

V O L U M E 2

Tax Law Design and Drafting

Editor
Victor Thuronyi

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F U N D

Tax Law Design And Drafting V 1 2

**Simon James, Adrian Sawyer, Tamer
Budak**



Tax Law Design And Drafting V 1 2:

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

Drafting Legislation Helen Xanthaki, 2014-10-16 This book constitutes the first thorough academic analysis of legislative drafting By placing the study of legislation and its principles within the paradigm of Flyvberg's phronetic social sciences it offers a novel approach which breaks the tradition of unimaginative past descriptive reiterations of drafting conventions Instead of prescribing rules for legislation it sets out to identify efficacy as the main aim of the actors in the policy legislative and drafting processes and effectiveness as the main goal in the drafting of legislation Through the prism of effectiveness as synonymous with legislative quality the book explores the stages of the drafting process guides the reader through structure and sections in their logical sequence and introduces rules for drafting preliminary substantive and final provisions Special provisions comparative legislative drafting and training for drafters complete this thorough analysis of the drafting of legislation as a tool for regulation Instead of teaching the reader which drafting rules prevail the book explores the reasons why drafting rules have come about thus encouraging readers to understand what goal is served by each rule and how each rule applies The book is aimed at academics and practitioners who draft or use statutory law in the common or civil law traditions

Taxation, Virtual Currency and Blockchain Aleksandra Bal, 2018-11-29 The emergence of convertible decentralized virtual currency schemes confronts tax authorities with unprecedented questions among them are the status of virtual currency for tax purposes which virtual transactions may benefit from a VAT exemption and determining the most optimal method of tax regulation This first book length treatment of this major current topic provides an in depth and comprehensive analysis of the tax implications of virtual currency transactions Seeking to ascertain whether virtual currency requires additional regulation or whether the law as it stands is adequate to administer its usage the analysis not only thoroughly explains the nature of the underlying blockchain technology and its regulatory and judicial treatment so far but also identifies best practices for virtual currency transactions and makes recommendations for the improvement of the existing tax systems Among the aspects of the phenomenon covered are the following particular aspects of virtual currency use such as smart contracts and initial coin offerings comparative review of income tax consequences of virtual currency transactions in Germany the Netherlands the United Kingdom and the United States VAT sales tax treatment of transactions involving virtual currency in the European Union and the United States methodology for creating an effective regulatory framework for the taxation of virtual currency and the future of blockchain The book has three parts and an annex that describes tax regulations administrative rulings and court decisions concerning virtual currency in twenty countries In its in

depth analysis of tax implications of virtual currency transactions in major economies detailed overview of recent tax developments that affect virtual currency transactions and evaluation of tax policies related to virtual currencies this book has no peers Especially in view of the OECD s examination of the tax challenges presented by the digital economy as part of its base erosion and profit shifting BEPS project this clear and comprehensive explanation of the functioning of virtual currency and blockchain technology will be welcomed by tax administration officials and by persons mining and transacting in virtual currencies needing to know their compliance obligations

Current Developments in Monetary and Financial Law, Volume 2 International Monetary Fund, 2003-10-20 The papers published in this volume are based on an IMF seminar held in 2000 that covered a broad range of topics on monetary and financial law such as the liberalization of capital movements data dissemination responsibilities of central banks and the IMF s goals in financial surveillance and architecture Participants addressed recent issues in the financial sector including those related to payment systems and supervision of financial institutions Updates dealt with Internet banking bank secrecy and currency arrangements including dollarization Participants discussed the recent activities of the other international financial institutions which included the European Central Bank and the International Finance Corporation Prevention of financial crises was also discussed with reference to the distinct roles of the IMF and the private sector

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

Tax Systems and Tax Reforms in Latin America Luigi Bernardi, Alberto Barreix, Anna Marenzi, Paola Profeta, 2007-12-24 This book provides a comprehensive analysis of tax systems and tax reforms in a number of Latin American countries since the early 1990 s including Argentina and Brazil Costa Rica and Mexico Paraguay Colombia Chile and Uruguay The authors present and discuss tax systems from a broad quantitative and historical perspective and describe the main features

Taxation in Finance and Accounting Joaquim Miranda Sarmento, 2023-02-09 Taxation is becoming more and more relevant for firms and managers decisions mainly due to the impacts of taxation on firms and projects performance profitability and value This book provides an introductory overview of taxation in the fields of finance and accounting It covers several fundamental topics of taxation such as income corporate and value added tax and tax planning

and management international taxation EU tax harmonization and transfer prices This book intends to provide the readers with an understanding of the main concepts and principles of these topics regardless of specific country contexts in law With this book readers will be able to understand the fundamentals of taxation at a conceptual and practical level By using theory and practical examples readers will understand taxation at a broader level without being concerned about country specific issues

Information Asymmetries in EU VAT Frank J.G. Nellen, 2016-04-24 Unlike conventional direct taxes the application and administration of value added tax VAT depends to a considerable extent on the exchange of information between the taxable person and his transaction counterparts In practice the taxable person often fails to obtain necessary information from his transaction counterparts giving rise to information asymmetries that can induce VAT assessments sanctions and audits In its up to date overview of European Union EU VAT law this book assesses legislation case law and practice at EU and national levels in the process of examining how to minimize the risks and negative consequences associated with information asymmetries As a result of his in depth treatment of the subject the author establishes the following to what extent information asymmetries in EU VAT have legal implications e g VAT assessments fines for the taxable person to what extent information asymmetries should have legal implications for the taxable person taking into account the legal principles applicable in EU VAT to what extent positive EU VAT law indeed implies the risk of information asymmetries and any associated unjustified legal implications and to what extent legal remedies should be employed to avoid or to reduce information asymmetries for the taxable person This is the first book to conduct thorough research into the causes and legal implications of information asymmetries as well as the instruments which can be employed to counter their materialization As such it will be of inestimable value to practitioners legislators policymakers entrepreneurs judicial professionals and academics concerned with EU VAT law

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

Modernizing VATs in Africa Sijbren Cnossen, 2019-07-16 Most African countries are in dire need of more tax revenue In 28 out of 45 countries with a value added tax VAT total tax revenue as a percentage of GDP is around 15% or less falling short of what is necessary to finance basic human and economic development Far from being revenue raising instruments current African VATs are riddled with exemptions exclusions and zero rates on domestic goods and services that depress revenue are highly distortionary and greatly complicate the administration of VAT Modernizing VATs in Africa enables policymakers professionals and students to analyse African tax systems to ascertain how they can be modernized It explains the case for VAT base broadening over rate increasing arguing that exemptions and zero rates mainly accrue benefits for higher income groups Even more persuasively it demonstrates that the net result of fiscal systems can be equalizing if the revenue of broad based VATs is used to finance in kind transfers such as healthcare and education VAT modernization should be used to enable governments to finance development Modernizing VATs in Africa puts a compelling case forward for how and why this can be achieved

The Rise of the Value-Added Tax Kathryn James, 2015-04-30 This book explores one of the most significant trends in the evolution of global tax systems by asking how within less than half a century the value added tax VAT has risen from relative obscurity to become one of the world s most dominant revenue instruments Despite its significance very little is known about why so many countries have adopted the VAT and in particular why different countries adopt the types of VAT that they do The popular mythology provides that the merits of the VAT have underpinned its global spread however this book contends that much scholarship confuses the question of why the VAT has risen to dominance with the issue of what makes a good VAT This book combines policy and legal analysis to propose a new way of understanding the rise of this important revenue instrument so as to better reflect the realities of the VATs that are actually implemented

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 The Role of Tax Law in Mergers and Acquisitions Chunyang

Zhang,2022-08-08 Series on International Taxation Volume 82 The economic value of China s mergers and acquisitions M disparities between ordinary and special tax treatment eligibility for special tax treatment applying taxation principles such as neutrality and equity continuity of interest doctrine stock acquisition versus asset acquisition and adjustment to tax basis In addition to its empirical research the analysis makes use of an examination of the rules and theories on taxing M A in other jurisdictions such as Australia and the United States as part of its proposed blueprint for improving China s M A taxation Drawing on commonly recognized taxation principles this book definitively sets up the normative criteria for evaluating the income taxation of M A and reveals the fundamental problems encountered by China s current regime Its comprehensive analysis of the Chinese income tax rules for M A and detailed disclosure of how they are both divergent from and convergent with that of some other major economies will prove of immeasurable value to in house counsel for multinational corporations business enterprises with interests in China taxation consultants taxation academics and taxation authorities worldwide

International Taxation and the Extractive Industries Philip Daniel,Michael Keen,Artur Świstak,Victor Thuronyi,2016-09-23 The taxation of extractive industries exploiting oil gas or minerals is usually treated as a sovereign national policy and administration issue This book offers a uniquely comprehensive overview of the theory and practice involved in designing policies on the international aspects of fiscal regimes for these industries with a particular focus on developing and emerging economies International Taxation and the Extractive Industries addresses key topics that are not frequently covered in the literature such as the geo political implications of cross border pipelines and the legal implications of mining contracts and regional financial obligations The contributors all of whom are leading researchers with experience of working with governments and companies on these issues present an authoritative collection of chapters The volume reviews international tax rules covering both developments in the G20 OECD project on Base Erosion and Profit Shifting and more radical proposals identifying core challenges in the extractives sector This book should become a core resource for both scholars and practitioners It will also appeal to those interested in international tax issues more widely and those who study environmental economics macroeconomics and development economics Foundations of Taxation Law 2022 Stephen

Barkoczy,2022-01-25 Foundations of Taxation Law is a clear comprehensive introduction to the policy principles and practice of Australia s taxation system An introductory guide for law and business students and tax practitioners the text blends policy issues taxation theory technical black letter law and commercial practice into a succinct principled text The Ethics of

Performance Enhancing Drugs in Sports Sandra A. McCalla,2024-08-06 It may be a popular opinion that sports and ethics

are incongruent or contradictory but ethical principles in sports are in fact integral for its protection. Because of this invalid popular opinion, a new conversation on ethical principles and issues in sports is warranted. This should start here with a philosophical investigation into the areas of epistemology and autonomy with an effort to address ethical issues associated with the use of performance enhancement drugs, doping in sports, fair play, equity and responsibility. Readers are introduced to a new theoretical approach to addressing ethical issues in sports. These issues are based on arguments advanced on responsible freedom, perspective, knowledge and duties that can be utilized by sports stakeholders: athletes, team doctors, fans, sporting organizations, coaches etc. as they strive for success and minimize unfair practices. Important questions are posed concerning respect for others, respect for rules, respect for the game and respect for self. Also, an investigation into ethics and doping is conducted to unravel whether doping athletes impose undue limitations on their freedom. Thus, the idea of absolute freedom is questioned and privileged freedom is explored.

Taxation Margaret Anne Lamb, 2005. It comments upon how disciplinary based approaches to tax research have developed in Law, Economics, Accounting, Political Science and Social Policy. Its authors then go on to introduce an interdisciplinary research approach to taxation research.

VAT in Africa Richard E. Krever, 2008. Collection of articles reviewing the experience of the implementation of VAT in Africa. Besides analyses, the articles offer guidelines for reforming and improving both technical and administrative aspects of the tax. The several chapters consider design and structure of the VAT, VAT and specific factors, administrative aspects of VAT, Inter jurisdictional and international aspects of VAT and VAT and Francophone Africa.

Taxation History, Theory, Law and Administration Parthasarathi Shome, 2021-04-09. Tax practitioners are unfamiliar with tax theory. Tax economists remain unfamiliar with tax law and tax administration. Most textbooks relate mainly to the US, UK or European experiences. Students in emerging economies remain unfamiliar with their own taxation history. This textbook fills those gaps. It covers the concept of taxes in regards to their rationale, principles, design and common errors. It addresses distortions in consumer choices and production decisions caused by tax and redressals. The main principles of taxation: efficiency, equity, stabilization, revenue, productivity, administrative feasibility, international neutrality are presented and discussed. The efficiency principle requires the minimisation of distortions in the market caused by tax. Equity in taxation is another principle that is maintained through progressivity in the tax structure. Similarly, other principles have their own ramifications that are also addressed. A country's constitutional specification of tax assignment to different levels of government: central, state, municipal are elaborated. The UK is more centralised than the US and India. India has amended its constitution to introduce a goods and services tax (GST) covering both central and state governments. Drafting of tax law is crucial for clarity and this aspect is addressed. Furthermore, the author illustrates different types of taxes such as individual income tax, corporate income tax, wealth tax, retail sales, value added, goods and services tax, selective excises, property tax, minimum taxes such as the minimum alternate tax (MAT), cash flow tax, financial transactions tax, fringe benefits tax, customs duties and export taxes, environment tax and

global carbon tax and user charges An emerging concern regarding the inadequacy of international taxation of multinational corporations is covered in some detail Structural aspects of tax administration are given particular attention **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 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

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- 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

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