

Regular Exam 2021

Question 1

Mobile telecommunications Limited the first and largest mobile telecommunications company in Namibia with over two million active subscribers since 1994 has organized and sponsored a music concert at the Sam Nujoma stadium in aid of two charitable organisations to which the net proceeds of the concert even though received by MTC were duly paid to the organisations in terms of a contract which was entered into before the music concert.

The Reciever of Revenue now wants to tax the proceeds from the music concert and argues that such proceeds form part of MTC's Gross Income. You are a Tax Expert and MTC has now approached you for legal advise as to whether or not the proceeds can be included in their gross income. [25]

[deals with the "Receipt" requirement of gross income"]

Issue

Whether or not the proceeds can be said to be "received" by MTC in regards to satisfying the definition of gross income that is taxable?

Relevant Law

For tax purposes the gross income of a person has to meet specific requirements. The determination of gross income is therefore the first step in the calculation of a taxpayer's taxable income. This means that prior to ascertaining the liability of a taxpayer to pay income tax, it should first be determined whether a person has a gross income on which tax can be levied. A person can be a natural person, juristic person, association of persons such as a trust, insolvent estate or deceased person's estate.

Gross income is: **The total amount, in cash or otherwise, received by or accrued to or in favour of such a person during such a year or period of assessment from a source within or deemed to be within Namibia, excluding receipts or accruals of a capital nature.**

Tax Law Exam Answers

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tax law In addition it contains an in depth analysis of the CILFIT doctrine in action and its demand for legal certainty By looking at both how the case law of the European Court of Justice ECJ in the area of direct taxation fits the CILFIT criteria ECJ 6 October 1982 case 283 81 Srl CILFIT and Gavardo SpA and how such criteria are complied with by national courts the book reviews and discusses the application in the field of direct taxation of the criteria put forward by the ECJ The book highlights some of the current challenges faced by the EU judicial system in view of the expansion of EU law and its decentralized application at national level Stationary Engineer and Fireman Arthur Liebers,1947 *Financial Services and General Government Appropriations for 2016* United States. Congress. House. Committee on Appropriations. Subcommittee on Financial Services and General Government,2015

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