science economics copyright law and business studies VAT concepts such as those of economic activity and taxable person taxable transactions consideration barter and taxable amount and territoriality rules are discussed in connection with P2P as is the evaluation of VAT liability for P2P operations in the presence of copyright infringement Topics and issues considered include centralized and decentralized P2P networks free riding problems identifying actors in P2P networks for VAT purposes P2P and place of supply and pros and cons of integrating P2P with taxation regimes and especially VAT systems The analysis draws on a vast range of sources including EU legislation and case law tax law literature and doctrine international conventions and treaties Council of Europe and OECD documents ECHR case law and official documents and cases from key jurisdictions worldwide offering the first thoroughly grounded approach to overcoming the lack of understanding and awareness of ongoing changes currently separating the digital economy and traditional taxation systems and a solid platform for discussion to the diverse communities of researchers and professionals interested in P2P The Complexity of Tax Simplification Simon James,Adrian Sawyer,Tamer Budak,2016-04-29 Simplicity in taxation has considerable potential advantages However attempts to simplify tax systems are only likely to be successful and enduring if they take account of the reasons why taxation is complex There are strong pressures on tax systems to accommodate a range of important factors as well as complex and changing national and international environments within which modern tax systems have to operate This book explores the experiences of simplification in a range of countries and jurisdictions The

authors analyse a range of manifestations of simplification including tax systems tax law taxpayer communications and tax administration They also review the longer term or more fundamental approaches to simplification suggesting that in order to strike the optimum balance between simplicity and the aims of a tax system in terms of efficiency and equity a range of complex environmental factors must all be taken into account With chapters reflecting on experiences from Australia China Canada Malaysia New Zealand Russia South Africa Thailand Turkey the UK and the US the authors illustrate differences between jurisdictions and the changing environment in which they operate This book addresses the crucial balance between simplicity and the other objectives of tax design and reform and suggests that reformers of the tax system should include simplicity as one of the key evaluators of any design or reform proposal

Taxation of Investment Derivatives Antti Laukkanen, 2007 This dissertation aims to provide a comprehensive overview of the taxation of investment derivatives and the relationship between the derivatives and the accrual and realization methods Investment derivatives such as convertible bonds include an initial investment and a derivative an option to buy or sell or to participate in the value movements of some underlying property The principal focus of this study is on three universal tax issues namely valuation timing and the taxation of unrealized gains As a common principle interest income and capital gains are treated more similarly in corporate taxation than in individual taxation Moreover the taxation of financial instruments is currently in a turn around phase in several countries not least because of the implementation of the IFRS rules in accounting and the related fair value principle The obligation to use fair values in accounting apparently motivates tax legislators to strive to use the same principles in taxation as well The comparative method plays a major role in this study by examining the tax legislations and the tax practices of different countries An in depth analysis of the similarities and differences of tax laws and practices in the United States the United Kingdom Germany Finland and Sweden is provided This is of particular interest as the underlying components single and often specified financial derivatives are basically identical While this study does not deal with individual tax treaties or bilateral transactions the OECD Model is scrutinized in order to highlight the underlying principles of the given recommendations especially with respect to interest income and capital gains Due to the increasing importance of IFRS rules in accounting the study is not limited to tax law but also looks at issues from the perspective of finance accounting and economics

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