



CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 20 August 2024. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (For employment income including wife's employment, self-employment and professional income).

Year of income 2023.

Assume the following rates of tax applied throughout the year of income 2023:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 32,333	288,001	- 388,000	25%
32,334	- 500,000	388,001	- 6,000,000	30%
500,001	- 800,000	6,000,001	- 9,600,000	32.5%
Excess over	800,000	Excess over	9,600,000	35%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance: Capital expenditure incurred on:	Rate of investment allowance	Residual value (25% per year on equal instalments)	Prescribed benefit rates of motor vehicles provided by employer (i) Saloons, Hatch Backs and Estates	
			Monthly rates (Sh.)	Annual rates (Sh.)
(a) Buildings:				
• Hotel building	50% in the first year of use	25%	Up to 1200 cc	3,600
• Building used for manufacture	50% in the first year of use	25%	1201 - 1500 cc	4,200
• Hospital buildings	50% in the first year of use	25%	1501 - 1750 cc	5,800
• Petroleum or gas storage facilities	50% in the first year of use	25%	1751 - 2000 cc	7,200
• Educational/hostels building	10% per year on straight line basis		2001 - 3000 cc	8,600
• Commercial building	10% per year on straight line basis		Over - 3000 cc	14,400
(b) Machinery:				
• Machinery used for manufacture	50% in the first year of use	25%	(ii) Pick-ups, Panel Vans (unconverted)	
• Hospital equipment	50% in the first year of use	25%	Up to - 1750 cc	3,600
• Ships or aircraft	50% in the first year of use	25%	Over - 1750 cc	4,200
• Motor vehicles and heavy earth moving equipment	25% per year on straight line basis		(iii) Land Rovers/Cruisers	7,200
• Computer software, calculators, copiers and duplicating machines	25% per year on straight line basis			86,400
• Furniture and fittings	10% per year on straight line basis			
• Telecommunication equipment	10% per year on straight line basis			
• Film equipment by a local producer	25% per year on straight line basis			
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%		
• Other machinery	10% per year on straight line basis			
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on straight line basis			
(d) Farm works	50% in the first year of use	25%		

Commissioner's prescribed benefit rates:

Services	Monthly rates (Sh.)	Annual rates (Sh.)
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(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000

Agriculture employees: Reduced rates of benefits

(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) Britany PLC is a medium-sized manufacturing company operating in Kenya, engaged in the production of cosmetic products. In year 2023, the Revenue Authority conducted an audit and issued a tax assessment, alleging that the company had underreported its income and owed an additional Sh.18 million in taxes, penalties and interest.

The company disagreed with the Revenue Authority assessment, citing discrepancies in the audit process and claiming that certain allowable deductions were not considered. However, instead of taking the matter to the Tax Appeals Tribunal (TAT), the company opted to use the Alternative Dispute Resolution (ADR) framework to resolve the dispute.

Required:

- (i) Explain to the management of Britany PLC on the steps that will be followed in the Alternative Dispute Resolution (ADR) process. (5 marks)
- (ii) Summarise **THREE** potential benefits to Britany PLC from using ADR instead of proceeding directly to the TAT or the courts. (3 marks)
- (b) Explain **THREE** tax planning strategies that corporations could use to maximise tax benefits when they dispose of business operations in Kenya. (6 marks)
- (c) John Mwema owns a private logistics company which he has been operating for the last six years. Recently, the Revenue Authority conducted an in-depth examination of his tax returns due to inconsistencies in his reported income, expenses, assets and liabilities over the past three years.

The following information was reported by John Mwema and later amended by the Revenue Authority:

Reported figures by the logistic company:

Year	Gross income Sh.	Business expenses Sh.	Personal expenses Sh.	Living expenses Sh.	Assets Sh.	Liabilities Sh.
2021	4,000,000	3,200,000	500,000	300,000	10,000,000	2,000,000
2022	4,500,000	3,600,000	600,000	400,000	11,000,000	2,500,000
2023	5,000,000	4,000,000	700,000	500,000	12,000,000	3,000,000

Assessed figures by the Revenue Authority after in-depth audit findings:

Year	Gross income Sh.	Business expenses Sh.	Personal expenses Sh.	Living expenses Sh.	Assets Sh.	Liabilities Sh.
2021	4,500,000	2,900,000	600,000	400,000	11,000,000	1,800,000
2022	5,000,000	3,200,000	700,000	500,000	12,500,000	2,300,000
2023	5,500,000	3,500,000	800,000	600,000	14,000,000	2,800,000

The corporate tax rate is at 30%.

Required:

- (i) Determine the additional taxable income for each of the years ending 31 December 2021 to 31 December 2023. (4 marks)
- (ii) Compute the total back duty tax liability that John Mwema's Logistics Company Ltd. owes Revenue Authority for the three years. (2 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Analyse **FOUR** challenges of taxing digital economy by the Revenue Authority of your country. (4 marks)
- (b) Pelly and Mark have been partners trading as Pama Enterprises from 1 January 2021 having contributed Sh.12,000,000 and Sh.15,000,000 as capital for Pelly and Mark respectively. They prepare their accounts to 31 December every year. Due to the need of expanding their business, they decided to admit Colley on 1 May 2023 and changed the business name to Pamac Enterprise. Colley brought in Sh.18,000,000 as his capital contribution. Prior to the admission of Colley, the profit and loss sharing ratio was 2:3 between Pelly and Mark respectively. However, with the admission of Colley they revised the profit and loss sharing ratio to 2:3:4 for Pelly, Mark and Colley respectively.

The following information was extracted from the business records for the year ended 31 December 2023:

1. Assets and liabilities as at 31 December:

	2022 Sh. "000"	2023 Sh. "000"
Payables	7,200	11,050
Accrued salary and wages	1,600	2,300
Accrued rent	1,825	2,100
Prepaid electricity bills	293	245
Furniture and fittings	600	450
Balance at bank	7,910	9,566
Equipment	670	530
Inventory	1,248	897

2. During the year ended 31 December 2023, the partners banked all cash collections after deducting the following monthly expenses:

	Sh.
Repair and maintenance	20,000
Stationery	23,700
Sundry expenses	32,000
Motor vehicle expenses	20,500
Purchase of goods for resale	190,000

3. Payments made through the bank during the year ended 31 December 2023, have been summarised as follows:

	Sh. "000"
Rent	2,250
Motor vehicle expenses	420
Web hosting cost	25
Directors allowance	450
General expenses	10,779
Electricity	1,800
Purchase of goods	52,640
Floatation cost	200
Salaries and wages	8,300
Purchase of saloon car	4,500

4. The partnership business was converted into a limited company by the name Pamac Limited on 1 September 2023 and the partners became the directors of the company. Upon conversion, the company issued 8% debentures of Sh.15,000,000.

5. On average, the business sold all goods at a gross profit margin of 30%.

6. Specific provision for bad and doubtful debts as at 1 January 2023 was Sh.8,300,000 while as at 31 December 2023 was Sh.3,400,000.

7. There was no disposal of fixed assets during the year.

8. The partners were charging interest on capital at the rate of 10% per annum.

9. The partners annual salary was Sh.1,000,000, Sh.2,500,000 and Sh.3,000,000 for Pelly, Mark and Colley respectively. The partners salary was not included in the salary and wages for the year.

10. Sales, purchase and expenses accrued evenly throughout the year.

Required:

(i) In a columnar format, determine the taxable income of the partnership and Pamac Limited for the year ended 31 December 2023. (11 marks)

(ii) Compute taxable income of each partner for the year ended 31 December 2023. (5 marks)

(Total: 20 marks)

QUESTION THREE

(a) Superlite Investments Ltd. acquired land from Wema Estate at a cost of Sh.15,600,000 in the year 2019. Other incidental costs incurred in relation to acquisition of the land included the following:

	Sh.
Legal fees	464,320
Commissions	3,400,000
Stamp duty	312,040
Survey fees	100,000
Land board consent facilitation	20,000

Superlite Investments Ltd. later sold the land to Express Ltd. on 1 May 2023 at the transfer price of Sh.31,200,000. However, Superlite Investments Limited did not pay capital gains tax at the time of transfer of the land to Express Ltd. The revenue authority issued an assessment on 30 June 2024 that is, after a period of one year and two months had elapsed since the date of transfer.

Required:

- (i) Compute the capital gains tax payable by Superlite Investments Ltd. assuming the company had paid on due date. (4 marks)
- (ii) Calculate the penalty and interest charged and the total tax payable by Superlite Investments Ltd., if the company paid after one year and two months from the due date of transfer. (2 marks)
- (iii) The management of Superlite Investments Ltd. are considering on whether to negotiate with the revenue authority, in effort of being exempted from payment of penalties and interest.

Required:

Advise the management of Superlite Investments Ltd. on two factors that could be considered by the revenue authority while negotiating for settlement of taxes, penalties and interest. (2 marks)

- (b) The following balances were extracted from the books of Sharp Bank Ltd. on 31 December 2023:

	Sh. "000"
Government securities	1,172,000
Loans and advances to customers	2,973,200
Cash and balances with central bank	628,500
Property, plant and equipment	504,000
Interest on loans and advances	435,400
Interest on government securities	238,200
Foreign exchange income	72,000
Fees and commission income	170,200
Deposits with other banks	115,000
Other fixed assets	32,000
Interest on placement and bank balances	36,000
Non-operating income	17,000
Customers deposits	4,240,000
Deposits and balances due to other banks	215,000
Depreciation expense	42,000
Directors emolument	12,500
Bad and doubtful debts expenses	34,000
Interim dividends paid	25,000
Staff costs	295,000
Interest on customers deposits	115,000
Interest on borrowed funds	35,000
Ordinary share capital	250,000
Auditors fees	3,500
Contribution to staff provident fund	14,500
Loss on sale of fixed asset	21,800
General administration expenses	142,500
Reserves	529,000
Legal and professional fees	20,000

Additional information:

1. Taxable profit for the year 2023 had been estimated at Sh.100,000,000 on 1 January 2023 for corporate tax purposes.
2. Final dividend has been proposed at 10%.
3. Accrued interest expense on customers deposit as at 31 December 2023 was Sh.30,000,000.
4. Unrecorded interest income on loans advanced to customers was Sh.1,500,000 as at 31 December 2023.

Required:

- (i) Compute the taxable income for Sharp Bank Ltd. for the year ended 31 December 2023. (8 marks)
- (ii) Determine the tax payable if any by Sharp Bank Ltd. for the year ended 31 December 2023. (2 marks)

- (iii) Indicate the due dates, amount of tax payable and any penalty applicable for instalment tax payable by Sharp Bank Ltd. for the year ended 31 December 2023. (2 marks).

(Total: 20 marks)

QUESTION FOUR

- (a) The Revenue Authority of your country is under pressure from the national government to enhance the tax collection and administration efficiency in a bid to raise sufficient revenue.

To this end the revenue authority is considering adopting the tax base expansion strategies.

Required:

Advise the commissioner in charge of the revenue authority on **FIVE** tax base expansion strategies that the revenue authority could adopt. (5 marks)

- (b) The following information relates to Pembe Ltd. for the year ended 31 December 2023:

1. Trading income before tax was reported to be Sh.38,400,000 which included net rental income from a commercial property of Sh.4,800,000.

The rental income was after deducting the following expenses:

	Sh.
• Advertising before letting	400,000
• Mortgage repayment (Interest Sh.360,000)	1,200,000
• CCTV cameras and partitions cost	360,000

2. The trading income was before adjusting for the following transactions:

	Sh.
• Foreign exchange gains unrealised	1,926,000
• Insurance compensation on inventory	192,000
• Bad debts recovered previously written off	144,000
• The company had a loan of Sh.24,000,000 with an interest rate of 12% per annum. Accrued interest at year end was Sh.520,000 which was not factored in determining profit for the year.	
• Investment allowances deducted amounted to Sh.8,000,000. However, this was revised to Sh.6,000,000 following an audit and agreement with the revenue authority.	

3. Other incomes of the company included:

• Interest income from Mavuno Ltd.	Sh.480,000 (gross)
• Dividend from Biashara Bank Ltd.	Sh.142,500 (net)
• Dividend from Mazera Co-operative Society Ltd.	Sh.204,000 (net)

4. Pembe Ltd. dividend payout ratio is 40% of trading income and 100% for any other income received during the year.

5. Total dividends paid for the year ended 31 December 2023 amounted to Sh.7,600,000.

6. Corporate tax rate is 30%.

Required:

Compute the shortfall distribution tax for the year ended 31 December 2023.

(7 marks)

- (c) The following balances were extracted from the books of Bright Sacco Ltd as at 31 December 2023:

	Sh.	Sh.
Dividend from investments		1,407,400
Rental income		2,495,000
Sundry provisions		892,500
Interest income SBN Bank		2,604,500
Interest income CMC Wealth Fund		804,000
Revaluation reserve		2,075,000
Statutory reserve fund		1,374,000
Entrance fees		430,000
Members deposits		70,000,000
Share capital		6,465,000
Sundry creditors		340,815
Bank overdraft		615,000
Interest received from members loans		3,200,000
Travelling expenses: Staff	88,030	
Committee members	210,015	

	Sh.	Sh.
Bank charges	40,000	
Bank interest	280,500	
Salaries and wages	228,600	
Committees education	500,000	
Interest on mortgage for rented property	482,000	
Printing and stationery	316,500	
Annual general meeting expenses	1,070,000	
Entertainment	105,000	
Audit fees	613,650	
Legal fees	440,000	
Cash in hand	1,054,000	
KUSCCO deposits	2,438,000	
SBN Bank savings	3,240,000	
Loans to members	69,333,420	
Receivables (members)	2,268,500	
Investment in CMC Wealth Fund	5,540,000	
Receivables (non-members)	2,250,000	
Other investments	2,115,000	
Furniture and office equipment	90,000	
	<u>90,703,215</u>	<u>90,703,215</u>

Additional information:

- The management committee has proposed the payment of honoraria amounting to Sh.1,120,000.
- Outstanding rental income as at 31 December 2023 amounted to Sh.86,000 and as at 1 January 2023 Sh.124,000.
- Dividend from investment companies:

Dividend received from Kenya Union of Saving and Credit Co-operatives (KUSCCO).	Sh.1,200,000
Dividend received from Weka Ltd.	Sh.86,050
Dividend received from Apex Ltd. – Uganda.	Sh.121,350
- Staff salaries amounting to Sh.315,000 had not been paid as at 31 December 2023.
- Members are to be paid dividend at the rate of 10% per share.
- Accrued interest on members loans as at 31 December 2023 amounted to Sh.480,000. Interest and dividends were stated at the gross amount.

Required:

Compute the taxable income and tax payable if any by Bright Sacco ltd. for the year ended 31 December 2023. (8 marks)

(Total: 20 marks)

QUESTION FIVE

- Evaluate **FOUR** ethical issues that policy makers are required to consider when designing tax systems. (4 marks)
- In a tax seminar one of the facilitators noted that “most governments in developing countries are faced with challenges of regulating and combating the use of tax haven”.

With reference to the above statement, analyse **FIVE** challenges faced by governments in regulating and combating the use of tax havens. (5 marks)

- Explain the term “value added tax (VAT) reverse charge”. (1 mark)
 - The following information relates to Laser Limited, a company engaged in supply of taxable goods for the month of May 2024. The company was registered for VAT on 1 May 2024.
 - Inventory in trade at 1 May 2024 was valued at Sh.813,000.
 - The company purchased goods on credit and cash worth Sh.4,750,000 and Sh.2,980,000 respectively. Goods purchased on cash worth Sh.180,000 did not have supporting fiscal receipts.
 - The company sold goods worth Sh.8,768,000 during the month. These goods included exempt sales worth Sh.3,670,000 and exports to South Africa worth Sh.1,500,000.
 - The company received credit notes and debit notes worth Sh.600,000 and Sh.540,000 respectively.
 - During the month, the company purchased a motor vehicle on hire purchase at Sh.4,500,000 to be used in the business. The cash price was Sh.3,800,000.

6. The company imported goods valued at Sh.2,400,000 (Cost, Insurance and Freight). The company incurred clearing and transport cost of Sh.450,000 and Sh.150,000 respectively. This import was not included in the purchases above. The import duty rate during the year was 25%.
7. The company incurred the following expenses during the month:
- | | Sh. |
|------------------------------|------------|
| Legal expenses | 350,000 |
| Salary and wages | 1,334,000 |
| Office rent | 580,000 |
| Water from county government | 89,000 |
| Electricity | 54,000 |
8. The company could not identify goods sold as exempt when they were purchased and therefore restricted deductible input VAT.
9. Transactions are inclusive of VAT at the rate of 16% where applicable.

Required:

Determine value added tax (VAT) payable by or refundable to Laser Limited for the month of May 2024.

(10 marks)

(Total: 20 marks)

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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 23 April 2024. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (For employment income including wife's employment, self-employment and professional income).

Year of income 2023.

Assume the following rates of tax applied throughout the year of income 2023:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 32,333	288,001	- 388,000	25%
32,334	- 500,000	388,001	- 6,000,000	30%
500,001	- 800,000	6,000,001	- 9,600,000	32.5%
Excess over	800,000	Excess over	9,600,000	35%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance: Capital expenditure incurred on:	Rate of investment allowance	Residual value (25% per year on equal instalments)	Prescribed benefit rates of motor vehicles provided by employer (i) Saloons, Hatch Backs and Estates	
			Monthly rates (Sh.)	Annual rates (Sh.)
(a) Buildings:				
• Hotel building	50% in the first year of use	25%	Up to 1200 cc	3,600
• Building used for manufacture	50% in the first year of use	25%	1201 - 1500 cc	4,200
• Hospital buildings	50% in the first year of use	25%	1501 - 1750 cc	5,800
• Petroleum or gas storage facilities	50% in the first year of use	25%	1751 - 2000 cc	7,200
• Educational/hostels building	10% per year on straight line basis		2001 - 3000 cc	8,600
• Commercial building	10% per year on straight line basis		Over - 3000 cc	4,400
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)	
• Machinery used for manufacture	50% in the first year of use	25%	Up to - 1750 cc	3,600
• Hospital equipment	50% in the first year of use	25%	Over - 1750 cc	4,200
• Ships or aircraft	50% in the first year of use	25%		
• Motor vehicles and heavy earth moving equipment	25% per year on straight line basis		(iii) Land Rovers/Cruisers	7,200
• Computer software, calculators, copiers and duplicating machines	25% per year on straight line basis			86,400
• Furniture and fittings	10% per year on straight line basis			
• Telecommunication equipment	10% per year on straight line basis			
• Film equipment by a local producer	25% per year on straight line basis			
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%		
• Other machinery	10% per year on straight line basis			
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on straight line basis			
(d) Farm works	50% in the first year of use	25%		

Commissioner's prescribed benefit rates:

Services

	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000

Agriculture employees: Reduced rates of benefits

(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) SpeedTech Corporation is a multinational technology company operating in Kenya. The company provides digital services to consumers in the country.

Required:

Analyse the impact of digital service tax on SpeedTech Corporation's operations in Kenya. (4 marks)

- (b) The following information was extracted from the books of Henry and Titus who operate a partnership business and share profits and losses in the ratio of 3:2 respectively:

1. An extract from the statement of financial position as at 31 December 2022 revealed the following information about the partnership:

Asset	Cost/net book value	Sh."000"
Freehold land	Cost	64,000
Office equipment	Net book value	4,160
Furniture and fittings	Net book value	4,800
Delivery vans	Net book value	8,000

The net book values as at 31 December 2022 were the same as the tax written down values.

2. Current assets and liabilities as at 31 December 2022 were reported as follows:

	Sh."000"
Stock	8,800
Trade receivables	640
Bank overdraft	480
Cash in hand	64

3. On 1 January 2023, each partner contributed additional capital of Sh.5,000,000. Interest on capital was at the rate of 5% per annum.

4. Sales proceeds that were banked in the year amounted to Sh.160,000,000. The accountant had paid the following expenses from sales proceeds before banking the balance:

	Sh.
Office rent	32,000 per month
Office expenses	8,000 per week
Laptop for office use	40,000
Salaries and wages - casual workers	3,600 per week
Carriage outwards	5,200 per week
Salary to partners: Henry	16,000 per month
Titus	24,000 per month

5. From the bank, the partnership made the following payments:

	Sh.
Purchase of computers	102,400
Purchase of motor cycle for salesmen	160,000
Staff salaries per month	80,000
Purchase of goods for resale	124,800,000
Drawings per month: Henry	80,000
Titus	64,000
Stellah	36,000
Bank charges per month	2,400
Telephone bills per month	6,400
Electricity bill per month	8,000

6. On 1 September 2023, Stellah was admitted as a partner on the following terms:

- She was to contribute capital amounting to Sh.16,000,000
- She was to receive a salary of Sh.480,000 per annum and commission of 1% on the total sales made after her admission.
- Interest on capital was to be charged at 10% per annum from 1 September 2023.
- Profit and loss sharing ratio was changed to 3:2:1 for Henry, Titus and Stellah respectively.

7. Analysis of other records revealed the following:

- Stock as at 31 December 2023 amounted to Sh.6,400,000.
- Included in the stock at year end were goods which had cost Sh.880,000 but could now be sold for Sh.640,000.

- Trade payables and trade receivables as at 31 December 2023 were Sh.1,280,000 and Sh.1,120,000 respectively.
 - Discount received from suppliers amounted to Sh.576,000 for the year.
 - Sales, purchases and expenses accrued evenly throughout the year.
8. Partners' capital as at 1 January 2023 was contributed equally by Henry and Titus. Assume a 52 weeks year.

Required:

- (i) Prepare a statement showing the taxable profit or loss of the partnership before and after admission of Stella for the year ended 31 December 2023. (12 marks)
- (ii) Allocation of the profit or loss computed in (b) (i) above to the partners. (4 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Explain **THREE** benefits emanating from the recent changes in Tax Dispute Resolution Mechanisms on taxpayer adherence to regulations and the efficiency of administrative processes in Kenya. (3 marks)
- (b) Describe **FOUR** strategies employed by multinational corporations in mitigating complex tax risks during corporate restructuring across multiple jurisdictions. (8 marks)
- (c) Weddy Associates is a practicing law firm that was registered for VAT in the year 2022. The following transactions were reported by the law firm accountant for the month of October 2023.

October 2: The firm provided consultation for legal information and advice to Weka Ltd. at a fee of Sh.1,200,000.

October 5: Offered training services to practicing accountants on alternative dispute resolution during the annual conference and invoiced the Institute of Accountancy Sh.800,000. The payment had not been received at the end of the month.

October 9: A client by the name Bima Ltd. was declared bankrupt. Weddy Associates had offered arbitration services to the client in April 2023 at a fee of Sh.480,000 but Bima Ltd. had only managed to settle Sh.200,000 by the time it was declared bankrupt.

October 11: Weddy Associates entered into a contract with Apex Bank Ltd. to review the bank lease agreement following a dispute with the bank's landlord on rent payment. The firm received an advance payment of Sh.400,000 from the bank and the balance of Sh.620,000 was to be received upon submission of the final legal report in November 2023.

October 16: Royal Ltd. engaged the firm to draft its Memorandum and Articles of Association and register the company with the registrar of companies at a fee of Sh.50,000.

October 21: Weddy Associates represented RR International Ltd., a diaspora client in arbitration case with a supplier and charged a fee of Sh.2,100,000. The client had only paid 30% of the total fee by end month.

October 25: Weddy Associates engaged a professional legal firm in the United Kingdom (UK) to train the law firm employees on client mediation and arbitration process at a total fee of Sh.1,800,000 without VAT. The training was conducted just before the end month.

October 30: The firm represented the following clients in the court in the course of the month and charged the fee as follows:

	Sh.
Shakir family on property dispute	620,000
Bema Ltd. on breach of trade agreement	1,400,000
Safi hospital on patient negligence	360,000

The following expenses were incurred by Weddy Associates in the course of the month:

- Electricity paid during the month was Sh.120,000 out of which Sh.20,000 was paid as deposit for the electricity meter to the power and lighting company.
- Rent for the office space Sh.480,000.
- Mandatory annual continuing legal education subscriptions for firm lawyers Sh.360,000.
- Training fee for the advocates Sh.420,000.
- Fuel for partners vehicles Sh.90,000.
- Professional indemnity cover Sh.124,000.
- Purchase of law practice management and accounting software Sh.1,620,000.
- Office computers purchase Sh.2,400,000.
- Stationery Sh.300,000.

Unless otherwise stated, all transactions were inclusive of value added tax (VAT) at the rate of 16% where applicable.

Required:

Compute the value added tax (VAT) payable by or refundable to Weddy Associates for the month of October 2023.

(9 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Explain **THREE** tax reforms aimed at promoting investment and economic growth while ensuring fairness and equity in taxation in your country. (6 marks)

- (b) Masterway Insurance Company Ltd. operates both general insurance policy in respect of motor vehicles and life assurance policy. The following details were obtained from the company records for the year ended 31 December 2023:

	Motor vehicle Sh. "000"	Life assurance Sh. "000"
Gross premium	757,000	189,000
Claims paid	124,900	128,000
Management expenses	112,640	36,000
Specific provision for bad debts	728	2,500
Reserve for unexpired risk: 1 January 2023	968	-
31 December 2023	716	-
Claims owing: 1 January 2023	119,700	-
31 December 2023	115,120	-
General expenses	1,280	1,000
Interest on policy holders outstanding premiums	240	-
Office utilities	300	120
Premiums returned	696	-
Commission on reinsurance ceded	684	-
Commission on reinsurance accepted	600	-
Agency expenses	344	-
Premiums paid to reinsurance company	4,720	-

Additional information:

1. Life assurance fund balance was valued by an actuary at Sh.270,000,000 as at 31 December 2023. 5% of this fund balance was recommended to be transferred for the benefit of shareholders.

As at 1 January 2023, the life fund had been valued at Sh.240,000,000. 15% of the surplus was recommended to be transferred for the benefit of shareholders.

2. Premiums outstanding for life insurance business were as follows:

As at 1 January 2023 Sh.15,000,000

As at 31 December 2023 Sh.12,000,000

3. Masterway Ltd. owns the building which houses its offices and has let extra space to other tenants. The company received net rental income of Sh.1,800,000 for the year ended 31 December 2023. Property management fees amounting to Sh.2,600,000 relating to the rented space for the year had not been deducted.

4. The company had invested in fixed deposits and shares and in the year 2023, the following incomes were earned:

	Sh.
Interest from fixed deposits with a money market fund	459,000 net
Gross dividend from a foreign company	180,000
Dividend from Highrise Ltd. where Masterway Insurance Company Ltd. owns 80% share capital	820,000 gross

Required:

- (i) Compute the total taxable income or loss for Masterway Insurance Company Ltd. for the year ended 31 December 2023. (12 marks)
- (ii) Tax payable (if any) from the income computed in (b) (i) above. (2 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) In a tax master class, one of the facilitators noted that “Before accepting a new client in a taxation assignment, tax practitioners should consider whether acceptance of that particular engagement would create any threat to compliance with the requisite fundamental principles”.

In relation to the above statement, propose **FOUR** factors that a tax practitioner should consider in evaluating new clients before acceptance of a new tax assignment. (4 marks)

- (b) John Pritt, a citizen of Rwanda has received two job offers in Kenya for which he has approached you to advise on which job offer to accept.

Job offer A:

John Pritt would be employed as a finance officer with African Airway Ltd., a regional airline with its head office in Kenya. The offer provided for the following:

1. Basic salary of Sh.130,000 per month to be increased semi-annually by 10%.
2. A monthly bonus of 5% of the basic salary to be paid on the ninth day of the following month.
3. Fuel allowance of Sh.10 per kilometer where he is estimated to be covering 10,000 kilometers in a year, three quarters of which will be on official duties.
4. He will be provided with free return air ticket worth Sh.16,000 for each travel on 30 June and 31 December each year to visit his family in Rwanda.
5. The company will provide him with a house whose market rental value is Sh.30,000 per month.
6. The employer will deduct Sh.5,000 per month as rent. The house will be fully furnished at a cost of Sh.480,000.

Job offer B.

John Pritt would be employed as an accountant by Watts Ltd. The offer provides for:

1. Basic salary of Sh.145,000 per month and an allowance of Sh.5,000 per month for attending finance committee meetings.
2. An annual allowance of Sh.150,000 for the purchase of office attire in line with the company’s dress code.
3. A provision for sending him to their Uganda office on a one month per year job rotation. He will be sent to Uganda in November every year and he will receive his monthly pay as usual. During that month he will attend the finance committee meeting as planned in Kenya, as the company will facilitate him with a return air ticket.
4. He will be provided with a saloon car costing Sh.2,800,000 of 3000 cc.
5. The company will cater for his night watchman’s monthly salary of Sh.18,000. His monthly water bills and electricity bills will also be paid by the company.

Required:

- (i) Evaluate the two job offers and advise John Pritt on which job offer to accept based on net annual income using the tax rates for the year 2023 as provided in the tax table. (12 marks)
- (ii) Advise John Pritt on **FOUR** conditions that one is required to meet in order to qualify for double taxation relief in Kenya or your country. (4 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Explain **FOUR** initiatives undertaken by the revenue authority in your country to entrench ethics and integrity in administration of tax. (4 marks)
- (b) The revenue authority is mandated to actively investigate potential violations of the tax laws and regulations and related financial frauds and schemes.

Required:

With reference to the above statement, analyse the procedure followed by the revenue authority tax officers in conducting a particular tax investigation. (6 marks)

- (c) The following information was presented to you by the management of SmartTech Ltd. for the year ended 31 December 2023. The company deals in the sale of a variety of laptop models and sells them entirely to college and university students on hire purchase terms:

- 1. SmartTech Ltd. buys the laptops at Sh.40,000 each.
- 2. The hire purchase price per unit comprises of a deposit of Sh.12,000 plus eight quarterly installments of Sh.6,000. The cash price per unit is Sh.50,000.
- 3. For the year ended 31 December 2023, a total of 2,460 laptops were sold and the company had received total cash of Sh.86,600,000 from the sales.
- 4. During the last quarter of the year 100 laptops were repossessed and the students had already paid Sh.2,400,000 on the repossessed laptops. This amount was included in the total cash collections for the year.
- 5. Expenses incurred in the course of the year comprised of:
 - Rent expense of Sh.420,000. Prepaid rent as at 1 January 2023 and 31 December 2023 amounted to Sh.180,000 and Sh.60,000 respectively.
 - Legal expenses of Sh.1,200,000 out of which Sh.320,000 was in respect of defense against copyright license infringement.
 - Marketing cost of Sh.525,000 out of which 40% was in respect of donation to Leo University research and development fund and Sh.120,000 for erection of a signpost.
 - Salaries and management expenses of Sh.890,000. This included renewal of employment contracts of Sh.100,000 and provision for salary increment of Sh.200,000.
 - Installation of CCTV cameras at Sh.200,000.
- 6. SmartTech Ltd. had agreed with the revenue authority that profits for tax purposes should be computed on the basis of proportionate cash collected from the customers for the year sales.
- 7. Other incomes of SmartTech Ltd. included:
 - Income from lease of 20 laptops to Leo University at a lease charge of Sh.3,000 per month for the whole year.
 - Sale of five defective laptops at Sh.15,000 each.
 - Dividend from a unit trust of Sh.120,000 gross.

Required:

Compute the total taxable income or loss of SmartTech Ltd. for the year ended 31 December 2023. (10 marks)
(Total: 20 marks)

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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 5 December 2023. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2022.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 24,000	1 - 288,000	10%
24,001 - 32,333	288,001 - 388,000	25%
Excess over - 32,333	Excess over - 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (25% per year on equal instalments)	Prescribed benefit rates of motor vehicles provided by employer
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates
			Monthly rates (Sh.) Annual rates (Sh.)
(a) Buildings:			Up to - 1200 cc 3,600 43,200
• Hotel building	50% in the first year of use	25%	1201 - 1500 cc 4,200 50,400
• Building used for manufacture	50% in the first year of use	25%	1501 - 1750 cc 5,800 69,600
• Hospital buildings	50% in the first year of use	25%	1751 - 2000 cc 7,200 86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 - 3000 cc 8,600 103,200
• Educational/hostels building	10% per year on straight line basis		Over - 3000 cc 14,400 172,800
• Commercial building	10% per year on straight line basis		
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)
• Machinery used for manufacture	50% in the first year of use	25%	Up to - 1750 cc 3,600 43,200
• Hospital equipment	50% in the first year of use	25%	Over - 1750 cc 4,200 50,400
• Ships or aircraft	50% in the first year of use	25%	
• Motor vehicles and heavy earth moving equipment	25% per year on straight line basis		
• Computer software, calculators, copiers and duplicating machines	25% per year on straight line basis		
• Furniture and fittings	10% per year on straight line basis		
• Telecommunication equipment	10% per year on straight line basis		
• Film equipment by a local producer	25% per year on straight line basis		
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%	
• Other machinery	10% per year on straight line basis		
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on straight line basis		(iii) Land Rovers/Cruisers 7,200 86,400
(d) Farm works	50% in the first year of use	25%	

Commissioner's prescribed benefit rates: Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) Assume that you work for a tax consultancy firm. A client, Masterway Ltd., intends to develop a Transfer Pricing Policy document and has approached your firm for advice on information that it should include in the document.

Required:

Advise Masterway Ltd. on **FOUR** items that should be included in a transfer pricing policy document. (4 marks)

- (b) Asili and Tulivu established a partnership business sharing profits and losses in the ratio of 3:2 respectively. The following statement of profit or loss of the business for the year ended 31 December 2022 was provided:

	Sh.	Sh.
Sales		20,184,000
Gain on sale of shares		1,056,000
Foreign exchange gain-unrealised		450,000
Recovery from insurance on stolen stock		1,400,000
Discount received		552,000
Dividend - Wakaguzi Co-operative Society (gross)		<u>153,000</u>
Total incomes		23,795,000
Expenses:		
Purchases	8,526,000	
Purchase of computers	540,000	
Partners salaries	2,160,000	
Legal fees	2,040,000	
Repairs and maintenance	1,705,200	
Rent and rates	733,800	
Interest on loan	498,600	
General expenses	2,892,000	
Motor vehicle expenses	2,520,000	
Insurance	468,000	
Preliminary expenses	788,400	
Directors fees	1,800,000	
Audit fees	444,600	
Debenture interest	1,080,000	
Travelling expenses	<u>288,000</u>	<u>(26,484,600)</u>
Net loss		<u>(2,689,600)</u>

Additional information:

- Purchases and sales of goods were inclusive of value added tax (VAT) at the rate of 16%.
- Closing inventory was valued at Sh.5,520,000 while opening inventory was 10% of sales net of VAT.
- The partnership was converted into a limited company by the name Asili Ltd. on 1 April 2022.
- Income and expenses accrued evenly throughout the year unless otherwise stated.
- Legal fees comprised:**

	Sh.
Notice for change of business name	194,400
Conveyance fees of business premises	217,200
Stamp duty	349,800
Acquisition of business loan	62,400
Recovery of bad debts	135,000
Signing a 99 year lease agreement	385,200
Purchase of Asili's private residence	450,000
Appeal against tax assessment	<u>246,000</u>
	<u>2,040,000</u>

- Repairs and maintenance comprised:**

Purchase of furniture	288,000
Installation of neon sign	180,000
Designing office block	1,170,000
Painting of new office block	<u>67,200</u>
	<u>1,705,200</u>

- General expenses included:**

Registering of patents	336,000
Negotiating for additional land for business expansion	168,000

- Interest on loan includes interest on partners capital of Sh.300,000 which was shared according to profit and loss sharing ratio.

Required:

Prepare a statement of adjusted taxable profit or loss for the year ended 31 December 2022 for:

- (i) Asili and Tulivu partnership business. (6 marks)
- (ii) Asili Ltd. Company. (7 marks)
- (iii) A schedule showing allocation of adjusted partnership profit or loss computed in (b) (i) above, to the partners. (3 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Tax agents play a crucial role in helping micro and small enterprises (MSEs) comply with tax obligations.

In light of the above statement, explain **THREE** potential areas the revenue authority may collaborate with tax agents to bridge tax gaps in MSEs in your country. (3 marks)

- (b) Explain **THREE** ways in which the implementation of the Most Favoured Nation (MFN) status may impede the attainment of economic goals of individual member states within the East African Customs Union. (6 marks)
- (c) ABC Ltd. acquired a building in March 2021 for Sh.8,500,000 and later on renovated it at a cost of Sh.465,000. Other costs incurred during the acquisition were valuation fees of Sh.84,000 and legal costs on acquisition of Sh.450,000. The building was later sold in October 2023 for Sh.12,400,000. The costs incurred in the process of selling the building were; advertisement Sh.140,000, agent fees Sh.128,000 and valuation fees Sh.136,000.

Required:

Compute the capital gains tax payable by ABC Ltd. (3 marks)

- (d) The following incomes and expenses were extracted from the accounting records of Turkanah Oil Ltd. for the year ended 31 December 2022:

Income	Sh. "million"
Proceeds from sale of oil (2,800,000 barrels at Sh.15,000 per barrel)	42,000
Value of chargeable oil disposed of to local refineries	21,000
Value of chargeable natural gas and other incomes	26,500
Freight charges received from other oil transport	22,800
Expenses:	
Royalties paid for crude oil exported	4,800
Staff accommodation expenses	2,820
Royalties incurred in respect of natural gas disposed of to local refineries	3,420
Interest on loan from foreign subsidiary company	1,890
Employee salaries and emoluments	8,200
Specific bad debts	240
Exploration and drilling costs of oil wells	12,960
Contribution to approved pension schemes	720
Customs duties on drilling machines	1,500
General expenses	7,800
Petroleum oil tankers (ships)	1,800
Cost of generator	500
Intangible drilling cost	1,380
Administration expenses	750
Exploration costs	1,680
Pipeline and storage tank	16,920
Buildings-onshore-factory	5,400
Fixtures and fittings	630
Purchase of drilling machines	5,500

Required:

- (i) Prepare a statement of taxable profit or loss of Turkanah Oil Ltd. for the year ended 31 December 2022. (6 marks)
- (ii) Identify the clarifications that the tax authority may seek from the company concerning exploration and drilling costs. (2 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Tax investigation involves inquiries into a taxpayer's affairs where the revenue authority has reasonable cause to believe that a taxpayer is not tax compliant.

In relation to the above statement, describe **FOUR** circumstances that could trigger tax investigations. (4 marks)

- (b) Explain how the adoption of the following policy frameworks would strengthen revenue mobilisation in your country:

- (i) Fiscal policy options. (2 marks)
- (ii) Tax policy options. (2 marks)

- (c) Titanic Air Ventures Ltd. is a company incorporated in Kenya that operates a fleet of passenger and cargo aircrafts in Kenya and other neighbouring countries. The trading results for the year ended 31 December 2022 are presented below:

	Sh. "million"	Sh. "million"
Revenue		106,115
Operating expenditure	66,564	
Fleet ownership	<u>13,653</u>	<u>(80,217)</u>
Gross profit		25,898
Other income:		
Interest income (net)	558,025	
Bonus shares from associate company	174	
Fair value gains on fuel derivatives	7,482	
Gain on hedged exchange differences:		
Borrowings	1,920	
Fuel contracts	<u>597</u>	<u>10,731,025</u>
Total income		36,629,025
Expenses:		
Overheads	24,898.5	
Finance costs	2,228	
Realised losses on fuel derivatives	5,656	
Other losses	752	
Deferred taxation on cash flow hedges	<u>755</u>	<u>(34,289.5)</u>
Net profit for the year		<u>2,339,525</u>

Additional information:

1. Revenue comprises of:	Sh. "million"
Cargo freight revenue	8,151
Passenger revenue	94,257
Handling	1,968
Miscellaneous revenue	<u>1,739</u>
	<u>106,115</u>
2. Operating expenditure analysis:	Sh. "million"
Direct expenses	13,938
Aircraft fuel and oil	12,795
Aircraft landing, handling and navigation	21,832
Passenger services	6,668
Commission on sale of air ticket	4,869
Aircraft passenger and cargo insurance	549
Crew expenses	2,613
Central reservation system	2,708
Other miscellaneous expenses	<u>592</u>
	<u>66,564</u>
3. Fleet ownership costs analysis:	Sh. "million"
Hire of aircrafts	8,880
Depreciation on aircrafts and engines	4,641
Depreciation on rotables and equipment	393
Aircraft purchase subsidy from government	<u>(261)</u>
	<u>13,653</u>

4.	Analysis of overhead costs:	Sh. "million"
	Administration expenses	15,262.5
	Staff costs	522
	Legal and professional fees	110
	Directors remuneration	16
	Audit fees	2,238
	General maintenance and supplies	2,094
	Depreciation of buildings and office equipment	1,290
	Amortisation of intangible assets	546
	Selling	997
	Advertising and publicity	413
	Bad debts written off	<u>1,410</u>
		<u>24,898.5</u>

5. The company purchased two aircrafts in the course of the year at a total cost of Sh.560 million. This excludes the aircraft purchase subsidy from the government.

Required:

Compute the taxable income and tax payable (if any) by Titanic Air Ventures Ltd. for the year ended 31 December 2022. (12 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Describe **FOUR** ways through which the Revenue Authority may address potential tax risks associated with the import and export activities of manufacturing firms in your country. (8 marks)
- (b) The following is a statement of profit or loss for Express Commercial Bank Ltd. for the year ended 31 December 2022:

	Sh. "000"	Sh. "000"
Income:		
Interest on loans and advances to customers		936,480
Royalty income (net of withholding tax)		11,400
Rebate on bills discounted		1,800
Interest on Treasury bills and bonds		168,000
Interest on placement with Central Bank		51,240
Fees and commission income		43,440
Investment revaluation surplus		11,232
Profit on sale of motor vehicle		<u>5,256</u>
		1,228,848
Expenses:		
Rent and rates	75,250	
Staff costs	347,720	
Impairment of intangible assets	10,440	
Depreciation	42,800	
Deposit protection fund contribution	16,360	
Interest on deposits from other banks	62,800	
Directors remuneration	26,600	
Interest on customer deposits	184,200	
Audit fees	2,040	
10% debenture stock	200,000	
Redemption reserve	3,240	
Purchase of delivery van vehicle	3,500	
Installation of online banking system	32,600	
Finance lease rentals	14,860	
Loss on sale of equipment	19,640	
Finance costs	70,200	
Allowance for bad and doubtful debts	<u>98,160</u>	<u>(1,210,410)</u>
Net profit		<u>18,438</u>

Additional information:**1. Staff costs include:**

	Sh. "000"
Provision for proposed tax increment	480
Ex-gratia payment	1,240
Negotiating loans for staff	1,000
Retrenchment costs	1,680
Provision for staff leave arrears	8,680

2. Directors remuneration include:

Education trip cost for directors children	1,600
Entertainment allowance for clients	1,560
Air tickets for expatriate directors	720

3. Allowance for bad and doubtful debt analysis:

	Specific provision Sh. "000"	General provision Sh. "000"	Total Sh. "000"
Balance brought forward 1 January 2022	684,000	888	684,888
Charge in the year	108,000	8,640	116,640
Reduction in the year	(18,480)	-	(18,480)
Balance carried forward 31 December 2022	773,520	9,528	783,048

Required:

- (i) Compute the adjusted taxable income and tax payable by Express Commercial Bank Ltd. for the year ended 31 December 2022. (10 marks)
- (ii) Express Commercial Bank Ltd.'s taxable income for the year ended 31 December 2021 was assessed as Sh.260,000,000.

Calculate the tax due as at 31 December 2022 clearly indicating the due dates for the payment of the tax. (2 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) In a tax dispute resolution mechanism workshop, one of the facilitators noted that, "there is need for establishing a specialised tax court within the country to handle tax appeals from the Tax Appeals Tribunal".

Justify the above statement, citing **THREE** benefits that could be derived from establishing a specialised tax court. (6 marks)

- (b) You have been appointed as the finance director of Pixes (Kenya) Ltd., which is a subsidiary of Pixes (UK) Ltd. The board of directors of Pixes (Kenya) Ltd. is concerned that the company may currently be incorrectly accounting for value added tax (VAT) following the numerous changes in the Kenyan tax system introduced through the finance Acts. In particular, they have drawn your attention to the following issues:

- VAT treatment on exported taxable services.
- Time of supply on imported taxable services.
- VAT treatment on taxable digital services.

Required:

Advise the Board of Directors of Pixes (Kenya) Ltd. on each of the **THREE** issues raised above. (6 marks)

- (c) Alexia Gosselin was resident in Kenya during the year ended 31 December 2022. She has provided the following information on her income both from Kenya and Country Z during the year ended 31 December 2022:

Kenya and Country Z have signed a double taxation agreement.

Income from Country Z:

Employment income from Country Z was Zx. 72,000,000 (PAYE Zx. 9,000,000). The applicable foreign exchange rate was Ksh.1: Zx.30.

Income from Kenya:

- Basic salary Sh.202,800 net of PAYE of Sh.37,200 per month.
- Subsistence allowance Sh.14,000 per day for 10 days that she worked out of office.
- Medical allowance of Sh.40,000 per month in respect of a policy that covered all employees.
- Commercial property rental income for the year of Sh.2,400,000 after deducting cost of partitions Sh.460,000, mortgage repayment Sh.540,000 (out of which Sh.120,000 was mortgage interest) and agent fees of Sh.180,000.
- Interest income from Mjengo Company Ltd., Sh.405,000 net.

Required:

- (i) Compute double taxation relief due to Alexia Gosselin for the year ended 31 December 2022. (6 marks)
- (ii) Net tax liability (if any) payable by Alexia Gosselin in Kenya for the year ended 31 December 2022. (2 marks)

(Total: 20 marks)

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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 22 August 2023. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2022.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 24,000	1 - 288,000	10%
24,001 - 32,333	288,001 - 388,000	25%
Excess over - 32,333	Excess over - 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (25% per year on equal instalments)	Prescribed benefit rates of motor vehicles provided by employer
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates
			Monthly rates (Sh.) Annual rates (Sh.)
(a) Buildings:			Up to - 1200 cc 3,600 43,200
• Hotel building	50% in the first year of use	25%	1201 - 1500 cc 4,200 50,400
• Building used for manufacture	50% in the first year of use	25%	1501 - 1750 cc 5,800 69,600
• Hospital buildings	50% in the first year of use	25%	1751 - 2000 cc 7,200 86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 - 3000 cc 8,600 103,200
• Educational/hostels building	10% per year on straight line basis		Over - 3000 cc 14,400 172,800
• Commercial building	10% per year on straight line basis		
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)
• Machinery used for manufacture	50% in the first year of use	25%	Up to - 1750 cc 3,600 43,200
• Hospital equipment	50% in the first year of use	25%	Over - 1750 cc 4,200 50,400
• Ships or aircraft	50% in the first year of use	25%	
• Motor vehicles and heavy earth moving equipment	25% per year on straight line basis		
• Computer software, calculators, copiers and duplicating machines	25% per year on straight line basis		
• Furniture and fittings	10% per year on straight line basis		
• Telecommunication equipment	10% per year on straight line basis		
• Film equipment by a local producer	25% per year on straight line basis		
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%	
• Other machinery	10% per year on straight line basis		
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on straight line basis		(iii) Land Rovers/Cruisers 7,200 86,400
(d) Farm works	50% in the first year of use	25%	

Commissioner's prescribed benefit rates:	Monthly rates (Sh.)	Annual rates (Sh.)
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) Discuss how the following issues may generate ethical dilemmas to a tax professional:
- (i) Conflict of interest. (3 marks)
- (ii) Contingent fee tax representations. (3 marks)
- (b) Describe **THREE** criteria for evaluating modern tax systems. (6 marks)
- (c) Summarise **FOUR** signs that may point to tax fraud in a business entity. (4 marks)
- (d) Citing **FOUR** reasons, argue the case for double taxation agreements as tax incentives. (4 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) E and K commenced trading as partners under the name EK Enterprises on 1 January 2022. They share profits and losses equally and were entitled to receive monthly salaries of Sh.240,000 and Sh.288,000 for E and K respectively. The partnership did not maintain a complete set of accounting records. The following is a summary of the partnership's bank statement for the year ended 31 December 2022:

Bank Statement Summary

Receipts	Sh. "000"	Payments	Sh. "000"
Capital introduced: E	42,000	Office equipment	22,500
K	30,000	Salaries and wages	10,680
Cash sales	122,400	Godown rent	4,500
Dividend: Weka Co-operative Society (net)	20,400	Payment to suppliers	118,800
Receipts from debtors	62,400	Repairs and maintenance	5,320
		Insurance	750
		Interest paid	7,344
		Motor vehicle expenses	2,022
		General expenses	2,616
		Delivery van acquired	36,000
		Fines and penalties	780
		Electricity bill	540
		Medical expenses	7,560
		Balance carried forward	57,788
	<u>277,200</u>		<u>277,200</u>

Additional information:

- As at 31 December 2022, the partnership owed suppliers Sh.9,360,000 while the amount owed by customers was Sh.10,740,000.
- Rebate received from suppliers amounted to Sh.1,590,000 and discount allowed to customers amounted to Sh.1,416,000.
- Bad debts amounted to Sh.984,000 out of which Sh.240,000 relate to a loan advanced to E that was overdue.
- Closing stock was valued at Sh.7,440,000 as at 31 December 2022.
- Salaries and wages include salary to the partners for the year.
- Included in the interest expense is interest on partners' capital contribution at the rate of 8% per annum.
- The annual rent for the godown was Sh.5,400,000.
- As at 31 December 2022, electricity and insurance owing amounted to Sh.300,000 and Sh.153,600 respectively.
- The following payments were made in cash from cash sales before banking:

	Sh.
Motor vehicle expenses (per annum)	1,656,000
Wages (per annum)	1,944,000
Sundry expenses (per annum)	420,000
Weekly drawings: E	86,400
K	46,800

(Assume 52 weeks in a year).

Required:

- (i) Compute the adjusted partnership profit or loss for the year ended 31 December 2022. (8 marks)
- (ii) Distribute the profit or loss to the partners and thus ascertain the taxable income for each partner. (3 marks)
- (b) Alternative Dispute Resolution (ADR) methods are utilised by revenue authorities to resolve and expedite tax related disputes on a timely basis. While ADR mechanisms present many advantages, they also face certain challenges when applied to tax matters.
- Explain **SIX** challenges faced in the administration of ADR in your country. (6 marks)
- (c) Analyse the Income Tax Act provisions in relation to taxation of collective investment schemes. (3 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) Evaluate **FOUR** methods that multinational companies operating in Kenya can use in order to adjust transfer prices for purposes of computing taxable income as provided under the Transfer Pricing Rules (2006). (4 marks)
- (b) Nalo Ltd. started a small merchandise business on 1 January 2022. The company did not maintain a set of complete records and as such has not filed income tax returns for the year of income 2022. The Revenue Authority has sent the company a demand notice of Sh.2,200,000 as the tax due for the year 2022.

The company director has approached you and requested that you assist in ascertaining the correct tax liability and also advise him on whether to object the demand notice.

The following details have been availed:

1. Analysis of the bank account for the year ended 31 December 2022 revealed the following:

DR	Sh.	CR	Sh.
Balance brought forward 1 January 2022	1,940,000	Fixtures and fittings (cost)	366,000
Cheques from customers	1,299,200	Suppliers of goods	1,392,000
Refund from suppliers	83,530	Bank charges	29,600
Rental income	1,040,000	Delivery van at cost	1,000,000
Sale of fixtures	96,000	Salaries and wages	1,060,000
Cash sales	8,816,000	Computers at cost	480,000
		Rent and rates	124,000
		Electricity	116,000
		Telephone and postage	125,800
		Refunds to customers	74,240
		Computer software cost	120,000
		Balance carried forward	<u>8,387,090</u>
	<u>13,274,730</u>		<u>13,274,730</u>

2. Other information obtained from the books of accounts included:

	1 January 2022	31 December 2022
	Sh.	Sh.
Inventory	4,320,000	2,250,000
Suppliers of goods	478,200	239,200
Trade debtors	348,000	960,000
Accrued electricity	66,000	116,000
Lorry	1,400,000	1,400,000
Prepaid wages and salaries	320,000	140,000
Rent and rates owing	45,000	17,000

3. All non-current assets were acquired in the course of the year. The cost of fixtures sold was Sh.220,000.
4. Opening and closing inventories were undervalued and overvalued by 20% and 10% respectively.
5. Cash purchases amounted to Sh.2,400,000. All sales and purchases are inclusive of value added tax (VAT) at the rate of 16%.
6. The business issued credit notes of Sh.34,800 for goods returned by credit customers and received discount from suppliers of Sh.52,000.

Required:

- (i) Prepare a statement showing the correct adjusted taxable income and tax payable (if any) for the year ended 31 December 2022. (10 marks)
- (ii) Advise the director on the action to take on the demand notice. (3 marks)
- (c) The Revenue Authority of your country intends to introduce a tax on digital assets in the next government budget. During public participation forums, most citizens rejected the proposed digital tax since they were not conversant with digital assets.

Citing an example, explain what “digital assets” entail.

(3 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Assume that your country has continued to face challenges in addressing tax deficits. Over the past few years, the revenue from taxation has not fully met the country’s development needs.

Required:

As a tax expert, advise the revenue authority in your country on **FIVE** possible reasons for the shortfall in tax collection. (10 marks)

- (b) KK Realtors are in the real estate business. They rent out two prime highrise buildings, one a residential apartment and the other an office block. They are registered for the monthly residential rental obligation as well as filing for value added tax (VAT).

Details of their transactions for the month of December 2022 are provided below:

Incomes:	Sh. “000”
Rent: Apartment	1,248,450
Office block	7,244,200
Expenses:	
Garbage collection	75,864
Sewerage	92,800
Repairs and maintenance (outsourced to local company)	144,420
Housing agents fee (5% of income)	?
Security firm (eight day and eight night guards)	464,000
Insurance	580,000
Interest on bank loan	139,200
Caretakers’ salaries	92,800
Webhosting (by South Africa-based company)	67,280
Audit and assurance fee	1,334,000
Telephone and electricity	52,952
Other staff salaries	992,496
Architect’s fee (based in France)	184,730

The following additional information is provided:

1. With the exception of housing agents fee, webhosting and architect’s fee, a quarter of the expenses relate to the residential business while the rest relate to the office block.
2. Housing agents fee accrues based on the amount paid for income collected from each property.
3. Webhosting and architects fee could not be directly attributed to either the residential apartment or office block.
4. Tenants of the office block are agents for withholding value added tax (VAT) and withholding rental income.
5. The figures provided are quoted inclusive of VAT where applicable.

Required:

- (i) Calculate the tax payable under the VAT and income tax obligations by KK Realtors for the month of December 2022. (7 marks)
 - (ii) Show the withholding tax collected under the obligations in (b)(i) above, if any, as well as the net rent income received by KK Realtors, as cash. (3 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Explain **THREE** reasons why investment allowances as tax incentives have not achieved the intended objectives in your country. (3 marks)
- (b) Tax risks are broadly classified into specific and generic categories.
Analyse **TWO** types of risks in each category. (4 marks)
- (c) Johnson Shauri has not been maintaining proper books of accounts since the inception of his business in year 2019. The following balances were obtained from the available business records for the four year period ended 31 December 2022:

	31 December 2019 Sh.‘‘000’’	31 December 2020 Sh.‘‘000’’	31 December 2021 Sh.‘‘000’’	31 December 2022 Sh.‘‘000’’
Leasehold property	11,760	11,760	11,760	11,760
Motor vehicles	5,040	4,720	9,360	10,760
Furniture	864	864	864	864
Bank overdraft	1,288	1,400	1,210	1,115
Loss on sale of investment	-	100	-	-
Accounts receivable	432	504	408	600
Mortgage loan	2,080	1,840	1,620	1,500
Inventory	620	572	482	520
Computers	620	720	840	720
Bank account	240	268	272	286
Personal clothes and effects	60	80	100	120

The following additional information was obtained:

- 1. Drawings of goods and provision for taxation for the year 2019 were Sh.600,000 and Sh.360,000 respectively and has been accumulating at a rate of 10% annually.
- 2. Capital allowances were agreed at a total of Sh.920,000 for each of the four years.
- 3. Donations to a political party in the year 2020 amounted to Sh.142,000.
- 4. Gifts from relatives for the year 2021 were Sh.840,000.
- 5. Contingent liability in respect of a pending court case in the year 2022 was Sh.1,000,000.
- 6. Rent paid on behalf of a close friend was Sh.605,000 in the year 2022.
- 7. Living expenses were estimated at Sh.800,000 in the year 2019 and had been increasing at the rate of 15% cumulatively each year.

Required:

- (i) Compute the taxable income or loss of Johnson Shauri for the three-year period ended 31 December 2020, 2021 and 2022. (10 marks)
 - (ii) Summarise **THREE** specific actions that a tax practitioner could undertake upon discovery of an irregularity in the client’s business. (3 marks)
- (Total: 20 marks)**
-



CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 25 April 2023. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2022.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 24,000	1 - 288,000	10%
24,001 - 32,333	288,001 - 388,000	25%
Excess over - 32,333	Excess over - 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (25% per year on equal instalments)	Prescribed benefit rates of motor vehicles provided by employer
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates
			Monthly rates (Sh.) Annual rates (Sh.)
(a) Buildings:			Up to - 1200 cc 3,600 43,200
• Hotel building	50% in the first year of use	25%	1201 - 1500 cc 4,200 50,400
• Building used for manufacture	50% in the first year of use	25%	1501 - 1750 cc 5,800 69,600
• Hospital buildings	50% in the first year of use	25%	1751 - 2000 cc 7,200 86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 - 3000 cc 8,600 103,200
• Educational/hostels building	10% per year on straight line basis		Over - 3000 cc 14,400 172,800
• Commercial building	10% per year on straight line basis		
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)
• Machinery used for manufacture	50% in the first year of use	25%	Up to - 1750 cc 3,600 43,200
• Hospital equipment	50% in the first year of use	25%	Over - 1750 cc 4,200 50,400
• Ships or aircraft	50% in the first year of use	25%	
• Motor vehicles and heavy earth moving equipment	25% per year on straight line basis		
• Computer software, calculators, copiers and duplicating machines	25% per year on straight line basis		
• Furniture and fittings	10% per year on straight line basis		
• Telecommunication equipment	10% per year on straight line basis		
• Film equipment by a local producer	25% per year on straight line basis		
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%	
• Other machinery	10% per year on straight line basis		
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on straight line basis		(iii) Land Rovers/Cruisers 7,200 86,400
(d) Farm works	50% in the first year of use	25%	

Commissioner's prescribed benefit rates: Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) Analyse **FOUR** roles of an arbiter in a tax alternative dispute resolution (ADR) process. (4 marks)
- (b) Sema and Tena are partners running a small hardware business in your town. They are facing a tax audit by the Revenue Authority for failure to maintain complete records. They have approached you to assist them in ascertaining the taxable profit or loss for the year ended 31 December 2022.

The following information has been provided to you:

1. The partnership deed provides that:
 - Profits and losses will be shared in the ratio of 2:1 for Sema and Tena respectively.
 - Each partner will be entitled to a monthly salary of Sh.90,000 and a bonus to be agreed from time to time.
 - Partners would be allowed to withdraw up to Sh.250,000 in cash with no interest. Any excess cash withdrawals would be subject to interest at the rate of 12% per annum.
 - No interest is charged on withdrawal of goods by partners.
2. On 1 September 2022, the partners admitted Vuna and the profit and loss sharing ratio was revised to equal basis for the three partners. Vuna was entitled to interest on capital like the other partners at the rate of 10% per annum. She was not entitled to any salary or bonus for the year ended 31 December 2022.
3. Extract of account balances were as follows:

	31 December 2022	31 December 2021
	Sh.	Sh.
Accrued bonus due to partners	1,000,000	900,000
Inventory	350,000	260,000
Accounts payable	3,000,000	2,600,000
Prepaid advertising	210,000	440,000
Outstanding electricity bill	26,000	20,000
Accounts receivable	3,900,000	2,700,000
Accrued salaries and wages (excluding partners salaries)	510,000	230,000
Accumulated depreciation	700,000	440,000
Capital: Sema	720,000	720,000
Tena	480,000	480,000
Vuna (Admitted 1 September 2022)	540,000	-

4. Extracts of cash payments during the year were as follows:

	Sh.
Paid to suppliers of goods for resale	9,000,000
Bonus paid to partners shared equally	1,300,000
Cash withdrawn: Sema	300,000
Tena	350,000
Loan interest	48,000
Advertising	250,000
Salaries and wages (including partners salaries)	4,390,000
Motor vehicle expenses	340,000
Electricity	90,000
Computer software	70,000
Purchase of office equipment	62,000
Employee welfare costs	300,000
5. Receipts channeled through the bank account were as follows:

	Sh.
Proceeds from sale of computers	55,000
Royalty income (net of withholding tax)	380,000
Credit sales	15,600,000
6. Cash purchases and cash sales amounted to Sh.900,000 and Sh.2,400,000 respectively and were value added tax (VAT) inclusive.
7. The partners had withdrawn goods for personal use as follows:

	Sh.
Sema	210,000
Tena	70,000

No entries were made in the books to record these withdrawals.
8. Hardware goods valued at Sh.60,000 were destroyed in a flood in July 2022. The insurance company agreed to pay Sh.40,000 as compensation but by 31 December 2022, the amount had not been received.
9. Assume that revenues and expenses accrued evenly throughout the year, unless otherwise specified.

Required:

- (i) Prepare a statement of taxable profit or loss of the partnership for the year ended 31 December 2022. (11 marks)
- (ii) A schedule showing allocation of the profit or loss to the partners for the year ended 31 December 2022. (5 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) During the period between 1 July 2015 and 30 June 2020, Chris Alexo earned income of Sh.18,000,000 which he did not declare to the revenue authority. The tax thereon amounted to Sh.6,000,000 with penalties and interest of Sh.1,500,000 and Sh.600,000 respectively. In the year 2021, Chris Alexo applied for relief under the voluntary tax disclosure programme (VTDP) and the approval was done in August the same year. He thereafter paid Sh.3,000,000 to offset the tax due. During the year ended 31 December 2022, Chris Alexo settled Sh.1,500,000 of the principal tax but accrued further penalties of Sh.250,000 and interest of Sh.100,000. He estimates that he can only pay Sh.1,000,000 during the year 2023. This will result into additional penalties and interest of Sh.100,000 and Sh.60,000 respectively.

Required:

Compute the tax, penalties and interest (if any) for the relevant years to be waived or paid by Chris Alexo under the VTDP. (8 marks)

- (b) Rick Lenon, a citizen of United Kingdom was recruited in London by Faux PLC, an international non-governmental organisation (NGO) with its head office in Nairobi, Kenya. Its activities are carried on in the Eastern Africa and Horn of Africa region through field stations, except in Kenya where the head office is based.

The following details relate to his earnings in Kenya Shillings for the year ended 31 December 2022:

1. His basic salary for the year aggregated to Sh.12,000,000.
2. He was provided with air tickets valued at Sh.360,000 to visit his family.
3. Owing to the environment in the field stations, hardship allowance of Sh.1,200,000 was paid.
4. His movement to and from the field stations outside Kenya was facilitated by Faux PLC in form of air tickets that costed Sh.4,800,000 in the year.
5. During the year, he was away in the foreign field stations for more than 156 days.
6. In an arrangement where Faux PLC has with a five-star hotel in Kenya, he consumed meals valued at Sh.270,000 which were paid for by the employer.
7. Assume that he was an "other-than-resident" employee for the year 2022.

Required:

Determine taxable income and tax liability (if any) in Kenya for Rick Lenon for the year ended 31 December 2022. (6 marks)

- (c) The national treasury in your country recently issued a draft national tax policy for public participation and discussion.

Required:

- (i) Explain **THREE** objectives of a national tax policy. (3 marks)
- (ii) Describe **THREE** practical challenges that a national tax policy is aimed at addressing. (3 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) The tax laws and regulations in most developing countries have been changing in recent years. This rapid change in legislation may expose tax payers to the risk of non-compliance.

Required:

- (i) Explain the term "tax health checks". (2 marks)
- (ii) Describe **FOUR** reasons why businesses should conduct regular tax health checks. (4 marks)
- (b) Saika Ltd. is a company engaged in real estate development. The company constructed eight, two-bedroomed residential houses for sale and three commercial buildings in different locations in the country.

The company has presented the following information relating to the properties development as at 31 December 2022:

Residential houses:

1. Cost of acquisition of land where the houses were constructed was Sh.10,000,000. The company had incurred the following costs in relation to land acquisition; stamp duty Sh.1,800,000, brokerage fees Sh.800,000 and legal fees to facilitate the purchase Sh.360,000.
2. The following costs were incurred on construction:
 - Material cost for each house was Sh.4,350,000 inclusive of value added tax (VAT) at a rate of 16%.
 - Architectural and surveying fee was Sh.1,624,000 inclusive of VAT. The company paid Sh.50,000 for each house to the county government for approval of the construction.
 - Professional fees for engineers amounted to Sh.3,480,000 inclusive of VAT.
 - Labour cost was Sh.400,000 for each house per month. It took the company nine months to complete the construction.
 - The construction was financed by Ujenzi Housing Bank with a loan of Sh.80,000,000 at an interest rate of 12% per annum. The loan was to be repaid at year end when all houses were sold. Only 70% of the loan was used on the houses. The balance was used to finance construction of the commercial buildings.
 - Drainage system and sewerage line cost Sh.960,000 for all houses.
 - The company leased equipment for construction at a total lease charge of Sh.2,000,000.
3. Other costs incurred included:
 - Cost of landscaping the entire land where the houses were constructed Sh.300,000.
 - Legal fees of Sh.180,000 to settle disputes in relation to the title deed of the land.
4. All the houses were sold by 31 December 2022 at a selling price of Sh.12,500,000 per house. The following costs were incurred in selling the houses:
 - Legal fees Sh.120,000 per house.
 - Valuation fee for all houses Sh.1,200,000
 - Advertising to find a buyer Sh.1,000,000 for all houses.

Commercial buildings:

- The commercial buildings were constructed at a total cost of Sh.30,000,000 each. This included shops at Sh.2,200,000, gym and steam bath Sh.1,450,000 and a swimming pool for the tenants at Sh.2,400,000.
- The commercial buildings were leased on 1 October 2022 at a monthly rent of Sh.1,200,000 each. Key money received on signing the lease agreement amounted to Sh.1,000,000 per building.
- The tenants were required to pay a monthly premium charge for extra services provided of Sh.200,000 per house.
- Maintenance expenses per month amounted to Sh.300,000.
- The company incurred advertising costs of Sh.400,000 of which Sh.120,000 was incurred before leasing the buildings.
- Installation of CCTV cameras cost. Sh.180,000 on each building and insurance for the whole year amounted to Sh.480,000 for all the buildings.

Required:

Compute the total taxable income and tax payable (if any) by Saika Ltd. for the year ended 31 December 2022. (14 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) As a professional tax practitioner undertaking tax advisory for the small and micro enterprises (SME) sector, explain **FOUR** aspects of compliance with the tax code in your country that constitute the major pain points for the SME sector. (4 marks)
- (b) Tusaidiane SACCO is a deposit taking cooperative society. The SACCO has a clear separation of its back-office activities (BOSA) and its front-office activities (FOSA).

Details of their operations for the year ended 31 December 2022 are as follows:

	Sh.‘‘000’’
Interest income: BOSA (from members)	1,300,000
FOSA	820,000
Commission received from Visa Card (FOSA)	80,000
Rental income (net of allowable expenses)	30,000
Dividends from Cooperative Bank (net)	78,375
Foreign exchange gains realised	16,000
Capital gains	9,000
Other operating income	23,000
Administration and governance expenses	79,000
Salaries and wages	168,000
Interest on deposits: BOSA	420,000
FOSA	280,000
Sales and marketing costs	53,800
Insurance expense	25,000
Allowance for doubtful debts	300,000
Asset impairment	226,000
Repairs and maintenance	8,000
Computers and printers	25,500
Software	12,800
Furniture and fittings	9,700
Audit and accounting fee	5,600
Motor vehicle running expenses	1,300
Rent and rates	84
Interest on loans (BOSA and FOSA)	12,540

Additional information:

1. The foreign exchange gains realised and other operating income were earned equally between the BOSA and FOSA business.
2. Expenses accrued in the ratio of 3:2 between BOSA and FOSA businesses respectively unless indicated otherwise.
3. Not included in the information provided is the purchase cost of a Toyota Van for Sh.2,000,000 to be used for the SACCO’s marketing sensitisation campaigns.

Required:

The taxable income or loss (if any) and the tax payable for Tusaidiane SACCO for the year ended 31 December 2022. (8 marks)

- (c) Venture Miners Ltd. are petroleum contractors. They have been granted by your government three licenses for the A, B and C contract areas in the Oil Basin. Details of their drilling and sale of petroleum for the year ended 31 December 2022 are as follows:

	Sh.‘‘000’’
Sales : A	2,000,000
: B	2,500,000
Disposal of interest (gross) 54% of A	5,400,000
Development expenditure : A	280,000
: B	320,000
: C	190,000
Cost of disposal of interest	1,200,000
Exploration expenditure : A	210,000
: B	175,000
: C	100,000
Loose tools : A	90,000
: B	76,000
Decommissioning expenditure : A	80,500
: C	33,200
Decommissioning refund from account: B	66,300
Machinery for exploration operations : A	154,900
: B	208,400
: C	110,100

Additional information:

1. The C contract area is mostly under exploration and has not yet reached the commercial levels of production.
2. The Company's Directors hold the company's governance and supervisory meetings outside the country.
3. The loose tools and machinery for exploration were brought in new during the year.

Required:

Determine the taxable income or loss and tax payable (if any) for Venture Miners Ltd. for the year ended 31 December 2022. (8 marks)

(Total: 20 marks)**QUESTION FIVE**

- (a) The Revenue Authority of your country has been undertaking tax reforms in a bid to improve tax collection and tax compliance. To this end, the Authority has formulated a three-year corporate plan that runs from the year 2021/2022 – 2023/2024. So far, most of the corporate plan priorities remain elusive and hence the Revenue Authority has not been able to achieve most of its strategic objectives.

Required:

Analyse **FOUR** reasons that may have contributed to the Revenue Authority being unable to achieve the strategic objectives. (4 marks)

- (b) The following transactions related to Miki Traders Ltd. for the month of December 2022:

1.	Sales and purchases transactions:	Within the country	Outside the country
		Sh.	Sh.
	Sales	4,200,000	1,800,000
	Purchases	2,280,000	3,000,000
	Sales returns	360,000	-
	Purchase returns	186,000	-
	Understatements: Sales	540,000	
	: Purchases	288,000	-
2.	Purchase of capital items:		
	Office furniture and fittings	84,000	
	Delivery truck on hire purchase	3,600,000	(cash price Sh.3,000,000)
3.	Expenses:		
	Medical fees	180,000	
	Sewerage service by government	6,000	
	Casual labour	480,000	
	Office rent	240,000	
	Hire of taxis for staff	28,800	
	Customer satisfaction survey by a management consultant	165,000	
	Renovation of existing buildings	780,000	
	Penalties for late payment of VAT	18,000	
4.	Imported goods were stated at Cost Insurance and Freight (CIF) value and were subject to customs duty at a rate of 25% on their entry into the country.		
5.	Miki Traders donated goods worth Sh.150,000 and cash for Sh.120,000 to a children's home. The goods were not included in the above sales.		
6.	Transactions are stated as VAT inclusive at a rate of 16% where applicable.		

Required:

- (i) Compute the VAT payable or refundable by Miki Traders Ltd. for the month of December 2022. (7 marks)
- (ii) Comment on the VAT payable/refundable. (1 mark)
- (c) Malezi Trust was formed in the year 2021 for the benefit of Alex Malezi's two children, Mona and Nora. The following information was provided to you by the trustees in respect of the trust's income and expenses for the year ended 31 December 2022:

1. The trustee reported a trading profit of Sh.160,000,000 for the year. This was after deducting the following expenses:
 - Printing and stationery Sh.1,000,000.
 - Legal fees of Sh.6,000,000 out of which Sh.1,200,000 was in respect of defending one of the trustee involved in an illegal business deal.
 - Tax consultancy fees Sh.2,400,000.
 - Purchase and installation of accounting software Sh.2,000,000.
 - Trustees salary as per the trust agreement Sh.10,000,000.
 - Loan repayment (interest Sh.1,100,000) Sh.8,000,000.
 - Lease charges were Sh.3,000,000 out of which Sh.600,000 was in respect of drafting 10 year lease agreement.
 - Preliminary expenses in respect of the trust formation Sh.3,400,000.
2. The trading profit was before taking into account the following capital expenditure:

Asset	Date of first use	Amount (Sh.)
Warehouse	1 April 2022	3,500,000
Delivery truck	5 March 2022	1,750,000
Saloon vehicle	1 January 2022	3,800,000
Sports pavilion	1 September 2022	1,200,000
3. The trustees received gross rental income from commercial properties of Sh.120,000,000 and gross interest income from fixed deposits of Sh.20,000,000. Fee paid to investment managers in charge of the rental properties and fixed deposits amounted to Sh.12,000,000.
4. Additional information:
 - Each beneficiary is entitled to $\frac{1}{4}$ share of the net distributable income.
 - Fixed annuity to each beneficiary was Sh.10,000,000 (gross).
 - The trustees made Sh.6,000,000 to Mona and Sh.3,000,000 to Nora as discretionary payments as per the agreement.

Required:

- (i) Compute the income tax payable on the trust income for the year ended 31 December 2022. (6 marks)
 - (ii) Compute the amount due to each beneficiary for the year ended 31 December 2022. (2 marks)
- (Total: 20 marks)**
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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 6 December 2022. Afternoon Paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2021.

Assume that the following rates of tax applied throughout the year of income 2021:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 32,333	288,001	- 388,000	25%
Excess over	- 32,333	Excess over	- 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer			
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates			
			Monthly rates (Sh.)	Annual rates (Sh.)		
(a) Buildings:			Up to	1200 cc	3,600	43,200
• Hotel building	50% in the first year of use	25%	1201 -	1500 cc	4,200	50,400
• Building used for manufacture	50% in the first year of use	25%	1501 -	1750 cc	5,800	69,600
• Hospital building	50% in the first year of use	25%	1751 -	2000 cc	7,200	86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 -	3000 cc	8,600	103,200
• Educational/hostels building	10% per year on reducing balance		Over	3000 cc	14,400	172,800
• Commercial building	10% per year on reducing balance					
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)			
• Machinery used for manufacture	50% in the first year of use	25%	Up to	1750 cc	3,600	43,200
• Hospital equipment	50% in the first year of use	25%	Over	1750 cc	4,200	50,400
• Ships or aircraft	50% in the first year of use	25%				
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance					
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance					
• Furniture and fittings	10% per year on reducing balance					
• Telecommunication equipment	10% per year on reducing balance					
• Film equipment by a local producer	25% per year on reducing balance					
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%				
• Other machinery	10% per year on reducing balance					
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers			
				7,200	86,400	
(d) Farm works	50% in the first year of use	25%				

Commissioner's prescribed benefit rates:	Monthly rates (Sh.)	Annual rates (Sh.)
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000

Agriculture employees: Reduced rates of benefits

(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) The tax law envisages various approaches and levels of resolving tax disputes, including the administrative decisions, quasi-judicial process involving tax appeals tribunal (TAT), formal judicial process involving the High Court or appeal to the Court of Appeal and alternative dispute resolution. Some of the relevant laws include the Tax Procedures Act, Tax Appeals Tribunal Act and other relevant tax laws.

Required:

With reference to the above statement and quoting relevant tax provisions, explain the application of each of the following in tax disputes settlement:

- (i) Tax appeals tribunal. (3 marks)
 - (ii) High Court. (3 marks)
 - (iii) Court of Appeal. (3 marks)
 - (iv) Out of Court settlement. (3 marks)
- (b) Consider the following hypothetical case:

Axe Ltd., incorporated in your Country, signed a service agreement to provide marketing and liaison services to the related non-resident entities located in the United Kingdom (UK). Under the agreement, Axe Ltd. was to be compensated off cost plus mark-up basis. The related non-resident entities executed separate agreements with distributors of their products who they invoiced directly. The revenue authority imposed value added tax (VAT) on the above marketing services provided by Axe Ltd.

On the other hand, Axe Ltd. argued that the marketing support services enhanced brand awareness of the products sold by the non-resident entities in your country. On this basis, the services were exported, hence zero-rated.

The above case has been brought before the tax tribunal.

Required:

Discuss **TWO** factors that the Tribunal might consider in ruling in favour of Axe Ltd. (4 marks)

- (c) Explain **TWO** ethical principles governing the services provided by tax practitioners. (4 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Mawingu Ltd. is a foreign subsidiary company operating a fleet of passenger and cargo aircrafts in Country A. The flights are between Country A and other countries. The operating results for the year ended 31 December 2021 are as follows:

	Sh. "000"
Income from cargo freight: Country A/Country B	567,720
Income from passengers' freight: Country A/Country C	765,000
Income from passengers' freight: Country C/Country A	1,001,880
Income from cargo loaded into aircraft on other routes	630,000
Salaries and other costs	1,530,000
Depreciation	288,000
General allowance for credit loss	72,000
Capital expenditure (cost Sh.2,000,000,000)	1,750,000
Compensation costs for stolen baggage	23,600

Additional information:

- 1. Salaries and other costs include: **Sh. "000"**
 - Purchase of twin engines 117,000
 - Use of airport facilities 32,400
 - Hotel bills for passengers 37,800
 - Accommodation for airline crew 9,000
 - Gift to airport staff 10,800
- 2. Investment allowances were agreed with the Revenue Authority at 85% of depreciation charged in the account.
- 3. Assume a corporation tax rate of 30%.

Required:

- (i) Compute adjusted taxable profit or loss of Mawingu Ltd. for the year ended 31 December 2021. (8 marks)
- (ii) Compute tax payable (or refundable) for Mawingu Ltd. (2 marks)
- (b) ZamZam Company Ltd. purchased a property whose cash price was Sh.1,264,000 under the following terms:
- The deposit paid for the purchase of the property was Sh.400,000.
 - The balance of the purchase price was to be paid over a 3-year period at a monthly instalment of Sh.40,000 inclusive of Sh.16,000 per month as mortgage interest.

Required:

Assuming the property was sold as follows:

Option I: For Sh.2,000,000 after payment of twenty-four instalments.

Option II: For Sh.2,680,000 after full payment of all the instalments, cost of valuation Sh.54,000 and legal fees Sh.72,000.

Calculate capital gains tax under each option. (6 marks)

- (c) Darubini Ltd. is under tax investigation by the Revenue Authority, accused of obstructing/hindering the investigation officer in the exercise of his function.

Highlight **FOUR** aspects that may constitute obstruction in the above case. (4 marks)

(Total: 20 marks)

QUESTION THREE

- (a) A, B and C have been trading in a small size partnership sharing profits and losses in the ratio of 2:2:1 respectively. C retired from the partnership on 31 August 2021 while A and B agreed to continue with the business charging interest on capital at the rate of 15% per annum as in the previous period when C was still in the partnership.

Due to the changes in the partnership, goodwill was valued at Sh.1,200,000 and was to be written off immediately.

The following trial balance was extracted as at 31 December 2021:

	Sh.	Sh.
Capital account: A		1,680,000
B		1,400,000
C		840,000
Current account: A		67,200
B		56,000
C		44,800
Drawings: A	78,400	
B	67,200	
C	56,000	
Inventory (1 January 2021)	252,000	
Purchases and sales	4,200,000	7,720,000
Discount received		124,000
Bad debts recovered – general		193,200
Salaries and wages	722,400	
Legal and professional fees	1,904,000	
Rent and rates	168,000	
Insurance	70,000	
Sundry expenses	50,400	
Trade receivables and payables	308,000	224,000
Allowance for doubtful debts		11,200
Land at cost	2,800,000	
Delivery lorry	896,000	
Depreciation	448,000	
Cash at bank	676,000	
Dividends: Sasa Co-operative Society		<u>336,000</u>
	<u>12,696,400</u>	<u>12,696,400</u>

Additional information:

- Sales and purchases were inclusive of value added tax (VAT) at the rate of 16%. Cash sales amounted to Sh.358,400 (VAT inclusive) and were excluded from the above accounts.
- The following assets were acquired by the business immediately after retirement of C.

	Sh.
Computers	150,000
Saloon car	3,120,000

- Legal and professional fees include:

	Sh.
Stamp duty	168,000
Negotiating a bank overdraft	158,200
Recovery of bad debts	245,000
Signing a 99 year lease agreement	228,400
Purchase of A's private residence	350,000
Preparation of employment contract	82,000

- Interest on drawings was charged at the rate of 10% per annum.
- Inventory at year end was valued at Sh.364,000 and the partnership had consistently undervalued inventory at each year end by 20%.
- Salary and wages include partners' salary of Sh.420,000 shared by the partners according to the profit and loss sharing ratio.
- Allowance for doubtful debts was to be increased to Sh.24,800 at year end. Bad debts written off amounted to Sh.40,000 of which Sh.8,000 relates to general bad debts.
- Prepaid insurance at the beginning of the year amounted to Sh.8,000 while insurance owing at year end amounted to Sh13,000.
- Accrued sundry expenses as at 1 January 2021 and 31 December 2021 amounted to Sh.10,000 and Sh.2,000 respectively.
- C was paid all his dues on 15 September 2021. The profits and losses were to be shared equally after C's retirement.
- Unless otherwise stated, assume that all revenues and expenses accrued evenly throughout the year.

Required:

- Prepare a statement of adjusted taxable profit or loss for the partnership for the year ended 31 December 2021. (10 marks)
 - Determine the taxable income for each partner. (6 marks)
- (b) The Commissioner is empowered to cancel or terminate the license of any person acting as a tax agent at any time. Summarise **FOUR** circumstances under which this may be possible. (4 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) The African Growth and Opportunity Act (AGOA) is a United States Trade Act enacted in year 2000 as a legislation that significantly enhances market access to the United States for qualifying Sub-Sahara African countries.

Analyse **THREE** conditions that the above countries must meet in order to qualify and be eligible for AGOA consideration. (6 marks)

- (b) Mijengo Contractors Ltd. is a resident firm engaged in the property development business. As at 1 January 2021, the firm secured two construction contracts namely X and Y which are to be completed within a period of two years. The information relating to the contracts is as flows:

	Contract X	Contract Y
	Sh.	Sh.
Gross Contract Price	22,500,000	20,900,000
Direct costs incurred in the year 2021:		
Materials	2,500,000	1,800,000
Direct labour	2,000,000	3,600,000
Consultancy fee	300,000	260,000
Subcontracting fee	1,420,000	2,030,000
Other direct costs	34,500	45,500

Additional information:

- Contract X's material cost includes material costing Sh.240,000 that remained at the site as at 31 December 2021, while under contract Y, material costing Sh300,000 was sold during the year.
- The company estimates that costs to be incurred to complete the contract work will be 150% of the contract costs incurred in the current year for both contracts.
- The company computes taxable revenue on the basis of the percentage of completion method for the two contracts.
- Analysis of general and administrative expenses for the year is as follows:

	Sh.
Office salaries	850,000
Renewal of construction license	186,600
Pension contributions	236,000
Billboard cost and billboard erection cost	202,000
Purchase of computers and software (of which software cost amounted to Sh.30,000)	210,000
Depreciation	29,500
Subscriptions due to contractors association	35,680
Interest on overdue loan	22,000
Legal fee on defense against claim of breach of contract	80,000
Rent for the office premises	614,000
Utilities	245,600

- Other income received by the company included:

	Sh.
Interest income from Upland Bank	348,800 (Gross)
Dividend income from Lima Co-operative Society	360,000 (Gross)
Royalties income (net of tax)	695,000

Required:

- Compute the total taxable income for Mijengo Contractors Ltd. for the year ended 31 December 2021. (12 marks)
 - Compute the tax payable (if any) by Mijengo Contractors Ltd. (2 marks)
- (Total: 20 marks)**

QUESTION FIVE

- Zamon UK is a multinational corporation in UK with a wholly owned subsidiary, Zamon XL based in your country. In the year ended 31 December 2021, Zamon XL produced 50,000 kilograms of coffee from its farm at a cost of Sh.200 per kilogram exclusively meant for export to Zamon UK at a predetermined price of Sh.300 per kilogram although the market price was Sh.600 per kilogram. Zamon UK sold all the coffee in the UK market at Sh.1,200 per kilogram.

Additional information:

- Tax rates are as follows:

	UK	Your country
Income tax	21%	30%
Import duty	10%	-
Withholding tax	-	10%

- The subsidiary repatriates all profits as dividends.

Required:

- Compute the total tax lost by the Revenue Authority as a result of this transfer pricing arrangement. (5 marks)
- Comparability analysis in transfer pricing arrangements involves comparison of the conditions in a controlled transaction with the conditions that would have been made had the parties been independent and undertaking a comparable transaction under comparable circumstances.

Required:

Evaluate **THREE** comparability factors that could be identified in commercial and financial relations between related parties in determining the arm's length price under transfer pricing. (6 marks)

- (c) Popote Ltd. is a manufacturer of vatable goods and the company is fully registered for value added tax (VAT) purposes. The company had the following transactions for the year ended 31 December 2021 which included VAT at the rate of 16% where applicable.

	Sh. "000"
Sales at standard rate	10,680
Sales at zero rate	2,400
Delivery van purchased	3,600
Exempt sales	4,800
Purchases at standard rate	7,200
Purchases at zero rate	1,800
Rent for factory building	1,200
Audit and accountancy	720
Printing and stationery	960

Additional information:

1. Sales at standard rate include 20% which is in respect of export sales to another country.
2. Purchases at a standard rate include imported vatable raw materials of Sh.1,500,000 exclusive of duty at 25%.
3. The company confirmed that the value of goods purchased at standard rate and sold in the same state amounted to Sh.2,000,000 in the course of the year.
4. Bad debts recovered previously written off amounted to Sh.240,000.

Required:

Compute the following for Popote Ltd. for the year ended 31 December 2021:

- (i) Input tax claimable. (6 marks)
- (ii) Output tax. (1 mark)
- (iii) VAT payable or refundable. (2 marks)

(Total: 20 marks)

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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 2 August 2022. Afternoon paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2021.

Assume that the following rates of tax applied throughout the year of income 2021:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 32,333	288,001	- 388,000	25%
Excess over	- 32,333	Excess over	- 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer			
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates			
			Monthly rates (Sh.)	Annual rates (Sh.)		
(a) Buildings:			Up to	1200 cc	3,600	43,200
• Hotel building	50% in the first year of use	25%	1201 -	1500 cc	4,200	50,400
• Building used for manufacture	50% in the first year of use	25%	1501 -	1750 cc	5,800	69,600
• Hospital buildings	50% in the first year of use	25%	1751 -	2000 cc	7,200	86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 -	3000 cc	8,600	103,200
• Educational/hostels building	10% per year on reducing balance		Over	3000 cc	14,400	172,800
• Commercial building	10% per year on reducing balance					
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)			
• Machinery used for manufacture	50% in the first year of use	25%	Up to	1750 cc	3,600	43,200
• Hospital equipment	50% in the first year of use	25%	Over	1750 cc	4,200	50,400
• Ships or aircraft	50% in the first year of use	25%				
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance					
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance					
• Furniture and fittings	10% per year on reducing balance					
• Telecommunication equipment	10% per year on reducing balance					
• Film equipment by a local producer	25% per year on reducing balance					
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%				
• Other machinery	10% per year on reducing balance					
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers			
					7,200	86,400
(d) Farm works	50% in the first year of use	25%				

Commissioner's prescribed benefit rates:	Monthly rates (Sh.)	Annual rates (Sh.)
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000

Agriculture employees: Reduced rates of benefits

(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) With reference to the services provided by tax practitioners, explain the difference between “tax health checks” and “tax audits”, clearly isolating the salient features of each. (6 marks)
- (b) In one of the recent tax cases decided by the Tax Appeals Tribunal, the Tribunal allowed an application for extension to file an appeal out of time.

A summary of the case facts was as follows:

1. The taxpayer missed on the statutory deadline for filing the Notice of Appeal and Memorandum of Appeal due to factors beyond their control.
2. The revenue authority countered that the objection decision was issued in time via the email provided on the iTax platform and that they were not under any obligation to follow up with the taxpayer on the receipt of the email.
3. In a rejoinder, the taxpayer stated that they were unaware and did not find any email and further that they were unaware of the existence of the Objection Decision until later when applying for a tax compliance certificate.

Required:

Based on the above case and introducing any other relevant facts, discuss four factors that the Tax Appeals Tribunal might have considered in arriving at its decision above. (8 marks)

- (c) Tax treaties represent an important aspect of the international tax rules of many countries. Experts estimate that over 3,000 bilateral income tax treaties are currently in effect, and the number is growing.

Required:

With reference to the above statement, describe three objectives of international tax treaties. (6 marks)
(Total: 20 marks)

QUESTION TWO

- (a) Bale Ltd., a small scale retailer operates two sales outlets, one at the head office and the other at the branch. For the year ended 31 December 2021, the following results of the head office and the branch were presented to you:

	Head office	Branch
	Sh.	Sh.
Gross profit	12,200,000	7,000,000
Gain on shares sold	30,000	-
Insurance recovery	30,000	9,000
Gain on sale of land and building	-	600,000
Interest income: Lex Bank	180,000	-
Bonus shares	120,000	-
Interest income: Beta Microfinance	<u>200,000</u>	<u>-</u>
Total gross income	12,760,000	7,609,000
Expenses:		
Staff salaries	240,000	90,000
Maintenance expenses	80,000	58,000
Preliminaries expenses	100,000	30,000
Retrenchment costs	2,500,000	1,300,000
Rent, rates and insurance paid	410,000	110,000
Goodwill written off	20,000	-
Legal and accountancy fees	330,000	120,000
Depreciation	180,000	70,000
Interest on overdue tax	80,000	-
Subscription to golf club for directors	105,000	109,000
Donations	100,000	70,000
General administrative expenses	360,000	140,000
Purchase of a lorry	3,200,000	-
Loss of stock	200,000	500,000
Loan interest	360,000	-
Directors' remuneration	1,500,000	830,000
Pension contribution	<u>685,000</u>	<u>155,000</u>
Total expenses	<u>(10,450,000)</u>	<u>(3,582,000)</u>
Net profit	<u>2,310,000</u>	<u>4,027,000</u>

Additional information:

1. Goods worth Sh.600,000 were transferred from the head office to the branch at 10% below the normal selling price.
2. 70% of insurance recovery was in respect of stocks destroyed by fire, the balance was on compensation on capital items.
3. Staff salaries include provision for leave accruals equal to a third of the total salaries for head office and the branch.
4. The interest income recorded in the books of Bale Ltd. was gross although Bale Ltd. received net of withholding tax.
5. Bonus shares were from a company where Bale Ltd. has 30% control.
6. Rent, rates and insurance paid for the branch: At the beginning of the year, rent accrued amounted to Sh.24,000 and as at 31 December 2021 rent prepaid was Sh.42,000. These had not been adjusted for in the accounts.
7. The lorry purchased was imported and duty paid was Sh.130,000. This was omitted from the cost of the lorry.
8. Retrenchment cost analysis.

	Head office	Branch
	Sh.	Sh.
Provision for staff gratuity	800,000	500,000
Pension payments	<u>1,700,000</u>	<u>800,000</u>
	<u>2,500,000</u>	<u>1,300,000</u>

9. Loss of stock: Fire razed down a warehouse where goods are stored before they are transported to the head office and branch. VAT at 16% was included in the stocks destroyed by fire.
10. 20% of loan interest relates to a loan obtained to finance purchase of shares.

Required:

- (i) Compute the combined adjusted taxable profit or loss for the year ended 31 December 2021. (10 marks)
 - (ii) Compute the tax payable (or refundable) for the year ended 31 December 2021 based on your results in (a) (i) above. (2 marks)
- (b) (i) A tax agent is an important stakeholder in the Alternative Dispute Resolution (ADR) process. Analyse the roles of a tax agent in relation to the ADR process. (4 marks)
- (ii) Explain the circumstances under which the Commissioner may cancel the license of a tax agent. (4 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) The following information relates to Pete Masa who works in both Kenya and in the United Kingdom.
- During the year of income 2021, he earned £30,000 from employment, PAYE deducted was £4,200.
 - His employment income in Kenya was Sh.1,960,000 (PAYE deducted Sh.384,000) in the year.
 - The employer provided accommodation to his family which lives in Kenya. The house is fully furnished at a cost of Sh.340,000.
 - He also received consultancy fees of Sh.720,000 and net royalties of Sh.95,000.

Note: Assume the average exchange rate during the year was £1 = Sh.120.

Required:

- Calculate tax payable by Pete Masa for the year of income 2021. Assume Kenya and United Kingdom have signed a double taxation agreement. (6 marks)
- (b) Explain four measures that a tax revenue authority might adopt to reduce tax gaps or revenue leakages in taxation of the digital economy. (4 marks)
- (c) Explain the tax implications of the following:
- (i) Where two or more entities enter into a joint venture agreement or partnership. (4 marks)
 - (ii) Where shareholders are wholly or partly paid in cash for forfeiting their shares in a cessation of business. (2 marks)
- (d) Explain four possible tax implications of transferring or selling a subsidiary to another subsidiary where both belong to the same parent company. (4 marks)

(Total: 20 marks)

QUESTION FOUR

(a) Riziki Insurance Company Ltd. was incorporated in the year 2019. The company deals with different classes of insurance. The following trial balance was extracted from the books of account as at 31 December 2021:

	Sh.	Sh.
Property, plant and equipment	10,200,000	
Provision for depreciation	805,000	
Investment in government securities	1,200,000	
Gross premiums received from direct clients:		
Motor vehicle		3,000,000
Fire		2,500,000
Gross premiums received from agents:		
Motor vehicle		2,000,000
Fire		1,200,000
Commission on reinsurance accepted:		
Motor vehicle	600,000	
Fire	200,000	
Commission on reinsurance ceded:		
Motor vehicle		700,000
Fire		300,000
Sundry receivables	750,000	
Bank balance	90,000	
Directors' fees	495,000	
Reinsurance premiums paid:		
Motor vehicle	400,000	
Fire	150,000	
Unearned premiums as at 1 January 2021:		
Motor vehicle		4,800,000
Fire		2,500,000
Claims outstanding as at 1 January 2021:		
Motor vehicle		1,100,000
Fire		840,000
Claims paid:		
Motor vehicle	2,770,000	
Fire	2,110,000	
Legal costs on claims:		
Motor vehicle	280,000	
Fire	130,000	
Sundry expenses on motor vehicle claims	220,000	
Provision for bad and doubtful debts:		
Motor vehicle	370,000	
Fire	320,000	
Management expenses:		
Motor vehicle	450,000	
Fire	380,000	
Investment income		4,150,500
Premiums returned:		
Motor vehicle	800,000	
Fire	700,000	
Profit and loss account		329,500
	<u>23,420,000</u>	<u>23,420,000</u>

Additional information:

- Claims intimated and outstanding as at 31 December 2021 amounted to Sh.750,000 for motor vehicle insurance and Sh.480,000 for fire insurance.
- Unearned premium is maintained at 80% and 50% of the net premiums received for motor vehicle and fire insurance respectively.
- Investment allowances have been agreed with the Commissioner at Sh.1,200,000 for the year ended 31 December 2021.

	Sh.
4. Investment income analysis:	
• Interest received from Government securities	2,040,000 net
• Interest received from local banks	760,500 net
• Dividend received from a Ugandan company	450,000 gross
• Dividend received from a local company	900,000 net

- Fees paid to investment managers amounted to Sh.750,000 for the year ended 31 December 2021.

Required:

- (i) Taxable income or loss for Riziki Insurance Company for the year ended 31 December 2021. (8 marks)
- (ii) Compute the tax payable, if any. (2 marks)
- (b) Zawadi Associates provides consultancy services to various clients whose terms of contract allow clients to pay for the services either before or after the provision of the service. The following information is provided regarding the firm's transactions for the months of October, November and December in year 2021.

Nature of service	Value of service	Service provision date	Payment date
Audit services to XL Supermarkets	700,000	25 October 2021	5 November 2021
Training services to Kyle Securities	240,000	3 November 2021	Not yet paid
Accountancy services: Watoto Children's Home	600,000	5 December 2021	20 November 2021
Debt collection services to Zuwela Computers	820,000	9 November 2021	30 November 2021
Strategic Plan development: Bazo (Rwanda) Ltd.	2,150,000	10 November 2021	Not yet paid
Management consultancy: Sylok Investments	1,440,000	13 November 2021	40% paid on 13 November 2021
Internal controls reviewed: Lema Ltd.	960,000	18 November 2021	10% paid on 7 October 2021
Financial consultancy to W Ltd.	1,200,000	20 November 2021	1 December 2021

Additional information:

- Sylok Investments was declared bankrupt on 30 November 2021.
- On 5 November 2021, Zawadi Associates renewed its national industrial training license for Sh.30,000 and paid for legal fees Sh.360,000 to follow up on clients who were not paying as per the agreed date.
- Electricity bill paid on 10 November 2021 was Sh.270,000 out of which Sh.100,000 was payment for outstanding bill for October 2021 and Sh.20,000 was in respect of additional deposits as demanded by the power company.
- Fuel consumed for partners' vehicles amounted to Sh.90,000 during the month of November 2021.
- Computers purchased for business use cost Sh.240,000 in November 2021.
- Zawadi Associates paid rent for the month of November 2021 amounting to Sh.180,000 on 5 November 2021.
- Transactions have been stated inclusive of VAT at the rate of 16% where applicable, unless otherwise stated.

Required:

- (i) Compute the VAT payable by (or refundable to) Zawadi Associates for the month of November 2021. (7 marks)
- (ii) Zawadi Associates is planning to engage a firm of financial management consultants from South Africa to facilitate online training on financial management assignments.

Advise Zawadi Associates on the tax point in respect of such services.

(3 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) A recent publication from a leading international advisory group opines that, of all forms of tax incentives, tax holidays are the most popular among developing countries.

Required:

Discuss four limitations of tax holidays in developing countries.

(4 marks)

- (b) In the recent months, the Revenue Authority reports have indicated achievement of tax collection targets.

Required:

Explore the factors that might have led to this achievement.

(4 marks)

- (c) John Malih has been trading as a sole proprietor for the past 4 years. The revenue authority suspects that the business has been involved in tax fraud since it commenced operations.

The firm has submitted the following records since its operations from 1 January 2018 to 31 December 2021:

	1 January 2018	31 December 2018	31 December 2019	31 December 2020	31 December 2021
	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"
Business premises	144,000	160,000	172,000	152,000	160,000
Plant and machinery	68,000	72,000	87,000	82,000	92,000
Motor vehicles (commercial)	22,000	24,000	24,000	26,000	24,000
Inventory	9,000	11,200	16,200	22,000	14,800
Trade receivables	7,690	8,630	8,600	7,800	8,200
Private residence	16,400	32,400	32,400	32,400	32,400
Trade payables	14,900	19,200	20,400	18,100	15,200
Bank loan	22,400	21,800	19,400	7,900	18,900
Loan from a friend	1,580	1,320	1,180	1,690	1,020
Mortgage loan	7,800	7,800	7,800	7,800	7,800
Cash	7,400	9,600	7,800	8,260	8,840

Additional information:

- During the year ended 31 December 2021, a motor vehicle was disposed of for Sh.2,600,000 (cost was Sh.2,000,000).
- Interest on mortgage was at a rate of 15% per annum on reducing balance basis. The maximum mortgage interest allowed is Sh.300,000 per annum.
- His personal expenses for each of the four years were as follows:

Year	Sh.
2021	340,000
2020	178,000
2019	296,000
2018	162,400
- Ignore capital allowances.

Required:

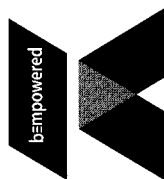
Determine the taxable income of John Malih for each of the four years ended 31 December 2018, 2019, 2020 and 2021.

(12 marks)

(Total: 20 marks)

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CPA ADVANCED LEVEL

ADVANCED TAXATION

TUESDAY: 5 April 2022. Afternoon paper.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated. Do NOT write anything on this paper.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2021.

Assume that the following rates of tax applied throughout the year of income 2021:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 32,333	288,001	- 388,000	25%
Excess over	- 32,333	Excess over	- 388,000	30%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer		
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates		
				Monthly rates (Sh.)	Annual rates (Sh.)
(a) Buildings:			Up to		
• Hotel building	50% in the first year of use	25%	1200 cc	3,600	43,200
• Building used for manufacture	50% in the first year of use	25%	1201 - 1500 cc	4,200	50,400
• Hospital buildings	50% in the first year of use	25%	1501 - 1750 cc	5,800	69,600
• Petroleum or gas storage facilities	50% in the first year of use	25%	1751 - 2000 cc	7,200	86,400
• Educational/hostels building	10% per year on reducing balance		2001 - 3000 cc	8,600	103,200
• Commercial building	10% per year on reducing balance		Over - 3000 cc	14,400	172,800
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)		
• Machinery used for manufacture	50% in the first year of use	25%	Up to	1750 cc	3,600
• Hospital equipment	50% in the first year of use	25%	Over	1750 cc	4,200
• Ships or aircraft	50% in the first year of use	25%			50,400
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance				
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance				
• Furniture and fittings	10% per year on reducing balance				
• Telecommunication equipment	10% per year on reducing balance				
• Film equipment by a local producer	25% per year on reducing balance				
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%			
• Other machinery	10% per year on reducing balance				
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers		
				7,200	86,400
(d) Farm works	50% in the first year of use	25%			

Commissioner's prescribed benefit rates:	Monthly rates (Sh.)	Annual rates (Sh.)
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

(a) The following facts relating to a hypothetical tax case in your country have been presented to you. The case related to the applicability of withholding tax on interest accrued in the audited books of a taxpayer.

1. Ale Ltd. entered into an agreement with a contractor under which it agreed to pay interest on any contractual fees paid late. A number of payments due to the contractor were delayed and incurred interest. The interest was not actually paid but the obligation to pay was accrued as a liability in the respondent's books.
2. As interest is a business expense, Ale Ltd. expensed it as a tax deductible item thereby reducing its corporation tax liability. The revenue authority undertook an audit and demanded payment on the withholding tax on the accrued interest. Following the demand, Ale Ltd. filed the matter before a tax tribunal.
3. The revenue authority claimed that by recognising accrued interest as a liability in its books of account, Ale Ltd. acknowledged that interest was credited to the account of the third party and therefore fell within the definition of the term "paid" under applicable tax laws.
4. At the tax tribunal, Ale Ltd. presented the following arguments:
 - The term "paid" in tax law can only mean delivery of money and discharge of settlement.
 - Since Ale Ltd. neither settled the outstanding contractual fee nor paid any interest charged, even though the interest was recognised as a liability in its books of account, no withholding tax was due for that transaction.
 - As per tax laws, tax is withheld upon payment of the expenses thus payment is a necessary pre-requisite for withholding tax to apply.
 - The settlement of an obligation may be through receipt of cash, cheque or other mode of settlement or discharge and an accrual is therefore not a discharge of a debt. Payment denotes the discharge of a debt or liability and it was premature for the revenue authority to demand payment of the withholding tax before the actual payment of interest. By doing so, the revenue authority clearly exceeded its powers.

Required:

As a Certified Public Accountant and tax expert, you have been engaged by the revenue authority to counter the arguments by Ale Ltd. for consideration by the Tax Tribunal.

Prepare your professional opinion making reference to the facts above, applicable tax laws and decided tax cases to support your position. (12 marks)

(b) The following information was extracted from the accounting records of Sambamba Sports Club, a small-size members club as at 31 December 2021:

1. Receipts	Sh.	Payments	Sh.
Balance brought forward	288,000	Salaries and wages	254,000
Subscriptions	2,500,000	New equipment	690,000
New members entrance fee	600,000	Repairs and maintenance	124,000
Dividend: Weco Co-operative Society	884,000	Furniture	240,000
Interest: Excel Bank Kenya	2,140,000	Office expenses	415,000
Dinner dance	723,000	Printing and stationery	168,000
Beverage sales-members	657,000	Purchase of beverages	497,000
Investment income	2,400,000	Dinner dance expenses	315,000
		Refund of subscriptions	45,000
		Legal fee on acquisition of investment	25,000
		Transport	248,000
		Fee to investment managers	1,100,000
		Balance carried forward	<u>6,071,000</u>
	<u>10,192,000</u>		<u>10,192,000</u>

2. Extracts from the statement of financial position as at 31 December 2021 were as follows:

	Sh.
Furniture and fittings (cost)	240,000
Equipment (cost)	690,000
Investment (cost)	3,500,000
Subscription in arrears	300,000
Accrued salaries	68,000
Stock of beverages	184,000
Subscriptions in advance	85,000

3. The dividend and interest income were stated at the gross amount.
4. Stock of beverages at the beginning of the year were Sh.162,000.
5. Subscription in arrears written off in the year amounted to Sh.288,000.

Required:

The taxable income (or loss) and tax payable if any, by Sambamba Sports Club for the year ended 31 December 2021.

(8 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Describe six factors to be considered when developing mitigation strategies for taxation risks. (6 marks)
- (b) Amua and Beba have carried on business for the last several years under the trade name AB partnership. They share profits and losses equally with capital contributed earning interest at the rate of 10% per annum.

The following details relate to AB partnership's transactions for the year ended 31 December 2021.

1. Amua and Beba capital accounts reflect credit balances of Sh.1,200,000 for each.
2. On 1 April 2021, they introduced a new partner Chanda who was to contribute Sh.1,200,000 as his share of capital. They agreed on this day to share profits and losses in the ratio of capital contributed proportional to the period of the year it was invested and that this sharing ratio be backdated to the start of the year 2021.
3. The costs incurred during the year were as follows:

	Sh.
Salaries and wages for staff	1,083,000
Electricity and telephone	389,400
Repairs and maintenance	294,400
Deprecation and impairments	420,000
General insurance	471,000
Debenture interest (paid by ABC Ltd.)	150,360
Directors fees (including Sh.507,720 partners' salaries)	1,015,440
Legal expenses	510,240
Medical contributions for partners and directors	651,840
Drawings: Amua	99,000
Beba	101,400
Chanda	65,400
Rent and rates	315,960
Motor vehicle running expenses	500,760
Printing and stationery	32,520
4. The following assets were purchased during the year:
Furniture and fittings Sh.192,000 and a pick-up for Sh.2,160,000.
5. During the months of the partnership, the total salaries to partners were Sh.507,720. The salaries were to be apportioned according to the period each partner served in the partnership business.
6. The cost of sales during the year was Sh.21,600,000. Sales were uniform at a margin of 25%.
7. The partnership was converted into a limited liability company, ABC Ltd. on 1 July 2021 with the partners becoming the new directors of the company. The new firm was listed on the Securities Exchange but not for purpose of raising additional capital. The costs incurred in listing were Sh.100,000.
8. The sales and expenses accrued evenly throughout the year unless otherwise indicated.

Required:

- (i) A schedule showing separately the profit or loss for the partnership and the company for the year ended 31 December 2021. (10 marks)
- (ii) Tax payable (or refundable) by ABC Ltd. from the profit or loss computed in (b) (i) above. (2 marks)
- (iii) A schedule showing the distribution of profits among the partners. (2 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Evaluate four factors to be considered in determining the appropriate methods for transfer pricing for multinational corporations in your country. (8 marks)
- (b) Mika Ltd. sold a machine to Bora Ltd., an associate enterprise and in turn Bora Ltd. sold the same machine to Ceda Ltd., an independent party at a sales margin of 30% for Sh.4,000,000. Bora Ltd. had incurred Sh.40,000 as expenses in shipping the machine to Ceda Ltd.

Required:

Calculate the arms length price charged to Ceda Ltd. (2 marks)

- (c) Petro Ltd. is a company in the business of exploration and production of oil and gas in your country. The company reported a petroleum profit of Sh.143,600,000 in the year ended 31 December 2021. This figure excludes crude oil produced but not sold valued at Sh.4,200,000. The following expenses comprising capital and revenue expenditures were deducted in arriving at the reported profit.

	Sh.
Geophysical staff salaries	789,000
Legal costs for title deeds	562,400
Dry hole contributions	448,000
Drilling and test development costs	942,600
Capital losses from previous year	192,800
Memorandum of understanding credit	2,840,000
Royalties on domestic sales	3,600,000
Royalties on export sales	5,760,000
Non-productive rent	2,374,800
Customs duty on plant and equipment	672,300
Purchase of assets for offshore operations	7,840,000
Provision for restoration of wells	1,575,000
Petroleum investment allowance	9,262,000

Additional information:

- Petroleum investment allowance included depreciation of equipment of Sh.378,200.
- Off-shore operations included a tractor purchased at Sh.920,000 for use on site in your country.
- Computers and computer software was for Sh.780,000 and Sh.360,000 respectively, for use in the country offices.
- The offices were partitioned at a cost of Sh.1,480,000

Required:

- (i) A statement of computation of petroleum profit or loss for the accounting period ended 31 December 2021. (7 marks)
- (ii) Tax payable, if any, by the company. (3 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) You have been engaged by the revenue authority in your country to develop a stakeholder engagement action plan. This is part of the measures to enhance tax awareness, increase compliance and enhance efficiency in tax administration.

Required:

Discuss the stakeholder engagement processes or initiatives that you would include in your action plan, including the objective of each process or initiative. (10 marks)

- (b) The following information relates to two businesses which are registered for value added tax (VAT) purposes:

- Bebabeba Supermarket Ltd.**
They operate a soft drinks dispensing machine which uses special tokens which resemble coins. During the month of July 2021, the machine dispensed drinks worth Sh.300,000 inclusive of VAT. This dispensing machine is slotted with tokens after every one and a half months, that is, on restocking drinks in any month, the tokens are emptied midway the following month. The machine was restocked during the month of July 2021.
- Supa Bread Ltd.**
The firm bakes ordinary bread. During the month of August 2021 they made sales amounting to Sh.20,000,000, excluding VAT. They have arranged with a distribution company, who ensure bread is delivered to customers. The distribution company raised an invoice of Sh.2,000,000 for services rendered for August 2021.

The electricity company also sent Supa Bread Ltd. a bill of Sh.3,000,000 for the month. The firm also hired advisory services from an overseas company and were billed Sh.1,000,000. The above figures are quoted inclusive of VAT unless stated otherwise.

Required:

For each of the two companies, or as otherwise stated, compute:

- (i) The output VAT, if any, for the specified period. (2 marks)
 - (ii) The input VAT (if any), (for Supa Bread Ltd.). (1 mark)
 - (iii) The VAT payable (or refundable) for the specified period based on the information provided only. (2 marks)
 - (c) Define the term “reverse charge” and indicate when it would apply (if at all) to Supa Bread Ltd. (2 marks)
 - (d) Explain the difference between a tax agent and a tax representative. (3 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Describe four constraints faced by the revenue authority in your country in the assessment and collection of taxes from the micro, small and medium enterprises (MSMEs). (4 marks)
- (b) Discuss how the revenue authority of your country might deal with taxpayers’ apathy in filing tax returns.(4 marks)
- (c) Haraka Ltd. started operations on 1 January 2021 in the business of leasing vehicles and computers.

The following information relates to the company’s transactions for the year ended 31 December 2021.

1. The company leased the following assets in the course of the year.
 - Six delivery vans to Zito Ltd. for six months at Sh.30,000 each per month.
 - Four pickup vehicles to Chama Ltd. in Uganda for Sh.400,000 per month for six months.
 - Twenty computers to Upper University at a monthly lease of Sh.4,000 each for the whole year.
 - A BMW vehicle to B Ltd. for use by one of its directors at a monthly lease charge of sh.60,000.
 - Two Landcruiser Prado vehicles to Z Contractors at an annual lease charge of Sh.1,440,000 in total. The lease contract for one vehicle was cancelled on 30 June 2021 after Z Contractors failed to pay lease charges for 4 months in the year.
 - The delivery vans to Zito Ltd. were returned upon lease expiry and Haraka Ltd. leased them to Sokoni Supermarket for four months at Sh.24,000 each per month.
2. Haraka Ltd. incurred the following expenses in the course of the year:

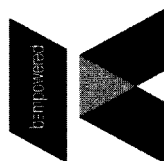
	Sh.
General administration expenses	1,600,000
Legal expenses	480,000
Repairs and servicing	320,000

 - Legal expenses included Sh.120,000 for defence against claims of breach of the lease contract.
3. Investment allowances have been agreed with the revenue authority to be Sh.620,000 for the year.
4. Haraka Ltd. had other incomes as follows:
 - Rental income from residential property Sh.2,400,000 per annum.
 - Dividend from Sifa Mutual Fund Sh.36,000 gross.
 - Interest from money market fund Sh.120,000 gross.
 - Royalties of Sh.360,000 net of advertising expenses of Sh.60,000, renewal of patents Sh.40,000 and research costs of Sh.80,000.

Required:

Compute:

- (i) The taxable income or loss for Haraka Ltd. for the year ended 31 December 2021. (10 marks)
 - (ii) The tax payable (if any) by Haraka Ltd. for the year ended 31 December 2021. (2 marks)
- (Total: 20 Marks)**
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CPA ADVANCED LEVEL

ADVANCED TAXATION

THURSDAY: 16 December 2021.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2020.

Assume that the following rates of tax applied throughout the year of income 2020:

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 24,000	1 - 288,000	10%
24,001 - 40,667	288,001 - 488,000	15%
40,668 - 57,334	488,001 - 688,000	20%
Excess over - 57,334	Excess over - 688,000	25%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance: Capital expenditure incurred on:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer (i) Saloons, Hatch Backs and Estates Monthly rates (Sh.)	Annual rates (Sh.)
(a) Buildings: • Hotel building • Building used for manufacture • Hospital buildings • Petroleum or gas storage facilities • Educational/hostels building • Commercial building	50% in the first year of use 50% in the first year of use 50% in the first year of use 50% in the first year of use 10% per year on reducing balance 10% per year on reducing balance	25% 25% 25% 25%	Up to - 1200 cc 1201 - 1500 cc 1501 - 1750 cc 1751 - 2000 cc 2001 - 3000 cc Over - 3000 cc	3,600 4,200 5,800 7,200 8,600 14,400
(b) Machinery: • Machinery used for manufacture • Hospital equipment • Ships or aircraft • Motor vehicles and heavy earth moving equipment • Computer software, calculators, copiers and duplicating machines • Furniture and fittings • Telecommunication equipment • Film equipment by a local producer • Machinery used to undertake operations under prospecting rights and exploration under mining rights • Other machinery	50% in the first year of use 50% in the first year of use 50% in the first year of use 25% per year on reducing balance 25% per year on reducing balance 10% per year on reducing balance 10% per year on reducing balance 25% per year on reducing balance 50% in the first year of use 10% per year on reducing balance	25% 25% 25% 25%	(ii) Pick-ups, Panel Vans (unconverted) Up to - 1750 cc Over - 1750 cc	3,600 4,200
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers	7,200 86,400
(d) Farm works	50% in the first year of use	25%		

Commissioner's prescribed benefit rates:

Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) As economies continue to recover from the impact of the COVID-19 pandemic, tax collection in many countries continues to face challenges. This trend has resulted in some revenue authorities resorting to some drastic measures to boost tax revenue.

One recent measure taken is monitoring of social media accounts and postings to assess taxation compliance.

Required:

Justifying your response with practical reasons, argue the case for or against monitoring of social media accounts to assess taxable capacity and compliance.

(Note: marks will be awarded for only one position taken).

(6 marks)

- (b) A delegation comprising government officials and entrepreneurs from a neighbouring country has visited your country, which is a beneficiary of the African Growth and Opportunity Act (AGOA) to learn more on AGOA and its benefits.

Required:

Prepare a brief to be presented to the delegation covering the following:

- (i) Background information on AGOA. (2 marks)
- (ii) Conditions to be considered as an AGOA beneficiary country. (3 marks)
- (iii) Trade benefits provided under AGOA. (3 marks)
- (c) Alternative Dispute Resolution (ADR) is a method of handling tax disputes outside the Judicial process. All applications for ADR should go through a suitability test before the application is submitted for ADR.

Required:

- (i) Summarise the disputes that may not be suitable for the ADR mechanism. (3 marks)
- (ii) Describe the documents that must be submitted to support and facilitate the ADR discussions. (3 marks)

(Total: 20 marks)

QUESTION TWO

- (a) The following information relates to Msanii Sacco Ltd. for the year ended 31 December 2020:

Income statement for the year ended 31 December 2020		
Income	Sh. "000"	Sh. "000"
Interest from members' loans		16,200
Interest from Treasury bills		3,200
Interest from government infrastructure bonds: (5 years)		1,800
Interest from ABA Bank		1,500
Rental income		3,200
Dividend from Mazao Sacco		1,000
Dividends from Sopa Co-operative Ltd.		<u>600</u>
Gross income		27,500
Expenditure:		
Office expenses	5,600	
General expenses	1,400	
Credit loss (bad debts)	60	
Repairs of rental property	<u>1,300</u>	(8,360)
Net profit		<u>19,140</u>

Additional information:

1. Office expenses include:
- | | Sh. "000" |
|--|-----------|
| • Salaries to Sacco employees | 1,200 |
| • Salary to the caretaker of rental property | 200 |
| • Purchase of office computers | 400 |
2. General expenses include depreciation of Sh. 484,000 and non-performing loans to members of Sh. 620,000 which were written off.
3. Corporate tax rate during the year was 25%.

Required:

- (i) Adjusted taxable profit or loss for the year ended 31 December 2020.
Hint: Start with the reported profit.

(6 marks)

- (ii) Tax liability for the year ended 31 December 2020.

(2 marks)

- (b) Triplecom Insurance Company Ltd. is a resident company carrying on both general and life assurance businesses. The following information relates to the insurance company's business for the year ended 31 December 2020:

	General insurance Sh. "000"	Life assurance Sh. "000"
Profit on sale of investments	14,200	-
Premium received in the year	15,450	100,000
Commission ceded	8,000	-
Premium returned	374	-
Recovery from reinsurance company	1,200	-
Premiums paid to reinsurance company	7,680	-
Commission expenses	1,050	2,960
Management expenses	2,034	25,000
Travelling expenses	1,200	2,400
Marketing expenses	314	1,820
Fees paid to investment managers	900	-
Legal expenses relating to claims	740	120
General expenses	8,490	4,640
Bad and doubtful debts	468	1,280
Claims paid in the year	9,800	-
Bonus utilised in reduction of premiums	180	-

Additional information:

- Claims outstanding for general business were as follows:
 - As at 1 January 2020 Sh.6,640,000.
 - As at 31 December 2020 Sh.7,000,000.
- General expenses under general insurance include cost of computers Sh. 800,000 and cost of saloon car Sh.3,260,000.
- Reserves for unexpired risks for general insurance were as follows:
 - As at 1 January 2020 Sh.3,240,000.
 - As at 31 December 2020 Sh.6,200,000.
- The Life assurance fund balance was valued by an actuary at Sh. 310,000,000 as at 31 December 2020. 8% of this fund balance was recommended to be transferred for the benefit of shareholders. At the beginning of the year, the fund had been valued at Sh.250,000,000. 10% of the surplus was recommended to be transferred for the benefit of shareholders.
- Outstanding premiums in respect of life insurance business were as follows:
 - As at 1 January 2020 Sh.12,000,000.
 - As at 31 December 2020 Sh.9,200,000.
- Other income received by Triplecom Insurance Company Ltd. comprised:
 - Interest from fixed deposit account Sh.780,000.
 - Dividend received from qualifying company Sh.3,000,000 (net).
 - The company owns the building which houses its offices. Part of the office space is rented out to other tenants. In the year to 31 December 2020, the company received Sh.2,800,000 net rental income from their estate agents. Property management fees amounting to Sh.3,200,000 for the year to 31 December 2020 had not been deducted.

Required:

The taxable income or loss for Triplecom Insurance Company Ltd. for the year ended 31 December 2020. (12 marks)

(Total: 20 marks)

QUESTION THREE

- (a) You have been appointed as the first tax consultant of ABC International PLC, a newly incorporated company in your country.

Required:

Draft a letter to the Revenue Authority for income tax registration for ABC International PLC. (4 marks)

- (b) Reward Investment Company Ltd., a company registered for value added tax (VAT) purposes, provided the following details in respect to the month of January 2021:

1. Purchased goods on credit for Sh.696,000 and for Sh.464,000 in cash respectively.
 2. Invoices were issued for sales of Sh.371,200 to non-VAT registered customers. The invoices issued included exempt sales amounting to Sh.174,000 and the balance were at standard rate.
 3. Purchased goods for Sh.672,800 from VAT registered businesses. However, goods valued at Sh.139,200 were returned to suppliers.
 4. Received a debit note for erroneous invoicing of goods valued at Sh.73,080.
 5. Issued credit notes for Sh.26,680 in respect of returns by credit customers.
 6. Settled electricity bills amounting to Sh.32,480.
 7. Settled audit fees of Sh.27,840 by cash.
 8. Received credit notes of Sh.62,640 for invoices received which had been overcast.
 9. Exported goods to Dubai for Sh.690,000.
 10. Imported goods from Zambia for Sh.250,000 when import duty was at 20%.
 11. Total goods sold as exempt supplies during the month amounted to Sh.494,000. These supplies could not be traced from goods purchased at the standard rate.
 12. Catering services to employees amounted to Sh.58,000 from a local restaurant.
 13. A debtor for goods valued at Sh.45,240 was declared bankrupt and a bad debt relief granted.
- All transactions are stated inclusive of VAT at the rate of 16% where applicable unless otherwise stated.

Required:

Prepare a statement showing the following with regard to the transactions above:

- Input and output VAT.
- Deductible input tax.
- VAT payable by or refundable to Reward Investment Company Ltd.
- Comments on the VAT payable or refundable.

(10 marks)

- (c) Describe the types of risk that require an organisation to develop a tax risk management framework. (6 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Describe the features that indicate the possible existence of a tax haven. (6 marks)

- (b) Lipa and Mali are in partnership trading as Lima Enterprises where they share profits and losses in the ratio of 2:1 respectively.

On 1 April 2020, Sasa was admitted with one-third of the profit without altering the existing profit-sharing ratio of Lipa and Mali.

The following income statement for the year ended 31 December 2020 was provided by the partnership:

	Sh.	Sh.
Gross profit		2,960,000
Less:		
Salaries and wages:		
Staff	360,000	
Partners	428,000	
Interest on capital	150,000	
Current Account:		
Lipa	42,000	
Mali	48,000	
Insurance	24,500	
Motor expenses	32,500	
Electricity bills	58,000	
Legal expenses	142,400	

	Sh.	Sh.
Audit and accountancy fees	47,500	
Depreciation	128,400	
Purchase of furniture	240,000	
Provision for bad debts	18,400	
Telephone and postage	14,200	
General expenses	<u>354,000</u>	<u>2,087,900</u>
Net profit		<u>872,100</u>

Additional information:

- Insurance represents Mr. Mali's life insurance policy for his family.
- Interest on capital was prorated and shared according to the profit and loss sharing ratios.
- Legal expenses included: expenses related to drawing of new partnership deed of Sh.28,000 on admission of Mr. Sasa, conveyance fees of Sh.14,900 and Sh.36,000 for negotiating a loan facility.
- General expenses included cost of computers of Sh.90,000 and computer software of Sh.45,000.
- The firm imported a motor car for use in the partnership business for Sh.800,000. This excluded import duty of 25% and value added tax at 16%.

Note: Assume that income and expenses accrued evenly during the year.

Required:

- Prepare a statement of adjusted taxable profit or loss for the year ended 31 December 2020. (10 marks)
 - Total taxable income for each partner. (4 marks)
- (Total: 20 marks)**

QUESTION FIVE

- As a tax manager at the revenue authority in your country, prepare a brief on the following:
 - Process of being appointed a tax agent. (2 marks)
 - Requirements for recognition as a tax expert by the revenue authority. (4 marks)
- Linda Obari has been operating a retail business since year 2016. She has not been maintaining proper books of account over the years and is therefore under investigation by the revenue authority.

The following details were obtained from her business records:

	31 December 2016	31 December 2017	31 December 2018	31 December 2019	31 December 2020
	Sh.	Sh.	Sh.	Sh.	Sh.
Equipment	2,345,670	2,391,840	2,395,350	2,210,000	2,285,000
Investment in shares	300,000	150,000	270,000	320,000	325,000
Bank balance	3,000	4,500	6,000	7,000	7,500
Inventory	-	303,000	540,000	620,000	685,000
Debtors	-	180,000	450,000	720,000	830,000
Building	-	<u>2,050,000</u>	<u>2,050,000</u>	<u>2,050,000</u>	<u>2,050,000</u>
	<u>2,648,670</u>	<u>5,079,340</u>	<u>5,711,350</u>	<u>5,927,000</u>	<u>6,182,500</u>
Financed by:					
Capital	2,648,670	2,844,340	3,254,350	3,239,000	3,263,500
Bank loan	-	1,425,000	1,566,000	1,716,000	1,866,000
Creditors	-	<u>810,000</u>	<u>891,000</u>	<u>972,000</u>	<u>1,053,000</u>
	<u>2,648,670</u>	<u>5,079,340</u>	<u>5,711,350</u>	<u>5,927,000</u>	<u>6,182,500</u>

Additional information:

1. Personal expenses:

	31 December 2017 Sh.	31 December 2018 Sh.	31 December 2019 Sh.	31 December 2020 Sh.
Repairs of house	172,000	-	180,000	-
House manager salary	259,000	302,000	344,000	358,000
Cash withdrawn from bank account	192,000	220,000	300,000	340,000
School fees	228,000	-	-	-
House expenses	163,000	331,600	356,000	382,000

2. Non-business income:

	31 December 2017 Sh.	31 December 2018 Sh.	31 December 2019 Sh.	31 December 2020 Sh.
Rental income	182,000	166,560	120,000	218,000
Interest from bank deposits	2,750	14,970	20,000	22,000

3. For the year ended 31 December 2017, salaries paid to Linda Obari's husband by the business amounted to Sh.312,000 and this was increased every year by 15%.
4. She received Sh.360,000 in cash as inheritance in the year 2019 from her late father.

Required:

- (i) Compute Linda Obari's correct taxable income or loss for the years ended 31 December 2017 to 2020. (10 marks)
- (ii) Describe the factors that a revenue authority considers in ascertaining the adequacy of living expenses under back duty investigations. (4 marks)

(Total: 20 Marks)

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**CPA ADVANCED LEVEL
PILOT PAPER
ADVANCED TAXATION**

December 2021.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2020.

Assume that the following rates of tax applied throughout the year of income 2020:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 40,667	288,001	- 488,000	15%
40,668	- 57,334	488,001	- 688,000	20%
Excess over	- 57,334	Excess over	- 688,000	25%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer		
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates		
			Monthly rates (Sh.)	Annual rates (Sh.)	
(a) Buildings:			Up to 1200 cc	3,600	43,200
• Hotel building	50% in the first year of use	25%	1201 - 1500 cc	4,200	50,400
• Building used for manufacture	50% in the first year of use	25%	1501 - 1750 cc	5,800	69,600
• Hospital buildings	50% in the first year of use	25%	1751 - 2000 cc	7,200	86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 - 3000 cc	8,600	103,200
• Educational/hostels building	10% per year on reducing balance		Over - 3000 cc	14,400	172,800
• Commercial building	10% per year on reducing balance				
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)		
• Machinery used for manufacture	50% in the first year of use	25%	Up to - 1750 cc	3,600	43,200
• Hospital equipment	50% in the first year of use	25%	Over - 1750 cc	4,200	50,400
• Ships or aircraft	50% in the first year of use	25%			
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance				
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance				
• Furniture and fittings	10% per year on reducing balance				
• Telecommunication equipment	10% per year on reducing balance				
• Film equipment by a local producer	25% per year on reducing balance				
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%			
• Other machinery	10% per year on reducing balance				
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers	7,200	86,400
(d) Farm works	50% in the first year of use	25%			

Commissioner's prescribed benefit rates: Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

(a) Explain the meaning of “alternative dispute resolution”. (2 marks)

(b) All tax disputes can be resolved through alternative dispute resolution (ADR) with some exceptions.

With reference to the above statement, describe the exceptions. (6 marks)

(c) Omari Hassan has approached you as the tax expert, to advise him on which of the following two job offers to accept. Hassan has received two offers of employment both of which require him to report for duty next year on 1 January 2022.

He has provided you with the following information

Job offer A: Maua Growers Ltd.

Terms of employment:

1. A basic salary of Sh.1,680,000 per annum.
2. Free housing for him and his family within the farm, with free water and electricity. The water is from a borehole sunk in the farm. The electricity is also generated within the farm.
3. Free supply of the farm produce subject to a maximum value of Sh.50,000 per month.
4. Reimbursement of medical expenses incurred on self and family subject to a maximum of Sh.125,000 per month. The reimbursement policy only applies to the senior managers.
5. Payment of his children’s school fees amounting to Sh.180,000 per annum by the employer. The employer will not expense it in his books of account.
6. His annual subscription fee to the sports club amounting to Sh.50,000 would be paid for by the employer.
7. He would be required to register as a member of the Institute of Certified Public Accountants. The employer would pay the annual subscription fee of Sh.18,000.

Job offer B: Kilwa Dishes Ltd.

Terms of employment:

1. A basic salary of Sh.2,160,000 per annum.
2. Free housing and meals but only for self.
3. Monthly entertainment allowance of Sh.15,000.
4. Payment by the employer of his medical expenses subject to a maximum of Sh.800,000 per annum. The medical scheme covers all hotel employees.
5. Payment by the employer of his life assurance premiums amounting to Sh.5,000 per month.
6. Reimbursement by the employer of his annual subscriptions for the Journal of Certified Public Accountants amounting to Sh.2,500 per annum.
7. A one week fully paid holiday package worth Sh.150,000 for his wife and children to visit him and reside at the hotel once per year. The package would also include visits by the family to neighbouring tourist attractions.

Omari Hassan has further provided the following additional information:

- His annual average medical expenses are as follows:

	Sh.
Self	150,000
Wife and children	300,000
Total average medical expenses	450,000

- His consumption of the farm produce under job offer A would average about Sh.300,000 per annum.

Hint: Your evaluation should include both taxable and non-taxable benefits. Use year 2020 tax rates.

Required:

Evaluate the two job offers and advise Omari Hassan on which offer to accept based on expected net annual income. (12 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Under Section 24 of the Income Tax Act, a company is required to adhere to the rules under the shortfall distribution. If a company is unable to pay the required amount, it has to make a representation to the tax department.

In relation to the above provision, explain four factors that must be included in its representation. (4 marks)

- (b) Explain the meaning of thin capitalisation in relation to an entity. (3 marks)

- (c) The management of Bituls Ltd. has received a notice from the Commissioner for Domestic Taxes stating that the company is subject to the income tax rules on thin capitalization. The management intends to object to the Commissioner's directive and have approached you for advice.

An extract of the company's statement of financial performance revealed the following:

	Sh."000"
Goodwill	43,500
Land	220,000
Plant and machinery	310,100
Office equipment	146,250
Inventory	88,890
Accounts receivable	97,890
Bank balance	29,210
Ordinary share capital	445,000
Share premium	53,000
Profit and loss	(42,300)
10% loan	1,650,000

Supporting your answer with suitable computations, advise the management of Bituls Ltd.:

- (i) On the possible outcome of its objection. (4 marks)
- (ii) The interest tax shield due to Bituls Ltd. based on your advice in (c) (i) above. (2 marks)
- (d) (i) Explain the taxable incomes of a life assurance company. (3 marks)
- (ii) The following information relates to Beta Life Assurance Company Limited for the year ended 31 December 2020:

The fund balance was valued by an actuary at Sh.220 million as at 31 December 2020. 40% of this fund balance was recommended to be transferred for the benefits of shareholders.

	Sh."million"
Received during the year	120
Outstanding as at: 1 January	60
31 December	40

Management expenses and commissions paid during the year amounted to Sh.40 million and Sh.6 million respectively.

The company had no other income during the year.

Required:

Taxable income of Beta Life Assurance Company Limited for the year ended 31 December 2020. (4 marks)
(Total: 20 marks)

QUESTION THREE

- (a) (i) Explain how a company operating in Kenya but with its headquarters in another country may avoid taxation through transfer pricing. (5 marks)
- (ii) A few countries and regions in the world have established themselves as tax havens. Briefly summarise three benefits that might accrue to an investor in a tax haven. (3 marks)
- (b) Mary and Khadija are in a partnership trading as Mahadi enterprises: They share profits and losses in the ratio of 3:2 for Mary and Khadija respectively.

The partners presented the following statement of profit and loss of the partnership for the year ended 31 December 2020.

	Sh.
Sales	8,400,000
Closing stock	1,176,000
Rental income	522,480
Dividend received (net)	54,240
Foreign exchange gain	54,960
Interest income (net)	120,000
Discount received	84,000
	<u>10,411,680</u>
Opening stock	960,000
Purchases	4,080,000
Salaries and wages	1,440,000
Insurance	288,000
Travelling expenses	187,200
Salaries and wages: Mary	720,000
Khadija	480,000
Rent rates	558,000
Interest expense	1,872,000
Goodwill written off	120,000
Medical expenses for partners	240,480
Legal expenses	144,240
Bank charges	91,680
Stamp duty	180,000
Loss on sale of equipment	19,200
VAT paid	39,120
Purchase of furniture	57,600
Depreciation	48,000
	<u>(11,525,520)</u>
Net loss	<u>(1,113,840)</u>

Additional information:

1. On 1 April 2020 Abby was admitted as a partner. She contributed Sh.960,000 as her share of capital and goodwill. The profit and loss sharing ratio was revised to 2:2:1 for Mary, Khadija and Abby respectively with effect from 1 April 2020. Abby was not entitled to a salary for the year ended 31 December 2020.

2. Interest expenses comprised:

	Sh.
Interest on capital: Mary	432,000
Khadija	480,000
Abby	48,000
Interest on loan	672,000
Fridge benefit tax	240,000
	<u>1,872,000</u>

3. All transactions relating to equipment and furniture occurred after 1 April 2020.

4. All other revenues and expenses accrued evenly throughout the year.

Required:

(i) Determine the adjusted profit or loss of the partnership for the year ended 31 December 2020.

(8 marks)

(ii) Allocate the profit or loss computed in (b) (i) above to the partners.

(4 marks)

(Total: 20 marks)

QUESTION FOUR

(a) BSI Fly High Ltd. presented the following trading results for the year ended 31 December 2020:

Statement of comprehensive income for the year ended 31 December 2020

	Sh. "million"	Sh. "million"
Turnover		70,743
Direct cost	44,376	
Fleet ownership	<u>9,102</u>	<u>(53,478)</u>
Gross profit		17,265
Other incomes		
Interest income (net)	372	
Fair value gains/losses on fuel derivatives	6,140	
Shares of results of associated company	77	
Gain/loss on hedged exchange differences:		
On borrowings	1,280	
Gain on hedged fuel contacts	<u>398</u>	<u>8,267</u>
Total income		<u>25,532</u>
Less: Expenses		
Overheads	15,426	
Finance cost	1,485	
Realised losses on fuel derivatives	3,771	
Other losses/gains	501	
Deferred taxation on cash flow hedges	503	<u>(21,686)</u>
Total profits/loss		<u>3,846</u>

Additional information:

1. Turnover includes	Sh. "million"
Passenger revenue	62,838
Freight and mail	5,434
Handling	1,312
Others	<u>1,159</u>
	<u>70,743</u>
2. Analysis of operating expenditure:	
• Direct cost	9,292
Aircraft fuel and oil	8,530
Aircraft landing, handling and navigation	14,555
Passenger services	4,445
Commissions on sales	3,246
Aircraft passenger and cargo insurance	366
Crew route expenses	1,742
Central reservation system (net) and frequent flier programme	1,805
Others	<u>395</u>
	<u>44,376</u>
• Fleet ownership costs	
Hire of aircraft and engines	5,920
Depreciation on air craft and engines	3,094
Depreciation on rotatables and other equipment	262
Amortisation of refurbishment costs	-
Air craft purchases subsidy	<u>(174)</u>
	<u>9,102</u>
Overheads	
Administration	10,175
Employee costs	348
Legal and professional fees	73
Director's remuneration	11
Audit fees	<u>1,492</u>
	12,099
Establishment	
General maintenance and supplies	1,163
Depreciation of buildings vehicle and other equipment	860
Amortisation of intangible assets and prepaid operating lease	<u>364</u>
	<u>2,387</u>

	Sh. "million"
Selling	
Advertising and publicity	665
Bad debts expense	<u>275</u>
	940
Total overheads	<u>15,426</u>

Required:

- (i) Compute adjusted taxable income for the year ended 31 December 2020. (10 marks)
- (ii) Tax payable, if any for the year. (2 marks)
- (b) (i) In Kenya, tax agents are individuals or companies that prepare taxes on behalf of the tax payers, they also offers professional assistance to people or companies that do not want to prepare taxes on their own.

In light of the above statement, explain circumstances under which a tax agent's license may be canceled. (4 marks)
- (ii) Bandari Realtors' Ltd. provided the following information relating to the sale of their properties in the year 2020.
 - 1. Sale proceeds were Sh.2,000,000 and the incidental costs were; Legal fees - Sh.100,000; Advertisement - Sh.50,000; Agent's commission - Sh.200,000 and Valuation fees - Sh.150,000.
 - 2. Cost of acquisition/construction was Sh.1,500,000 and the other relevant/ incidental costs were as follows: Legal cost on acquisition - Sh.60,000; Valuation - Sh.70,000; Costs to change the roof of property - Sh.130,000; Legal cost to defend title Sh.50,000; investment allowance had been allowed totaling Sh.450,000 over the years.

Required:

Compute the capital gains tax.

(4 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) Explain the challenges in implementing special economic zones (SEZs). (8 marks)
- (b) Customs audit is the process of verifying that the business is in compliance with the customs legislation through the examination of books and records of a business to prevent commercial fraud.

In relation to the above statement, explain the objectives of a customs audit. (4 marks)
- (c) In case of back duty the tax department will reject the accounts presented to them and will advise the taxpayer to provide another set of accounts prepared by a reputable firm of auditors. Where presentation of accounts is not possible, the taxpayer's income could be computed through capital statements.

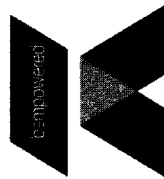
Required:

Explain other circumstances under which capital statements are applicable in computation of income. (4 marks)

- (d) Outline the documents which must accompany a claim for VAT refund under Section 24 (Bad Debts). (4 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 2 September 2021.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2020.

Assume that the following rates of tax applied throughout the year of income 2020:

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 24,000	1	- 288,000	10%
24,001	- 40,667	288,001	- 488,000	15%
40,668	- 57,334	488,001	- 688,000	20%
Excess over	- 57,334	Excess over	- 688,000	25%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer			
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates			
				Monthly rates (Sh.)	Annual rates (Sh.)	
(a) Buildings:			Up to	1200 cc	3,600	43,200
• Hotel building	50% in the first year of use	25%	1201 -	1500 cc	4,200	50,400
• Building used for manufacture	50% in the first year of use	25%	1501 -	1750 cc	5,800	69,600
• Hospital buildings	50% in the first year of use	25%	1751 -	2000 cc	7,200	86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 -	3000 cc	8,600	103,200
• Educational/hostels building	10% per year on reducing balance		Over	3000 cc	14,400	172,800
• Commercial building	10% per year on reducing balance					
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)			
• Machinery used for manufacture	50% in the first year of use	25%	Up to	1750 cc	3,600	43,200
• Hospital equipment	50% in the first year of use	25%	Over	1750 cc	4,200	50,400
• Ships or aircraft	50% in the first year of use	25%				
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance					
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance					
• Furniture and fittings	10% per year on reducing balance					
• Telecommunication equipment	10% per year on reducing balance					
• Film equipment by a local producer	25% per year on reducing balance					
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%				
• Other machinery	10% per year on reducing balance					
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers	86,400	7,200	
(d) Farm works	50% in the first year of use	25%				

Commissioner's prescribed benefit rates: Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) One of the recent trends in the field of taxation is the introduction of digital services tax (DST).

Required:

- (i) Explain the meaning and operations of the digital services tax (DST). (3 marks)
- (ii) Describe three types of transactions where DST is applicable. (3 marks)
- (b) Poxmax Enterprises is a resident company that deals in asset leasing. For the year ended 31 December 2020, the company reported the following transactions:

1. Assets leased in the course of the year:

- Manufacturing machinery to Pendo Ltd. at an annual lease cost of Sh.4,200,000.
- Ten saloon cars to Samtech Tours for four months at Sh.40,000 each per month.
- At the end of the four months, Samtech Tours returned four saloon cars and renewed the lease for the others for an additional three months at a discounted pay by 10%.
- Five lorries to Athi Ltd. at an annual lease of Sh.800,000 per lorry. However, the lease was terminated after 9 months after it was found that the lorries had serious mechanical problems.
- Six pickup vehicles to Fahari Ltd. in Rwanda for Sh.200,000 per month for the whole year.
- Computers to Digitech Ltd. at an annual lease of Sh.200,000.

2. Poxmax Enterprises incurred the following expenditure in the course of the year:

- | | Sh. |
|--|-----|
|--|-----|

3. The following additional information was provided:

- A pickup vehicle whose written down value as at 1 January 2020 was Sh.420,000 was sold upon expiry of lease in 2020 for Sh.580,000.
- The written down values of the following assets as at 1 January 2020 were:

	Sh.
Lorries (4 tonnes)	4,000,000
Computers	420,000
Motor vehicles	1,200,000
Furniture	180,000

- Other incomes of Poxmax Enterprises include:
 - (i) Interest income from Ufanisi Deposit taking micro finance Sh.240,000 (net).
 - (ii) Dividend income from Wananchi Sacco Sh.120,000 (net).
 - (iii) Royalties income of Sh.400,000 (net).
- Corporate tax rate applicable during the year was 25%.

Required:

The adjusted taxable income or loss and tax payable (if any) for Poxmax Enterprises for the year ended 31 December 2020.

(14 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Discuss the responsibilities of the Senate Budget Committee or its equivalent in public finance management. (4 marks)

- (b) There are clear differences between debt management in the private sector and in the public sector. However, the main objective of debt management in both sectors is the sustainability of the institutions concerned.

Required:

Describe the salient features that distinguish debt management in the public sector as compared to the private sector. (6 marks)

(c) Oil Merchants Ltd. is in the petroleum business. The following information was extracted from the books of accounts of the company for the year ended 31 December, 2020:

- Crude oil exported 140,000 barrels.
- Domestic crude oil sales 50,000 barrels.
- Posted price per barrel for crude oil exported Sh.505.
- Posted price per barrel for domestic crude oil Sh.102.
- Miscellaneous income Sh.800,000.
- Administrative expenses Sh.8,850,000.
- Income from oil refinery business Sh.1,000,000.
- Royalty on oil exported Sh.5,000,000.
- Royalties on local sales Sh.1,060,000.
- Value of chargeable oil sold as per audited financial statements Sh.60,000,000.
- Customs duty on plant and machinery essential to the company in its operation Sh.150,000.
- Capital expenditure on petroleum tanks Sh.19,000,000.
- Intangible drilling costs Sh.5,000,000.
- Losses from previous year are classified as follows:
 - Loss from 2019 refinery business Sh.2,000,000.
 - Loss from 2019 petroleum business Sh.3,000,000.
- Administrative expenses of Sh.8,850,000 included above comprised:
 - Depreciation Sh.1,000,000.
 - Stamp duty on increase of ordinary share capital Sh.500,000.
 - Loss on foreign exchange transactions Sh.60,000.
 - Defending a driver on traffic offence Sh.16,000.

Required:

A statement of taxable profit or loss of Oils Merchants Ltd. for the year ended 31 December 2020. (10 marks)
(Total: 20 marks)

QUESTION THREE

(a) The resource mobilisation department is instrumental in enabling the government to execute its mandate and responsibilities to the citizens.

Required:

Evaluate the roles played by the resource mobilisation department in the National Treasury or a similar body in your country. (4 marks)

(b) The following information was presented to you by the management of Credit Lenders Ltd. as at 31 December 2020. The company deals in the sale of manufacturing machines on hire purchase terms:

1. The company purchases the machines at Sh.600,000 each.
2. The hire purchase price per unit comprises of a deposit of Sh.160,000 and eight quarterly instalments of Sh.80,000. Cash price per unit is Sh.700,000.
3. During the year ended 31 December 2020, the company sold 4,080 manufacturing machines of which collections of Sh.569,600,000 were received at year end.
4. During the year, the company repossessed 80 machines which had been sold earlier in the year. The customer had already paid Sh.6,400,000 on the units which was included in the total cash collections for the year. The repossessed units were valued at Sh.520,000 each at year end.
5. Expenses incurred in the course of the year included:

	Sh.
• Rent expenses	420,000
• Legal expenses	1,200,000 (of which Sh.320,000 was in respect of defence against illegal importation of a machine).
• Advertising and marketing	525,000
• Salaries and management expenses	890,000
• Purchase of a mobile forklift (in August 2020)	2,800,000
6. Other incomes included:
 - Royalties of Sh.289,750 net of withholding tax.
 - Dividend from Uzima Co-operative Society Sh.120,000 net of withholding tax.
7. The Revenue Authority has reached an agreement with the company whereby profit for tax purposes will be determined on the basis of proportionate cash collected from the customers for the year's sales.

Required:

Taxable profit or loss for Credit Lenders Ltd. for the year ended 31 December 2020. (12 marks)

- (c) A Single Customs Territory (SCT) is the full attainment of the customs union achievable through removal of trade restrictions and minimisation of internal border controls.

Required:

Explain the benefits of a single customs territory (SCT).

(4 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Describe the tax planning opportunities that could be derived in relation to the financial management decisions in a company. (6 marks)
- (b) Jirani and Mwema have been partners trading as JM Traders since 1 January 2019. They have not filed individual income tax returns for the year ended 31 December 2020. The Commissioner for Domestic taxes has issued an estimated assessment of Sh.940,800 to each of the partners for the year ended 31 December 2020. They share profits and losses in the ratio of 2:3 to Jirani and Mwema respectively. They are preparing to appeal against the assessment and have approached you for tax advice with the following details:

Cashbook summary

	Sh.		Sh.
Balance brought forward (1 January 2020)	912,000	Payment to creditors	1,056,000
Capital: Jirani	720,000	Purchase of furniture	240,000
Mwema	1,080,000	Motor vehicle expenses	168,000
Receipts from debtors	2,040,000	Electricity expenses	93,600
Cash sales	1,200,000	Rent expenses	472,800
Rent income	696,000	Purchase of motor vehicles	720,000
Sale of furniture	204,000	Salaries and wages	576,000
		Office partitions	216,000
		General expenses	528,000
		Balance carried forward	<u>2,781,600</u>
	<u>6,852,000</u>		<u>6,852,000</u>

Additional information:

- Sales and purchases for the year were understated and overstated respectively by 20%.
- All the cash sales were paid into the bank with the exception of Sh.528,000 which was debited in the income statement as general expenses but related to the following items:
 - Partners children school fees Sh.96,000.
 - Purchase of goods Sh.240,000.
 - Tax appeal expenses 48,000.
 - Insurance policy for partners life Sh.84,000.
 - Computer software Sh.60,000.
- The partners are entitled to interest on capital at the rate of 10% per annum on their capital contributions. The interest on capital was included in the figure for purchases for the year.
- The cost of furniture sold was Sh.192,000 and had accumulated depreciation of Sh.16,800 as at 1 January 2020. The profit on disposal was credited to the income statements for the year ended 31 December 2020.
- Other information provided was as follows:

	31 December 2019 Sh.	31 December 2020 Sh.
Inventories	297,600	434,400
Creditors for goods	480,000	336,000
Debtors for goods	288,000	432,000
Electricity expenses prepaid	566,400	36,000
Rent owing	93,600	52,800
Salaries and wages owing	24,000	72,000
Furniture	192,000	240,000

6. The business reported a net loss of Sh.509,400 for the year ended 31 December 2020 after deducting the following expenses:

- Salaries and wages for the year ended 31 December 2020 which included partners salaries for Jirani Sh.120,000 and Mwema Sh.96,000.
- Rent expense for the year included 20% for private residence for Jirani while electricity included 30% electricity bills paid on behalf of Mwema's private house.
- Capital allowances in respect of the business had not been considered. However, depreciation had been debited in the income statement. The depreciation was at the rate of 20%.

Required:

With supporting computations:

- (i) Advise the partners on the accuracy of the estimated assessment issued for the year of income 2020. (8 marks)
- (ii) Prepare a schedule of total taxable income for each partner for the year of income 2020. (6 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Your country has been experiencing growth in the number of projects initiated through public private partnerships (PPPs). However, this growth appears to be declining in the last few years.

Required:

Evaluate the possible factors that could have contributed to this trend. (6 marks)

- (b) The following information was obtained from the financial records of Alemao Commercial Bank Ltd. for the year ended 31 December 2020:

	Sh. "000"
Interest on advances	697,200
Contribution to deposit protection fund	147,000
Operating lease rentals	9,720
Interest on government securities	21,900
Interest paid on deposits	7,110
Interest on placement and bank balances	3,990
Loss on disposal of collaterals	1,260
Fees and commission expenses	2,130
Losses from investment in securities	1,185
Purchase of equipment	1,800
Depreciation	744
Transfer to statutory reserves	939
Losses on stock brokerage dealings	522
Gain on foreign exchange dealings	2,205
Discounts on bills purchased	493.5
Auditors remuneration	1,179
Provision for bad and doubtful debts	810
Investments in government securities	2,775
Bills receivable and for collection	471
Guarantees and performance bonds	567
Interest accrued and paid	2,961
Bills for collection, acceptances and endorsements	705
Rebates on bills discounted	438
Provision for taxation	600
General charges recovered	375
Commission on exchange and brokerage	1,176

Additional information:

- Contribution to deposit protection fund includes investment revaluation surplus of Sh.972,000.
- Included in transfer to statutory reserves is an amount paid for exchange and commission of Sh.72,000.
- Discounts on bills purchased include interest and discount paid of Sh.58,500.
- Provision for bad and doubtful debts include specific bad debts at the beginning and at the end of the year amounting to Sh.102,000 and Sh.210,000 respectively.
- The corporate tax rate applicable during the year was 25%.

Required:

- (i) A statement showing the taxable profit or loss for Alemao Commercial Bank Ltd. for the year ended 31 December 2020. (12 marks)
- (ii) Tax payable (or refundable) by the bank from the income computed in (b) (i) above. (2 marks)
- (Total: 20 marks)**
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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

FRIDAY: 27 November 2020.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2019.

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 12,298	1	- 147,580	10%
12,299	- 23,885	147,581	- 286,623	15%
23,886	- 35,472	286,624	- 425,666	20%
35,473	- 47,059	425,667	- 564,709	25%
Excess over	- 47,059	Excess over	- 564,709	30%

Personal relief Sh.1,408 per month (Sh.16,896 per annum).

Prescribed benefit rates of motor vehicles provided by employer

**Monthly rates Annual rates
(Sh.) (Sh.)**

Capital allowance:

Wear and tear allowance:

Class I	37.5%
Class II	30%
Class III	25%
Class IV	12.5%
Software	20%

Industrial building allowance:

Up to 2009	2.5%
From 1 January 2010	10%
Hotels	10%
Hostels/Education/Film producers buildings	100%
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%

Farm works allowance

Investment deduction allowance

Shipping investment deduction

(Ships over 125 tonnes)

Extraction expenditure:

Written off over 5 years (20%)

Commissioner's prescribed benefit rates

Services

(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000

Agriculture employees: Reduced rates of benefits

(i) Water	200	2,400
(ii) Electricity	900	10,800

(i) Saloons, Hatch Backs and Estates

Up to	1200 cc	3,600	43,200
1201	1500 cc	4,200	50,400
1501	1750 cc	5,800	69,600
1751	2000 cc	7,200	86,400
2001	3000 cc	8,600	103,200
Over	3000 cc	14,400	172,800

(ii) Pick-ups, Panel Vans (unconverted)

Up to	1750 cc	3,600	43,200
Over	1750 cc	4,200	50,400

(iii) Land Rovers/Cruisers

7,200	86,400
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QUESTION ONE

- (a) Three countries; X, Y and Z established an economic trading block some years back. One of the key objectives of the trading block was to promote the harmonisation of tax systems and policies among the three countries. However, this objective has not been realised to date.

Required:

Discuss five possible challenges to the harmonisation of tax systems and policies among the three countries above.

(5 marks)

- (b) With reference to public-private partnerships (PPPs):

(i) Explain the role and composition of a petitions committee.

(4 marks)

(ii) Describe the moneys that are required to be paid into the public private partnership project facilitation fund.

(3 marks)

- (c) Summarise five functions of the Directorate of Public Debt Management.

(5 marks)

- (d) Taxation has generally contributed to economic development and empowerment of the population in most countries. However, taxation may also result in certain negative consequences on the society.

Required:

Discuss three negative impacts of taxation in a country.

(3 marks)

(Total: 20 marks)

QUESTION TWO

- (a) The following financial information was extracted from the books of Oil Drillers and Exporters Ltd. for the year ended 31 December 2019:

Income

	Sh.
• Proceeds of oil sold to foreign subsidiary company (50,000 barrels of crude oil at Sh.500 per barrel)	25,000,000
• Value of oil disposed of to local refineries	125,000
• Freight charges received from other oil companies for transporting their crude oils to neighbouring country	190,000
• Sale of natural gas	160,000

Expenditure

• Staff accommodation expenses	60,000
• Wages and salaries for employees	15,000
• Annual compensation paid to local people for disturbance during petroleum exploration	75,000
• Royalties incurred in respect to crude oil exported	42,000
• Interest on loan from a foreign subsidiary company	31,250
• Specific bad debts written off	8,500
• Depreciation of non-current assets (Class IV)	45,100
• Exploration and drilling costs in respect to cement and casing of oil wells	24,500,000
• Contribution to approved provident fund	65,000
• Custom duties on imported equipment	21,500
• General expenses	65,000

Additional information:

1. Non-current assets comprised; drilling machines Sh.900,000, Furniture Sh.240,000 and saloon car Sh.2,800,000 acquired during the year.
2. Staff accommodation expenses include management fees of Sh.18,000 for a director from a foreign subsidiary company.
3. Lorries for transporting crude oil comprised:
7.5 tonnes lorry Sh.2,400,000.
4.2 tonnes lorry Sh.1,800,000.

Required:

A statement of taxable profit or loss for the year ended 31 December 2019.

(12 marks)

- (b) Evaluate four factors inhibiting efficient administration of value added tax in your country.

(8 marks)

(Total: 20 marks)

QUESTION THREE

- (a) M and K are in partnership trading as MK enterprises. The partners deposited Sh.4,000,000 and Sh.6,000,000 into the business account as their initial capital before commencing trading. They also agreed to share profit and loss in the ratio of their initial capital contribution and interest on capital at 5% per annum on outstanding capital balances.

On 1 January 2018, the firm purchased the following assets for use in the business:

	Sh.
Saloon car	2,400,000
Computers	80,000
Furniture and fittings	96,000
Fax machine	48,000
Switchboard	64,000
Bookshelf	18,000
Office kitchen utensils	9,000
Office television set	54,000
Carpets	36,000
Safe for cash office	45,000

The firm's books were kept in a single entry bookkeeping. The details for the accounting records for the year ended 31 December 2018 obtained were as follows:

- Sales for the year was Sh.1,860,000 out of which Sh.360,000 was on credit and the balance was cash banked.
- The following monthly expenses were paid from cash proceeds before banking the proceeds from cash transactions:

	Sh.
Transport expenses	6,000
Telephone and postage	5,600
Office meals	5,000
Repairs and maintenance	4,800

- The bank statements summary for the full year showed payments made during the year as follows:

	Sh.
Rent payment	325,000
Purchase of 3 tonnes lorry	1,800,000
Purchase of motor bike	90,000
Office expenses	1,460,000
Advertising	240,000

- The office expenses paid in note (3) above included:

	Sh.
Partners' salaries: M	270,000
K	360,000
Employees' pension contribution	420,000
Donations to society for blind	78,000
Tax consultancy fees	32,000
Training of partners' children	28,000
Motor vehicle insurance	24,000

The business failed to file returns for the year of income 2018 and on 1 July 2019, they received an estimated assessment of Sh.78,000 from the revenue authority for each partner.

Required:

- Using the above information, prepare a statement that will form the basis of contesting the estimated assessment for the year of income 2018. (14 marks)
 - Advise the partners on the appeal position. (2 marks)
- (b) Citing four reasons, argue the case for continued provision of tax incentives by a country that is experiencing budget deficits. (4 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Describe four tax policy challenges that the government is facing in the taxation of digital economy in your country. (8 marks)
- (b) Anita Warazo has been operating a sole-proprietorship business since 1 January 2015.

The following information was obtained from the books of the business for the past five years:

Year	2015	2016	2017	2018	2019
	Sh."000"	Sh."000"	Sh."000"	Sh."000"	Sh."000"
Current account balance	485 (Dr)	600 (Cr)	960 (Cr)	350 (Dr)	560 (Cr)
Treasury bonds	1,450	940	740	648	780
Pick up (cost)	900	900	1,600	1,600	1,600
Computers (cost)	150	150	200	200	200
Inventory	-	170	240	280	376
Trade receivables	720	600	560	700	840
10% Mortgage loan	-	-	4,000	4,000	4,000
Trade payables	460	640	800	560	720
Bank loan	370	348	400	400	380
Leasehold property	1,400	1,400	1,400	1,400	1,400
Cash in hand	560	840	540	600	760
Furniture and fittings	400	400	300	300	300
Personal saloon car	-	480	480	480	480

Additional information:

- All non-current assets were stated at cost and where the fair value changed was either due to additional asset acquired or disposed of.
- Furniture and fittings whose cost was Sh.100,000 was disposed of on 1 January 2017 for Sh.68,000.
- In the year 2016, the proprietor made drawings of Sh.38,000.
- Anita Warazo paid school fees for her children from business current account of Sh.138,000 per annum for the years 2016 and 2017.
- A leasehold property included a property valued at Sh.400,000 inherited from her late father.
- In the year 2018, she paid insurance premium of Sh.42,000 for her private residence.
- She contributed to a fundraising in 2019 of Sh.60,000 for supporting a church function.
- The non-current assets qualified for capital deductions where applicable.
- Leasehold property comprised a warehouse (cost Sh.1,000,000) while the inherited property was a dwelling house.

Required:

- Prepare a capital statement showing taxable income for the years 2016 to 2019. (10 marks)
 - Comment on the tax position of Anita Warazo for each of the years of income. (2 marks)
- (Total: 20 marks)**

QUESTION FIVE

- (a) Globalisation, diversification and expansion have forced companies to form groups where a large number of transactions are between related parties.

In light of the above statement:

- Explain the terms "related party transactions" and "transfer pricing". (4 marks)
 - Evaluate two benefits that may accrue to an entity that applies transfer pricing in transactions between related parties. (4 marks)
- (b) Albert Kimeli is an employee of Rwaka Ltd. He has provided the following information relating to his income:
- He earns a basic salary of Sh.60,000 per month.
 - He is paid house rent allowance of Sh.30,000 per month.
 - His wife, Lavena Kimeli is also employed at a salary of Sh.54,000 per month with Tops Ltd. where Kimeli holds 20% of the shares.
 - They both live in a house which is owned by the wife. The house was constructed through borrowed funds at an interest rate of 15% per annum.

5. The employer paid school fees for the children of Albert Kimeli.
6. He was a member of an unregistered pension scheme where the employer made contributions towards the scheme on his behalf.
7. The wife runs a farming business where she earned Sh.400,000 from sale of farm produce.
8. He is contemplating securing a bank loan for his children's education or an education insurance policy that will equally cater for children's education.

Required:

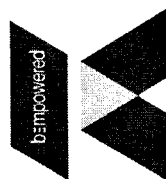
Suggest a scheme of tax planning that would minimise the tax liability of the family of Mr and Mrs Kimeli for the year of income and subsequent years.

(12 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 20 May 2021.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2020.

Assume that the following rates of tax applied throughout the year of income 2020:

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 24,000	1 - 288,000	10%
24,001 - 40,667	288,001 - 488,000	15%
40,668 - 57,334	488,001 - 688,000	20%
Excess over - 57,334	Excess over - 688,000	25%

Personal relief Sh.2,400 per month (Sh.28,800 per annum).

Investment allowance:	Rate of investment allowance	Residual value (per year on reducing balance)	Prescribed benefit rates of motor vehicles provided by employer			
Capital expenditure incurred on:			(i) Saloons, Hatch Backs and Estates			
				Monthly rates (Sh.)	Annual rates (Sh.)	
(a) Buildings:			Up to	1200 cc	3,600	43,200
• Hotel building	50% in the first year of use	25%	1201 -	1500 cc	4,200	50,400
• Building used for manufacture	50% in the first year of use	25%	1501 -	1750 cc	5,800	69,600
• Hospital buildings	50% in the first year of use	25%	1751 -	2000 cc	7,200	86,400
• Petroleum or gas storage facilities	50% in the first year of use	25%	2001 -	3000 cc	8,600	103,200
• Educational/hostels building	10% per year on reducing balance		Over	3000 cc	14,400	172,800
• Commercial building	10% per year on reducing balance					
(b) Machinery:			(ii) Pick-ups, Panel Vans (unconverted)			
• Machinery used for manufacture	50% in the first year of use	25%	Up to	1750 cc	3,600	43,200
• Hospital equipment	50% in the first year of use	25%	Over	1750 cc	4,200	50,400
• Ships or aircraft	50% in the first year of use	25%				
• Motor vehicles and heavy earth moving equipment	25% per year on reducing balance					
• Computer software, calculators, copiers and duplicating machines	25% per year on reducing balance					
• Furniture and fittings	10% per year on reducing balance					
• Telecommunication equipment	10% per year on reducing balance					
• Film equipment by a local producer	25% per year on reducing balance					
• Machinery used to undertake operations under prospecting rights and exploration under mining rights	50% in the first year of use	25%				
• Other machinery	10% per year on reducing balance					
(c) Purchase/acquisition of right to use fibre optic cable by telecommunication operation	10% per year on reducing balance		(iii) Land Rovers/Cruisers			
					86,400	7,200
(d) Farm works	50% in the first year of use	25%				

Commissioner's prescribed benefit rates:

Services	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) There are different types of public private partnership (PPP) contracts depending on the type of project, level of risk transfer, investment level and the desired outcome.

Required:

Citing relevant examples, describe four types of public private partnership contracts. (4 marks)

- (b) During a conference held by the Organisation for Economic Co-operation and Development (OECD) on policies for rebuilding post covid-19 economies, one speaker noted that “once countries stabilise their fiscal recoveries amid the Corona virus crisis, they should seize the chance to build their economies through taxation policy”.

Required:

Evaluate six tax policy measures that developing countries should adopt for rebuilding Post-Covid 19 economies. (6 marks)

- (c) The following details were obtained from the records of Maendeleo Bank Ltd. for the year ended 31 December 2020:

1. The net loss for the year was Sh.22,160,000 after the following had been recorded:

	Sh.
Income from trading activities of a foreign bank subsidiary	980,000
Gain on sale of shares	294,000
Fees and commission income	1,460,500
Interest from government treasury bills	936,400
Interest on deposits with other banks	1,740,600
Interest on loans and advances to customers	12,460,300
Contributions to deposit protection fund	428,000
Interest on customer deposits	8,484,000
Rent and rates	864,000
Directors emoluments	1,480,000
Income from foreign exchange dealings	1,243,600
Depreciation	445,300
Provision for interest expenses	184,400
Auditors fees	236,800
Loss on disposal of collaterals	1,560,000
Installment tax	724,800
Installation of a new online banking system	1,820,000
Staff costs	1,680,000
Operating lease rentals	268,200
Capital redemption reserve	920,000
12% debenture stock	1,200,000
Purchase of double cabin pickup - October 2020	2,400,000
Profit and loss account	964,000 (Dr)
Rebate on bills discounted	296,000

2. Staff costs include:
- | | Sh. |
|-------------------------------------|------------|
| Provision for salary increase | 220,000 |
| Cost of negotiating loans for staff | 140,000 |
| Senior staff club membership | 360,000 |

3. The online banking system was installed in May 2020 and it included the cost of computer software of Sh.200,000 and new computers at a cost of Sh.620,000.

Required:

Statement of adjusted taxable income or loss for Maendeleo Bank Ltd. for the year ended 31 December 2020.

(10 marks)

(Total: 20 marks)

QUESTION TWO

- (a) A number of countries have enacted legislation on public financial management (PFM) which have their main objects as follows:

- Provide for the effective management of public finances by the national and county governments.
- Oversight responsibility of parliament and county assemblies.
- Provide for the different responsibilities of government entities and other bodies.

Required:

Discuss the key provisions of the PFM Act, 2012 or equivalent legislation in your country, with regard to regulation of grants administration. (6 marks)

- (b) Assume that you are a senior government officer managing public investments. The Cabinet Secretary in your Ministry is set to present a paper to a group of local and international investors on why the government should continue participating in public investments.

The Cabinet Secretary has approached you for input in preparation of the paper for presentation.

Required:

Explain four grounds that you would propose for inclusion in the paper, defending the government's participation in public investments. (8 marks)

- (c) Many developing countries have resorted to increased reliance on public debt in order to finance their expenditure. This strategy has however resulted in negative impacts on projected economic growth rates.

Required:

With reference to the above statement, describe the negative implications of increased public debt in financing of recurrent expenditure by a government. (6 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Citing examples, differentiate between a "tax waiver" and a "tax amnesty." (2 marks)

- (b) Dera Suppliers Limited deals in both taxable and non-taxable supplies.

The following transactions were extracted from the company's records for the month of September 2020:

	Sh.
Purchases from local market	912,000
Sales to local market	1,710,000
Imports (exclusive of customs duty)	600,000
Export sales - South Africa	700,000
- Nigeria	350,000
Purchase of lubricants	456,000
Restaurant services paid	63,840
Tax consultancy fees	45,600
Printing and stationery	17,100
Electricity bills paid	31,920
Exempt sales	480,000
Ambulance services	20,000
Postage services	8,000
Audit fees	68,400

Additional information:

- Sales to the local market include goods supplied to Marine Fisheries and Fish Processors Ltd. for Sh.114,000.
- Goods purchased at standard rate could not be directly identified from exempt sales.
- The company received debit notes and credit notes of Sh.22,800 and Sh.36,480 respectively from suppliers.
- The customs duty for imported goods was at 20%.
- The company issued debit notes of Sh.74,100 in respect to sales at standard rate.
- Sales and purchases to and from the local market were inclusive of VAT at the rate of 14% plus other transactions where applicable.
- A debtor of goods valued at Sh.28,500 was declared bankrupt and a debt relief waiver granted.

Note: Assume transactions are quoted as inclusive of VAT at the rate of 14%, unless otherwise specified.

Required:

Indicating any non-deductible input-tax and exempt supplies, compute:

- | | | |
|-------|--|-----------|
| (i) | Total input tax. | (4 marks) |
| (ii) | Total output tax. | (2 marks) |
| (iii) | Deductible input tax. | (4 marks) |
| (iv) | Value added tax payable or refundable. | (2 marks) |

- (c) Ali Salama is a resident tax payer in Kenya. During the year of income 2020, he had Sh.4,380,000 from employment in Kenya. He had also received Sh.480,000 from the United Kingdom (UK), which has a double taxation relief treaty with Kenya. Tax deducted in UK was equivalent to Sh.80,000.

Required:

- | | | |
|------|---|-----------|
| (i) | Double taxation relief in Kenya. | (4 marks) |
| (ii) | Tax payable in Kenya by Mr. Ali Salama. | (2 marks) |

(Total: 20 marks)

QUESTION FOUR

- (a) Discuss the factors that may have inhibited the full integration of the customs union in your regional trading block. (6 marks)
- (b) Jamji Manufacturers Ltd. presented the following statement of profit and loss and other comprehensive income for the year ended 31 December 2020:

	Sh. "000"	Sh. "000"
Turnover		384,900
Cost of sales		<u>(98,200)</u>
Gross profit		286,700
Other incomes:		
Gain on foreign exchange transactions		42,600
Capital gain on sale of motor vehicle		14,200
Refund of import duty		8,400
Investment income		<u>12,000</u>
		363,900
Less expenses:		
Purchase of copyright	24,800	
Design of company website	1,200	
Directors fees	4,600	
Donations to charitable institutions	200	
Depreciation expense	1,640	
Advertisement	450	
Professional fees	448	
General expenses	3,640	
Legal costs	1,840	
Loan repayment	312	
Provision for bad debts	142	
Impairment loss of a building	280	
		<u>(39,552)</u>
Net profit		<u>324,348</u>

Additional information:

1. On 1 July 2020, the company acquired Jilo Ltd., a manufacturing company for Sh.56,000,000 and took over all assets and liabilities, which included;

Assets:	Sh. "000"
• Factory building	14,800
• Furniture and fittings	1,400
• Processing machinery	8,600
• Lorry (4 tonnes)	1,500
• Computers and printers	600
• Delivery van	840

Liabilities:

- 15% bank loan 6,000
- Trade payables 1,720
- Bank overdraft 1,480

Jilo Ltd. had operated for only 6 months and had not claimed any investment allowances before it was closed down by the Environmental Authority.

2. Turnover includes goods sold to the company's branch of Sh.72,000,000. It was established that at the end of the accounting period, 20% of these goods had not been sold by the branch.
3. Professional fees included: **Sh."000"**
 - Management fees 280
 - Tax consultancy fees 148
 - Audit fees 252
 - Preparing of tender documents 185
 - Environmental assessment fees 360
4. General expenses included: **Sh."000"**
 - Installation of Neon signs 420
 - Car grant to a director 1,800
 - Partition of an office block 560
 - Directors Christmas party 240
 - Branch closure costs 180
 - Repayment of hire purchase loan 120
5. Legal costs comprised: **Sh."000"**
 - Drafting sale agreement between the company and Jilo Ltd. 458
 - Defending a company against breach of contract 386
 - Negotiating a bank loan 168
 - Preparing copyright documents 172
 - Drafting lease agreements (50 years) 656

1,840
6. Provision for bad debts include 15% of debts amounting to Sh.600,000 from a company which was declared irrecoverable.
7. The corporate tax rate during the year was 25%.

Required:

- (i) A statement of adjusted taxable profit or loss for the year ended 31 December 2020. (12 marks)
- (ii) Tax liability and the instalments for the year 2020, assuming the actual profits were made. (2 marks)

(Total: 20 marks)**QUESTION FIVE**

- (a) The Tax Authority in your country has appointed you as a tax auditor for digital services in Abacus Ltd.

Describe three specific operational aspects in Abacus Ltd. that would constitute evidence of existence of digital services in the company. (6 marks)

- (b) Safari Aviators Ltd. is an air transport company registered in the United Kingdom. On their scheduled flights to East Africa, the company's planes land in Nairobi to connect passengers to other destinations in Africa. Ticketing and other transactions are done through an airline agent in Nairobi, Kenya, who would sell tickets and meet other necessary obligations on behalf of Safari Aviators Ltd.

The agent sold Sh.12,690,000 worth of tickets on behalf of the company in year 2020. The following expenses were incurred in carrying out airline operations in Kenya.

- | | Sh. |
|------------------------------------|-------------|
| • Salaries for security officers | 1,480,000 |
| • Furniture for Agency offices | 240,000 |
| • Trade subscriptions | 96,000 |
| • Computers | 180,000 |
| • Purchase of Aircraft (UK) cost | 126,000,000 |
| • Jet fuel | 4,900,000 |
| • Covid-19 tests for staff members | 148,000 |
| • Upgrading Agency website | 60,000 |
| • Airline Authority clearance fees | 360,000 |
| • Purchase of saloon car | 3,500,000 |

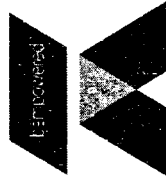
Additional information:

1. 15% of ticket sales are allowed annually by the Tax Authority in UK to cover for depreciation of other office equipment.
2. 2% of total ticket sales are allowed annually to cover head office expenses relating to the agency.
3. Operating expenses for the agency are allowed in full.
4. 5% of the investment allowance is allowable to the agent for tax purposes on investment in aircrafts.

Required:

- (i) A statement of adjusted taxable income or loss for the year ended 31 December 2020. (8 marks)
 - (ii) Comment on any further information you may seek from the airline agency to facilitate accuracy of tax liability. (2 marks)
- (c) Explain two ways through which proper tax planning may contribute to economic stability of a country. (4 marks)
(Total: 20 marks)
-

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

WEDNESDAY: 27 November 2019.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2018.

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 12,298	1	- 147,580	10%
12,299	- 23,885	147,581	- 286,623	15%
23,886	- 35,472	286,624	- 425,666	20%
35,473	- 47,059	425,667	- 564,709	25%
Excess over	- 47,059	Excess over	- 564,709	30%

Personal relief Sh.1,408 per month (Sh.16,896 per annum).

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates		Annual rates	
	(Sh.)	(Sh.)	(Sh.)	(Sh.)
Capital allowance:				
Wear and tear allowance:				
Class I	37.5%			
Class II	30%			
Class III	25%			
Class IV	12.5%			
Software	20%			
Industrial building allowance:				
Up to 2009		2.5%		
From 1 January 2010		10%		
Hotels		10%		
Hostels/Education/Film producers buildings		100%		
From 1 January 2010 - Commercial building:				
(Shop, office or show room)		25%		
Farm works allowance		100%		
Investment deduction allowance		100%		
Shipping investment deduction (Ships over 125 tonnes)		100%		
Extraction expenditure:				
Written off over 5 years (20%)				
Commissioner's prescribed benefit rates				
Services			Monthly rates	Annual rates
			(Sh.)	(Sh.)
(i) Electricity (Communal or from a generator)			1,500	18,000
(ii) Water (Communal or from a borehole)			500	6,000
Agriculture employees: Reduced rates of benefits				
(i) Water			200	2,400
(ii) Electricity			900	10,800
(i) Saloons, Hatch Backs and Estates				
Up to 1200 cc			3,600	43,200
1201 - 1500 cc			4,200	50,400
1501 - 1750 cc			5,800	69,600
1751 - 2000 cc			7,200	86,400
2001 - 3000 cc			8,600	103,200
Over 3000 cc			14,400	172,800
(ii) Pick-ups, Panel Vans (unconverted)				
Up to 1750 cc			3,600	43,200
Over 1750 cc			4,200	50,400
(iii) Land Rovers/Cruisers			7,200	86,400

QUESTION ONE

(a) Examine four reasons for the increased importance of information exchange programmes in relation to taxation among various countries. (4 marks)

(b) The following information relates to Majani Ltd:

1. The company has been operating in your country for over 20 years.
2. The company's accounts for the year ended 31 December 2018 could not be signed by the directors until 1 August 2019 when the Chief Executive Officer (CEO) returned from a medical trip abroad.
3. Following the delay in signing the accounts, the revenue authority imposed a late returns penalty of Sh.484,840 on the company.

Required:

As a tax consultant, draft a letter of objection to the revenue authority indicating the grounds of appeal in compliance with tax legislation. (6 marks)

(c) Sharon and Primus are partners running a hardware business. They have approached you to assist them prepare the partnership returns for the year ended 31 December 2018. The following information has been presented to you:

1. The partnership agreement provides that:
 - Profits and losses will be shared in the ratio of 2:1 for Sharon and Primus respectively.
 - Partners will be allowed to withdraw up to Sh.100,000 in cash without being charged interest. Any excess withdrawals will be subject to interest at a rate of 8% per annum.
 - Each partner will be entitled to a monthly salary of Sh.60,000 per month. However, no salary would be paid to any partner in the months of January, May and September due to expected low sales based on analysis of past trends. Partners would be entitled to a commission.

2. The balances in the books of account as at 31 December 2018 and 31 December 2017 included the following:

	31 December 2018	31 December 2017
	Sh.	Sh.
Accrued commission due to partners	400,000	360,000
Accounts payable (trade)	2,000,000	1,600,000
Accrued advertising expense	610,000	340,000
Prepaid royalty income	160,000	100,000
Accounts receivable (trade)	5,900,000	1,700,000
Accrued salaries and wages (partners excluded)	410,000	130,000
Accumulated depreciation	600,000	340,000

3. Extracts of cash payments during the year were as follows:

	Sh.
Commission paid to partners equally	100,000
Purchases (goods for sale)	1,000,000
Advertising expenses	150,000
Salaries and wages (partners excluded)	1,390,000
Motor vehicle expenses	240,000
Electricity expenses	80,000
Office partitions	60,000
Purchase of office equipment	97,000
Meals to employees	200,000
Loan interest	35,000
Cash withdrawn by partners - Sharon	160,000
- Primus	100,000

4. All receipts were channeled through the account and included the following:

	Sh.
Sales (all were on credit terms)	1,600,000
Royalty income	240,000
Proceeds from sale of office equipment	45,000
Computer leasing charges	6,000

5. The partners withdrew hardware goods for personal use as indicated below:

	Sh.
Sharon	110,000
Primus	60,000

6. In December 2018, some of the hardware goods which were valued at Sh.60,000 were destroyed by fire. Compensation of Sh.35,000 was received from the insurance company.

Required:

- (i) Taxable profit or loss of the partnership for the year ended 31 December 2018. (8 marks)
- (ii) A schedule showing the partners allocation of taxable income or loss. (2 marks)

Hint: Ignore opening and closing inventory.

(Total: 20 marks)

QUESTION TWO

- (a) A number of countries have external resources departments as part of stimulating economic growth. Explain four roles of such departments. (4 marks)
- (b) Discuss three reasons for the failure of a number of projects under public private partnerships (PPPs). (6 marks)
- (c) Xyeng China Company (K) Ltd. has been engaged in the building industry for many years. There has been an on-going dispute with the revenue authority as to the amount of value added tax (VAT) that the company is liable to pay.

According to the revenue authority's assessment, the company is supposed to pay Sh.5.6 million, whereas the company's assessment of the VAT payable is Sh.3.9 million.

You have been provided with the following additional details relating to the company's transactions during the assessment period:

Purchases	Delivery date	Invoice date	Invoice amount(Sh.)	Payment date
Drilling machines	5 February 2019	10 March 2019	5,220,000	4 April 2019
Mobile crane	20 February 2019	8 March 2019	3,045,000	10 April 2019
Concrete mixer	18 February 2019	26 February 2019	3,770,000	2 May 2019
Poker vibrator	26 February 2019	12 March 2019	906,250	7 April 2019
Photocopying machine	12 March 2019	4 April 2019	174,000	5 May 2019
2 Forklifts	6 April 2019	20 April 2019	1,584,125	6 May 2019
700 Tonnes of cement	26 March 2019	4 April 2019	28,125,565	12 May 2019
Bottled mineral water	12 March 2019	8 April 2019	137,460	30 April 2019
Executive boardroom table	19 March 2019	4 April 2019	145,000	12 May 2019
Postal rental box	2 February 2019	24 February 2019	13,920	15 March 2019
Paint from ABC Ltd.	14 April 2019	20 April 2019	3,117,500	12 May 2019
Petrol for trucks engaged in construction work	12 March 2019	19 March 2019	1,200,960	8 April 2019

Additional information:

- The company had negotiated a contract of Sh.84 million exclusive of VAT on 1 February 2019, for which it received a progress payment of Sh.52 million on 27 March 2019. The invoice had been raised earlier on 15 March 2019 based on the Architect's certificate for the value of work certified.
- The company had also on 18 February 2019 secured a tile fixing contract of Sh.18 million exclusive of VAT for which an installment payment of Sh.7.2 million was received on 12 March 2019 ahead of the completion date on 24 May 2019. The invoice was raised for full payment on completion. By the end of May 2019, the balance of the payment had not been received from the client.

The above transactions are inclusive of VAT where applicable unless otherwise stated.

Required:

Advise Xyeng China Construction Company (K) Ltd. on:

- (i) The correct VAT position for the company for the period between February 2019 and May 2019. (8 marks)
- (ii) What action to take based on your analysis in (c) (i) above. (2 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Country X has recently proposed to change the regulations on taxation of Savings and Credit Co-operation Societies (Saccos). This change will entail taxing most of the income and exempting only the interest earned from members. The proposed changes will also double the withholding tax rate on dividends paid by Saccos.

Required:

With reference to the above scenario, explain four effects of the proposed legislative changes on Saccos. (4 marks)

- (b) Discuss three incentives provided by your country to spur the growth of the housing and construction sector. (6 marks)

- (c) Maisha Mema Insurance Company Limited provided the following information for the year ended 31 December 2018:

	Sh."000"
Gross premiums received	30,000
Claims paid	4,000
Commission ceded	800
Commission accepted	20
Claims recovered on reinsurance	3,000
Foreign exchange gains realised	3,500
Dividends from life assurance fund	2,000
Rental income (commercial building)	1,600
Bad debts provision	500
Investment income	1,200
Reserve for unexpired risks (1 January 2018)	1,000
Legal expenses related to claims	400
Agency fees	400
Management fees	120
Repairs on rental properties	200
Entertainment expenses	400
Purchase of furniture	600
Purchase of computer	300
Reinsurance premiums paid	4,000
Returned premiums	5,000

Additional information:

- Reserves for unexpired risks on 31 December 2018 were Sh.200,000.
- Claims outstanding on 1 January 2018 and 31 December 2018 were Sh.600,000 and Sh.900,000 respectively.
- Premiums outstanding on 1 January 2018 and 31 December 2018 were Sh.6,000,000 and Sh.12,000,000 respectively.
- Agency fees included Sh.200,000 relating to the life assurance business.
- Legal fees included Sh.100,000 relating to settlement of a tax dispute.
- Investment income comprised:

	Sh.
Interest from bank	850,000 (net)
Interest from treasury bonds	350,000 (gross)

Required:

- (i) Taxable profit or loss of Maisha Mema Insurance Company Limited for the year ended 31 December 2018. (8 marks)

- (ii) Tax payable (if any) from your computations in (c) (i) above. (2 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) One-stop border posts (OSBPs) are a fairly recent cross-border trade initiative which have significantly changed the way neighbouring countries conduct business with each other.

Required:

- (i) Explain the meaning of OSBPs. (2 marks)

- (ii) Summarise four benefits of OSBPs. (4 marks)

- (b) Describe four functions of tax agents. (4 marks)

- (c) Benita Contractors Ltd. operates in the construction industry. On 1 November 2016, the company won a tender for the construction of two projects, a hospital and an office complex. Construction of the projects commenced on 1 January 2017. The following details relate to the two projects for the year ended 31 December 2018:

	Hospital project Sh. "000"	Office complex Sh. "000"
Balance as at 1 January 2018:		
Materials	6,000	4,000
Accrued salaries and wages	1,500	1,200
Plant (written down value)	190,000	150,000
Cost of work done	200,000	200,000
Value of works certified to date	200,000	160,000
Transactions undertaken during the year:		
Material delivered to site		
From store	10,000	14,000
From supplier	100,000	128,000
Plant purchased at cost	-	120,000
Sub contractors fee	-	18,000
Consultancy fees	30,000	29,000
Inspection fee	10,000	5,000
Salaries and wages	120,000	180,000
Head office expenses	-	2,000
Material transferred out	10,000	17,000
Material sales	-	22,000
Plant lease charges	400	500
Direct expenses	3,000	2,000
Cash received from sub contractor	300,000	600,000
Cumulative value of work certified as at 31 December 2018	700,000	860,000
Value of work uncertified in the year	30,000	42,000
Balance carried forward:		
Material on site	40,000	50,000
Accrued wages	1,000	2,000

Additional information:

1. Consultancy fees for the hospital project include Sh.40,000 prepaid for the year 2019.
2. Wear and tear allowance on plant was provided at the rate of 12.5% per annum.
3. Direct expenses accrued and not reflected above were as follows:

	Hospital Sh. "000"	Office Sh. "000"
As at 1 January 2018	200	-
As at 31 December 2018	1,000	400

Required:

A schedule showing the taxable profit and tax payable (if any) by Benita Contractors Ltd. as at 31 December 2018.

(10 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) The Cabinet Secretary responsible for matters relating to public investments should prepare and submit a consolidated report to the National Assembly at the end of each financial year.

Evaluate the significance of any four information contained in the consolidated report.

(8 marks)

- (b) Explain four ways through which the Public Debt Management office may enhance the functions of the commission on revenue allocation in your country.

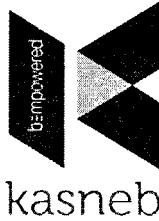
(4 marks)

- (c) Discuss four fiscal responsibility principles that the National Treasury and Planning must enforce when managing the national government public finance in your country.

(8 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 23 May 2019.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2018.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 12,298	1 - 147,580	10%
12,299 - 23,885	147,581 - 286,623	15%
23,886 - 35,472	286,624 - 425,666	20%
35,473 - 47,059	425,667 - 564,709	25%
Excess over - 47,059	Excess over - 564,709	30%

Personal relief Sh.1,408 per month (Sh.16,896 per annum).

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:		
Wear and tear allowance:		
Class I	37.5%	
Class II	30%	
Class III	25%	
Class IV	12.5%	
Software	20%	
Industrial building allowance:		
Up to 2009	2.5%	
From 1 January 2010	10%	
Hotels	10%	
Hostels/Education/Film producers buildings	100%	
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%	
Farm works allowance	100%	
Investment deduction allowance	100%	
Shipping investment deduction (Ships over 125 tonnes)	100%	
Extraction expenditure:		
Written off over 5 years (20%)		
Commissioner's prescribed benefit rates		
	Monthly rates Sh.	Annual rates Sh.
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800
(i) Saloons, Hatch Backs and Estates		
Up to 1200 cc	3,600	43,200
1201 - 1500 cc	4,200	50,400
1501 - 1750 cc	5,800	69,600
1751 - 2000 cc	7,200	86,400
2001 - 3000 cc	8,600	103,200
Over 3000 cc	14,400	172,800
(ii) Pick-ups, Panel Vans (unconverted)		
Up to 1750 cc	3,600	43,200
Over 1750 cc	4,200	50,400
(iii) Land Rovers/Cruisers	7,200	86,400

QUESTION ONE

- (a) Many governments' particularly in developing countries have implemented various taxation policies to achieve fiscal and other objectives. Unfortunately, in some of these countries, the noble objectives of the taxation policies appear not to have been realised.

Required:

Evaluate four reasons which, in your assessment, have contributed to the failure of taxation policies to achieve their intended objectives. (8 marks)

- (b) With regard to the government's responsibilities in public finance management:
- (i) Discuss three roles of the Cabinet Secretary for the National Treasury and Planning or equivalent office in your country, with regard to public debt management. (6 marks)
- (ii) Summarise three responsibilities of the State Corporations Advisory Committee (SCAC) or equivalent body in your country. (3 marks)
- (c) Describe three ways in which monies paid into the Public Private Partnership Project Facilitation Fund may be applied. (3 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Various legislations provide for penalties on taxpayers who engage in tax avoidance schemes. In light of the above statement, outline four categories of tax avoidance schemes that a taxpayer might be investigated for in your country. (4 marks)
- (b) Dawida Ltd. is a real estate developer. During the year ended 31 December 2018, the company earned the following incomes from rented properties:

	Sh.
Rental income	19,400,000
Sale of timber used during construction	288,600
Sale of unused paint	92,400

The rented property is a commercial building constructed at a cost of Sh.48,460,000 and was occupied on 1 January 2018 upon completion on 31 December 2017.

The cost of construction of the commercial building comprised the following:

	Sh.
Shops (cost)	16,800,000
Offices	17,240,000
Showroom	9,460,000
Sewerage system	1,640,000

The following additional costs and expenses were incurred by the company:

1. A standby generator at a cost of Sh.600,000 and a powerhouse at a cost of Sh.280,000 were acquired.
2. CCTV surveillance cameras were installed at a cost of Sh.720,000.
3. A stone perimeter wall was constructed at a cost of Sh.1,480,000.
4. Electricity expenses incurred during the year amounted to Sh.492,800 while insurance expenses amounted to Sh.360,000.
5. Water tanks costed Sh.540,000 excluding the cost of water pumps of Sh. 248,000.
6. Land Cruiser motor vehicle of 3500cc whose cost was Sh. 2,800,000 was purchased and used for security surveillance purposes.
7. A parking bay for shoppers was constructed at a cost of Sh.4,670,000.
8. Other expenditure comprised purchase of fire extinguishers at Sh.182,000, county rates amounting to Sh.94,800, real estate agents commission amounting to Sh.138,400 and parking metres amounting to Sh.280,000.

Required:

- (i) Statement of taxable rental income for the year ended 31 December 2018. (10 marks)
- (ii) Tax liability, if any, for Dawida Ltd. for the year ended 31 December 2018. (2 marks)
- (iii) Highlight any additional information to be sought from the company to help determine the accuracy of the tax computed. (4 marks)

(Total: 20 marks)

QUESTION THREE

- (a) (i) Explain four factors to be considered when selecting the most appropriate transfer pricing method. (4 marks)
- (iv) A Ltd. sold a processing machine to B Ltd., an associate company. B Ltd. sold the same machine to C Ltd., an independent party, for Sh.400,000 at a profit margin of 30%. B Ltd's incidental costs before selling to C Ltd. were Sh.4,000.

Using the resale price method, calculate the arms length price/transfer price of the machine. (4 marks)

- (b) Peter Samoei is an employee of Zawadi Ltd. and earns a salary of Sh.140,000 per month, while his wife Sabina Wanga works in Lindi Ltd., a firm in which Mr Samoei controls 18% of the share capital. Her salary is Sh.60,000 per month. Sabina Wanga owns the house which is occupied by the family, for which the market rental value is Sh.45,000 per month. The house was constructed in year 2017 at a cost of Sh.6,000,000 borrowed from a Sacco at an interest rate of 12% per annum. Sabina Wanga has insured the house and paid insurance premiums of Sh.4,800 per month and city county rates of Sh.6,900 per annum.

Mr Samoei paid insurance premiums for his family of Sh.4,600 with an insurance company incorporated in Uganda, but operating in Kenya. Zawadi Ltd. paid school fees of Sh.80,000 for the couple's children which was expensed in the firm's income statement.

Required:

Suggest four tax planning schemes that could minimise the tax liability of the family. (8 marks)

- (c) Explain four benefits that might accrue from the effective use of information communication technology (ICT) in tax administration. (4 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) It is important for shareholders to understand the taxation impact of transactions involving mergers or transfers of assets before approving such transactions.

With reference to the above statement, evaluate three tax implications of transactions involving mergers or transfers of assets for consideration to another company. (6 marks)

- (b) Solomon Omariba started a merchandise business, Solo Traders, on 1 January 2016. He had not filed individual income tax returns for the years of income 2016 and 2017. The revenue authority announced a tax amnesty, where one qualified provided they filed returns for the year of income 2018.

Mr Omariba has provided the following details to you to assist in filing his returns:

1. An analysis of the cash book for the year ended 31 December 2018 is as shown below:

Cash book – Bank Column

	Sh.		Sh.
1 January 2018 balance brought down	970,000	Fixtures and fittings (acquisition)	183,000
Cash sales	4,408,000	Suppliers of goods	696,000
Cheques from customers	649,600	Bank charges	14,800
Refunds from suppliers	41,760	Motor vehicle (acquisition)	500,000
Rent income	520,000	Salaries and wages	480,000
Sale of fixtures	248,000	Office computers (acquisition)	240,000
		Rent and rates	62,000
		Electricity expenses	58,000
		Telephone and postage	62,640
		Refunds to customers	37,120
		Computer software	60,000
		Balance carried down	4,443,800
	<u>6,837,360</u>		<u>6,837,360</u>

2. Other information obtained from the books of account included:

	1 January 2018	31 December 2018
Inventory	4,320,000	225,000
Suppliers of goods	278,400	139,200
Trade debtors	174,000	487,200
Accrued electricity	66,120	113,680
Prepaid rent income	180,000	240,000
Motor vehicles	1,400,000	1,800,000
Prepaid salaries and wages	320,000	140,000
Fixtures and fittings	450,000	170,000

3. Non-current assets are stated at cost. However, the business had charged depreciation in the income statement.
4. Opening and closing inventories were overvalued and undervalued by 20% and 10% respectively.
5. All operating expenses and non-current assets comprise 40% non-business activities.
6. Total sales and purchases are inclusive of value added tax at the rate of 16%.
7. The business had issued credit notes of Sh.34,800 for goods returned by credit customers.
8. The cost of fixtures disposed of was Sh.220,000.
9. From the accounting records, the accountant had reported a net loss of Sh.186,400.

Required:

A statement showing the corrected adjusted taxable income of Solo Traders for the year of income 2018. (14 marks)
(Total: 20 marks)

QUESTION FIVE

- (a) Discuss four benefits that could accrue to parties involved in a tax dispute through the use of Alternative Dispute Resolution (ADR) in your country. (8 marks)
- (b) The following are the year 2018 records of the Trustees of the late Kalume Tajiri Children Settlement created in favour of his three children; Baraka, Khalifi and Mwanga.

	Sh."000"
Gross rental income	800,000
Trading income	310,000
Dividends (gross)	160,000
Sundry income	90,000

Additional information:

1. Each beneficiary is entitled to 1/5 share of the net distributable income.
2. Interest on debt repayment by the settlement is Sh.14,000,000.
3. Fixed annuity to beneficiary is Sh.120,000,000 (gross).
4. Trustees remuneration per "Trust Deed":
 - Fixed salary Sh.80,000,000 each.
 - 2% of total computed income.
5. Under the terms of the Trust Deed, the trustees made the following discretionary payments to Baraka, Khalifi and Mwanga; Sh.120,000,000, Sh.100,000,000 and Sh.60,000,000 respectively.
6. Trading income was before taking into account capital expenditure as follows:

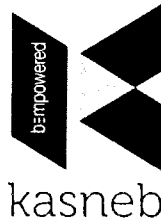
	Sh.
Godown	3,500,000
Staff canteen	750,000
Parking bay	800,000
Sports pavilion	<u>1,950,000</u>
	<u>7,000,000</u>

7. Administrative and other expenses amounted to Sh.160,000,000.
8. The children did not have other income.

Required:

- (i) A statement of income tax payable by the trustees on the trust income for the year of assessment 2018. (8 marks)
 - (ii) The amount due to each beneficiary for the year of assessment 2018. (4 marks)
- (Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 29 November 2018.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2017.

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 11,180	1	- 134,164	10%
11,181	- 21,715	134,165	- 260,567	15%
21,716	- 32,249	260,568	- 386,970	20%
32,250	- 42,782	386,971	- 513,373	25%
Excess over	- 42,782	Excess over	- 513,373	30%

Personal relief Sh.1,280 per month (Sh.15,360 per annum)

Prescribed benefit rates of motor vehicles provided by employer

		Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:			
Wear and tear allowance:			
Class I	37.5%		
Class II	30%		
Class III	25%		
Class IV	12.5%		
Software	20%		
		(i) Saloons, Hatch Backs and Estates	
		Up to 1200 cc	3,600
		1201 - 1500 cc	4,200
		1501 - 1750 cc	5,800
		1751 - 2000 cc	7,200
		2001 - 3000 cc	8,600
		Over 3000 cc	14,400

Industrial building allowance:

Up to 2009	2.5%
From 1 January 2010	10%
Hotels	10%
Hostels/Education/Film producers buildings	100%
From 1 January 2010 - Commercial building:	
(Shop, office or show room)	25%

Farm works allowance

100%

Investment deduction allowance

100%

Shipping investment deduction

100%

Extraction expenditure:

Written off over 5 years (20%)

Commissioner's prescribed benefit rates

Services	Monthly rates Sh.	Annual rates Sh.
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

(a) Country Y has a fast growing economy. Various government ministries and state corporations in the country are currently engaged in a number of capital projects. The country recently developed an electronic project monitoring information system (e-ProMIS) to capture information on projects implemented by the ministries, state corporations and counties. As a result, all government organisations were required to upload their projects in the system and update them regularly.

Required:

Discuss four specific objectives that Country Y might realise from the e-ProMIS. (8 marks)

(b) Over the last few years, Country Z's rising public debt has been a point of discussion in most macroeconomic outlook discussions, with organisations such as the World Bank and global rating agencies raising concerns.

Required:

Discuss three measures that the government of Country Z could take to reverse the above trend. (6 marks)

(c) Explain three objectives of tax modernisation programmes which have been recently undertaken in a number of developing economies. (6 marks)

(Total: 20 marks)

QUESTION TWO

(a) Maendeleo Ltd. is a manufacturing company operating through a number of branches. 75% of the share capital of Maendeleo Ltd. is held by a foreign company, Export Line Ltd. The following information relates to Maendeleo Ltd.'s operations for the year ended 31 December 2017:

	Sh."000"	Sh."000"
Turnover		1,948,000
Cost of goods sold		<u>(562,000)</u>
Gross profit		1,386,000
Foreign exchange gain		14,840
Goods transferred to a branch		3,000
Insurance recovery for stolen motor vehicle		968
Proceeds from sale of factory extension		<u>4,690</u>
		<u>1,409,498</u>
Less expenses:		
Directors emoluments and staff costs	16,890	
Pension contribution for staff	4,200	
Staff recruitment costs	1,148	
Purchase of furniture	420	
Penalties on overdue VAT	164	
Impairment loss of factory extension	150	
Mortgage interest	364	
Goodwill written off	162	
Loan interest	1,286	
Depreciation	1,480	
General office expenses	<u>1,348</u>	<u>(27,612)</u>
Net profit		<u>1,381,886</u>

Additional information:

- The cost of construction of the factory extension that was disposed of during the year was Sh.2,800,000. The factory extension was repainted at a cost of Sh.75,000 while the revaluation fee for disposal purposes was Sh.146,800. Impairment loss was due to increased insecurity in the area.
- The branch sold 80% of the goods transferred from the head office, and 10% of these goods were sold to a customer who was later declared bankrupt.
- Loan interest related to a loan advanced by Export Line Ltd.
- Directors emoluments include management fees of Sh.4,840,000 paid to Export Line Ltd.
- The capital expenditure records obtained from the company's books showed the following as at 1 January 2017:

	Sh."000"
Factory building	24,800
Perimeter wall around the factory	6,820
Sewerage system	2,400

	Sh. "000"
Staff quarters	7,600
Processing machinery	3,700
Delivery van	1,750
Forklift	980
Parking and loading bay	2,500
Furniture	680

The capital expenditure was incurred on 1 January 2016 when the company commenced operations in Kenya. The cost of the factory building includes a godown Sh.800,000, retail shop Sh.400,000, show room Sh.800,000 and staff canteen Sh.1,900,000.

The capital allowances for year 2016 were claimed as appropriate.

6. Cost of goods sold includes purchases of Sh.174,000,000 inclusive of value added tax at the rate of 16%.

Required:

- (i) A statement of adjusted taxable profit or loss for the year ended 31 December 2017. (12 marks)
- (ii) Tax liability for the year. (2 marks)
- (iii) Compute any other tax payable by the company. (2 marks)
- (b) Highlight four reasons why capital allowances as tax incentives might not have achieved their intended objective to the government in your country. (4 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Tasia Ltd. is a merchandising company operating in Kenya. The following details of transactions were extracted from the company's records during the month of September 2017:

	Sh. "000"
Sales at standard rate	6,960,000
Exports to Egypt	1,200,000
Purchases at standard rate	4,060,000
Purchase of delivery van oils and fuels	371,200
Repairs of office furniture	23,200
Audit fees	60,320
Wages	480,000
Purchase of stationery	55,680
Electricity bills not settled	46,400
Exempt supplies/sales	1,500,000
Legal fees	40,600
Purchases from traders not registered for VAT	134,000
Sales at zero rate	400,000

Additional information:

- The value added tax accountant established that 20% of the standard rate purchases were sold as standard rate sales.
- Sales at standard rate included goods valued at Sh.139,200 sold to a credit customer who was declared bankrupt during the month.
- A customer returned goods sold at standard rate valued at Sh.29,000 to the company, and a credit note was issued immediately.
- Credit suppliers issued debit notes in respect to supplies at standard rate amounting to Sh.580,000.
- The accountant established that an invoice of Sh.180,000 from a foreign supplier was not recorded in the books. The import duty for these goods was at a rate of 20%.

Transactions are inclusive of VAT at a rate of 16% where applicable.

Required:

- (i) Deductible input tax. (6 marks)
- (ii) Output tax. (4 marks)
- (iii) Value added tax payable (if any). (2 marks)
- (iv) Assuming that you are a VAT auditor, outline additional information that you might seek from the company to help you ascertain the accuracy of the VAT declared. (2 marks)

- (b) Safari Ltd. imported goods from China with an assessable value of Sh.500,000. Customs duty imposed included basic customs duty at 20% and an additional duty for this category of goods at 15%. Other levies included railway levy at 2%, secondary education cess of 2% and higher education cess at 1% of duty paid.

Required:

- (i) Total value of goods imported. (3 marks)
- (ii) Total duty payable. (3 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Mafuta Petroleum Company Ltd. has provided the following details for the year ended 31 December 2017:

	Sh. "000"
Sale of crude oil - export	834,900
Sale of natural gas	43,375
Other incidental income	4, 537.5
Production expenses	217,800
Administration costs	290,400
Intangible drilling costs	45,375
Non-productive rentals	18,150
Royalties on export	4, 537.5
Royalties on local sales	1,815
Provision for restoration of wells	136,125
Custom duties on plant and machinery	27,225

The following additional information is provided:

1. Memorandum of Understanding (MOU) credit Sh.18,150,000.
2. Petroleum investment allowance has been agreed at Sh.13,612,500.
3. Depreciation included in production expenses amounted to Sh.36,300,000.
4. Capital allowances agreed with the Revenue Authority amounted to Sh.54,450,000.

Required:

- (i) A statement of taxable profit or loss for the year ended 31 December 2017. (8 marks)
- (ii) Tax liability. (2 marks)
- (iii) Explain the significance of "Memorandum of Understanding (MOU)" in the petroleum industry. (2 marks)
- (b) Fanikisha Ltd. intends to acquire Matatizo Ltd. The nature of the acquisition is such that Matatizo Ltd. will cease to operate with all its assets and liabilities taken over by Fanikisha Ltd.

You are a tax senior with Uwezo Consultants. The management of Fanikisha Ltd. have approached you to undertake a tax due diligence on Matatizo Ltd. prior to the acquisition.

Required:

- Discuss four areas you would focus on in your due diligence. (8 marks)
- (Total: 20 marks)**

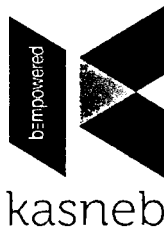
QUESTION FIVE

- (a) One of the steps in a tax audit process is the preliminary review of a taxpayer's file.
- (i) Outline three reasons for the preliminary review of a taxpayer's file. (3 marks)
- (ii) Summarise three other activities that should be undertaken before the commencement of the tax audit. (3 marks)
- (b) Certain countries have attracted high net worth individuals due to their status as tax havens.
- (i) Explain the term "tax haven". (2 marks)
- (ii) Summarise four characteristics of a tax haven. (4 marks)
- (c) In certain circumstances, a contracting authority may consider a privately initiated investment proposal for a project without subjecting the proposal to a competitive procurement process.

Describe four such circumstances. (8 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 24 May 2018.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2017.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 11,180	1 - 134,164	10%
11,181 - 21,715	134,165 - 260,567	15%
21,716 - 32,249	260,568 - 386,970	20%
32,250 - 42,782	386,971 - 513,373	25%
Excess over - 42,782	Excess over - 513,373	30%

Personal relief Sh.1,280 per month (Sh.15,360 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:		
Wear and tear allowance:		
Class I	37.5%	
Class II	30%	
Class III	25%	
Class IV	12.5%	
Software	20%	
Industrial building allowance:		
Up to 2009	2.5%	
From 1 January 2010	10%	
Hotels	10%	
Hostels/Education/Film producers buildings	100%	
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%	
Farm works allowance		
	100%	
Investment deduction allowance		
	100%	
Shipping investment deduction (Ships over 125 tonnes)		
	100%	
Extraction expenditure:		
Written off over 5 years (20%)		
Commissioner's prescribed benefit rates		
Services		
	Monthly rates Sh.	Annual rates Sh.
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

(i) Saloons, Hatch Backs and Estates		
Up to 1200 cc	3,600	43,200
1201 - 1500 cc	4,200	50,400
1501 - 1750 cc	5,800	69,600
1751 - 2000 cc	7,200	86,400
2001 - 3000 cc	8,600	103,200
Over 3000 cc	14,400	172,800

(ii) Pick-ups, Panel Vans (unconverted)		
Up to 1750 cc	3,600	43,200
Over 1750 cc	4,200	50,400
(iii) Land Rovers/Cruisers	7,200	86,400

Extraction expenditure:
Written off over 5 years (20%)

Commissioner's prescribed benefit rates

	Monthly rates Sh.	Annual rates Sh.
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) The following was an extract of a speech delivered by a County Governor during a recent National Devolution Conference in your country.

“Today, a number of counties are heavily indebted with loans most of which were inherited from the defunct local authorities. This state of affairs threatens the long term financial sustainability of such counties”.

Required:

Discuss three strategies that county governments could put in place to manage long outstanding debts. (6 marks)

- (b) The Project Facilitation Fund (PFF) was established under the Public Private Partnership (PPP) framework to meet certain objectives.

Required:

(i) Describe the broad objective of establishing the Project Facilitation Fund (PFF). (2 marks)

(ii) Summarise four areas in which the PFF could be applied. (4 marks)

- (c) The Public Investments Committee (PIC) of the National Assembly undertakes an oversight role over public projects.

Required:

Identify two projects or activities in which the PIC is specifically excluded from overseeing. (2 marks)

- (d) Summarise six ethical principles that are specifically applicable to a tax practitioner acting on behalf of a client.

(Note: You are not required to discuss the general principles of ethics). (6 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Mafuta International Ltd., a petroleum exploration company provided the following financial information for the year ended 31 December 2017:

Crude oil exported	1,400,000 barrels
Crude oil sold locally for further refining	750,000 barrels
Exploration costs	Sh.16,000,000
Incidental income from petroleum operations	Sh.1,250,000
Management and administration expenses	Sh.14,000,000
Depreciation	Sh.750,000
Provision for bad debts (specific debts Sh.1,250,000)	Sh.2,450,000
Non-productive rent	Sh.1,156,000

The schedule of qualifying capital expenditure was provided as follows:

Capital expenditure item	Date of acquisition	Location	Amount Sh.
Plant and machinery	July 2015	Offshore	6,000,000
Fixtures and fittings	July 2015	Onshore	2,000,000
Building	February 2016	Onshore	4,000,000
Pipeline and storage tank	February 2017	Offshore	4,000,000

Additional information:

- The international market price of crude oil during the year was US\$12 per barrel. The average exchange rate of the US\$ to the shilling (Sh.) was \$1 = Sh.105.
- The crude oil sold locally was disposed of at Sh.35 per barrel.

Required:

Tax liability (or refund) for Mafuta International Ltd. for the year ended 31 December 2017. (12 marks)

- (b) One of the tax incentives provided to oil and gas exploration companies is the capital allowance on extraction expenditure.

Discuss four other tax incentives provided to oil and gas exploration companies in your country. (8 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Jua and Kali have been trading as partners under a trade name Juakali Enterprises since 1 January 2016. They have not filed individual income tax returns for the year ended 31 December 2017. The Commissioner of Domestic Taxes has issued an estimated assessment of Sh.784,000 to each of the partners for the year ended 31 December 2017. They share profits and losses in the ratio of 2:3 to Jua and Kali respectively. They are preparing to appeal against the assessment and have approached you for tax advice with the following details:

Cash book summary			
Dr.	Sh.	Cr.	Sh.
Balance brought forward (1 January 2017)	760,000	Payments to creditors	880,000
Capital: Jua	600,000	Purchase of furniture	200,000
Kali	900,000	Motor vehicle expenses	140,000
Receipts from debtors	1,700,000	Electricity expenses	78,000
Cash sales	1,000,000	Rent expenses	394,000
Rent income	580,000	Purchase of motor vehicle	600,000
Sale of furniture	170,000	Salaries and wages	480,000
		Office partitions	180,000
		General expenses	440,000
		Balance carried forward	<u>2,318,000</u>
	<u>5,710,000</u>		<u>5,710,000</u>

Additional information:

- The cost of furniture sold was Sh.160,000 and had accumulated depreciation of Sh.14,000 as at 1 January 2017. Profit on disposal was credited to the income statement for the year ended 31 December 2017.
- All the cash sales were paid into the bank with the exception of Sh.440,000 which was debited in the income statement as general expenses, but related to the following items: partners' children school fees, Sh.80,000, purchase of goods Sh.200,000, tax appeal expenses Sh.40,000, insurance policy for partners' life Sh.70,000 and computer software Sh.50,000.
- Other information provided was as follows:

	31 December 2016	31 December 2017
	Sh.	Sh.
Inventories	248,000	362,000
Creditors for goods	400,000	280,000
Debtors for goods	240,000	360,000
Electricity expenses prepaid	472,000	30,000
Rent owing	78,000	44,000
Salaries and wages owing	20,000	60,000
Furniture	160,000	200,000

- The business reported a net loss of Sh.424,500 for the year after deducting the following expenses:
 - Salaries and wages for the year ended 31 December 2017 which included partners' salaries for Jua Sh.100,000 and Kali Sh.80,000.
 - Rent expense for the year included 20% for private residence for Jua while electricity included 30% electricity bills paid on behalf of Kali's private house.
 - Capital allowances in respect of the business had not been considered. However, depreciation had been debited in the income statement. The depreciation was at the rate of 20%.
- Sales and purchases for the year were understated and overstated respectively by 20%.
- The partners are entitled to interest on capital at the rate of 10% per annum on their capital contributions. The interest on capital was included in the figure for purchases for the year.

Required:

- With supporting computations, advise the partners on the accuracy of the estimated assessment issued for the year of income 2017. (9 marks)
- Prepare a schedule of total taxable income for each partner for the year of income 2017. (5 marks)

Hint: Start with the adjusted net loss.

- (b) Transfer pricing remains a major threat in bridging the tax revenue gap in your country.

In light of the above statement, evaluate three factors to be considered in the selection of an appropriate transfer pricing method. (6 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Jakes Air Safaris Ltd. is a foreign company operating a fleet of passenger and cargo aircrafts in Kenya, Middle East and Far East. The operating results for the year ended 30 September 2017 are as follows:

	Sh. "000"
Income from cargo freight (Kenya/China)	1,567,720
Income from passengers and freight (Kenya/Middle East)	1,765,000
Income from passengers and freight (South Korea to Kenya)	1,001,880
Income from cargo loaded into aircraft on all routes	630,000
Salaries and other expenses	1,548,000
Accumulated depreciation on aircraft	88,000
General provision for bad debts	72,000

Additional information:

	Sh. "000"
1. Salaries and other expenses include:	
Purchase of plane engines	117,000
Use of airport facilities	32,400
Hotel bills for first class passengers	37,800
Accommodation for airline crew	9,000
Gifts to airport staff	10,800
2. The airline has a fleet of four aircrafts whose total cost before accumulated depreciation was Sh.360,000,000.	

Required:

- (i) A statement of total taxable profit of Jakes Air Safaris Ltd. for the year ended 30 September 2017. (8 marks)
- (ii) Tax liability, if any, for the airline for the year ended 30 September 2017. (2 marks)
- (b) The revenue authority in your country recently established a Medium Taxpayers Office (MTO) as part of the tax reforms.

Required:

Discuss five objectives of the MTO.

(10 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) The following is the income statement of Savanna Ltd., a manufacturing company for the year ended 31 December 2017:

	Sh.	Sh.
Gross profit		11,520,000
Foreign exchange gain		148,000
Dividends from Hazina Cooperative (net)		68,000
Dividends from subsidiary company		<u>244,000</u>
		11,980,000
Less expenses		
Directors emoluments	6,480,000	
Provision for depreciation	250,000	
Office furniture	360,000	
Computer software	90,000	
Donations	25,500	
Legal expenses	648,000	
Dividends paid	120,000	
Corporation tax	375,000	
Salaries and wages	<u>674,000</u>	<u>9,022,500</u>
Net profit		<u>2,957,500</u>

Additional information:

- The company operates in a factory building whose construction cost at the time of first operation on 1 January 2003 was Sh.4,800,000. The cost of this building is included in the directors emoluments. The company installed processing machinery costing Sh.2,800,000 in year 2003.
- On 1 July 2017, the company acquired portable packaging machine at a cost of Sh.420,000, computers Sh.240,000 and weighing scale machine Sh.48,000.
- On 1 October 2017, the company put into use a staff canteen constructed at a cost of Sh.780,000 and a godown whose cost was Sh.600,000.

4. Legal expenses include:
- Costs for disposal of banned packaging material Sh.27,000.
 - Negotiating a loan agreement Sh.36,000.
 - Processing legal documents for a new factory plant Sh.19,800.
 - Defending a company against a law suit for smuggled goods by a director Sh.94,000.
 - Preparing patent documents for registration Sh.52,800.
5. Gross profit was overstated by 20% and includes a figure for purchases of Sh.340,000 which had been understated by 15%.
6. Directors allowance include management fees of Sh.495,000 from a director of one of the subsidiary companies.
7. Interest on a loan of Sh.96,000 from head office was included in the directors emoluments. The interest was to be treated as received from a thinly capitalised company.

Required:

- (i) A statement of adjusted taxable profit or loss for the year ended 31 December 2017. (12 marks)
- (ii) Tax liability, if any. for the year ended 31 December 2017. (2 marks)
- (iii) Comment on payment of tax for the year ended 31 December 2017, assuming that tax had been paid during the year 2017 based on previous year's tax of Sh.2,400,000. (2 marks)

Note: Use capital allowance rates applicable in the year of asset acquisition.

- (b) Discuss two roles of the Directorate of Portfolio Management under the National Treasury or equivalent ministry in your country. (4 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 30 November 2017.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2016.

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 10,164	1	- 121,968	10%
10,165	- 19,740	121,969	- 236,880	15%
19,741	- 29,316	236,881	- 351,792	20%
29,317	- 38,892	351,793	- 466,704	25%
Excess over	- 38,892	Excess over	- 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:		
Wear and tear allowance:		
Class I	37.5%	
Class II	30%	
Class III	25%	
Class IV	12.5%	
Software	20%	
Industrial building allowance:		
Up to 2009	2.5%	
From 1 January 2010	10%	
Hotels	10%	
Hostels/Education/Film producers buildings	100%	
From 1 January 2010 - Commercial building:		
(Shop, office or show room)	25%	
Farm works allowance	100%	
Investment deduction allowance	100%	
Shipping investment deduction (Ships over 125 tonnes)	100%	
Extraction expenditure:		
Written off over 5 years (20%)		
Commissioner's prescribed benefit rates		
	Monthly rates Sh.	Annual rates Sh.
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

	Monthly rates (Sh.)	Annual rates (Sh.)
(i) Saloons, Hatch Backs and Estates		
Up to 1200 cc	3,600	43,200
1201 1500 cc	4,200	50,400
1501 1750 cc	5,800	69,600
1751 2000 cc	7,200	86,400
2001 3000 cc	8,600	103,200
Over 3000 cc	14,400	172,800
(ii) Pick-ups, Panel Vans (unconverted)		
Up to 1750 cc	3,600	43,200
Over 1750 cc	4,200	50,400
(iii) Land Rovers/Cruisers		
	7,200	86,400

QUESTION ONE

- (a) The following extract is from a leading global newspaper on matters of taxation and finance:

Avoiding tax may be legal, but can it ever be ethical?

“Rather than hiding behind the business case for tax avoidance, companies need to be transparent about their tax planning. Avoiding tax and bending the rules of the tax system is not illegal unlike tax evasion; it is operating within the letter, but perhaps not the spirit of the law. Businesses may therefore be complying with the law, but are they acting ethically?”.

Required:

Citing four areas, discuss the moral and ethical issues against tax avoidance with specific reference to operations of multinational corporations (MNCs). (8 marks)

- (b) The following statement was made by the Commissioner General of your country’s revenue authority during an international conference to discuss the challenges of taxation in the era of electronic commerce (e-commerce) and mobile commerce (m-commerce).

“The rapid growth of electronic commerce and mobile commerce fuelled by the developments in digital technology has shaped a revolution in global retail trade that is opening up markets across borders and continents. The growth in e-commerce and m-commerce has imposed a number of challenges to the government in relation to the tax system”.

Required:

With reference to the above statement, analyse three challenges of taxing businesses and transactions arising from the adoption of e-commerce and m-commerce. (6 marks)

- (c) The Common Market for Eastern and Southern Africa (COMESA) has played a key role in enhancing trade and integration within its jurisdiction.

Required:

(i) Summarise four specific objectives of COMESA. (4 marks)

(ii) Some experts have argued that COMESA has been overtaken by globalisation and should be dissolved.

Required:

Citing two reasons, support the above view. (2 marks)

(Total: 20 marks)

QUESTION TWO

- (a) Masai Traders commenced trading on 1 January 2014. The following are the financial statements and supporting records for the years ended 31 December 2016 and 2015:

Statement of comprehensive income for the year ended 31 December 2016:

	Sh. “000”	Sh. “000”
Sales		82,600
Less cost of goods sold		(36,200)
Gross profit		46,400
Less expenses:		
Legal expenses	7,700	
Impairment loss on business premises	4,800	
Depreciation on plant and equipment	1,600	
Interest expense	478	
Salaries and wages	1,394	(15,972)
Net profit		<u>30,428</u>

Statement of financial position as at 31 December:

	2016 Sh. “000”	2015 Sh. “000”
Non-current assets:		
Business premises	3,200	3,500
Plant and equipment	26,400	28,000
Saloon car	<u>800</u>	<u>860</u>
	30,400	32,360

	2016 Sh. "000"	2015 Sh. "000"
Current assets:		
Inventories	11,600	11,200
Debtors	12,800	15,200
Cash and cash equivalents	<u>14,200</u>	<u>8,600</u>
	<u>69,000</u>	<u>67,360</u>
Financed by:		
Capital	30,000	30,000
Add: net profit	<u>30,428</u>	<u>24,240</u>
	60,428	54,240
Current liabilities:		
Creditors	4,572	3,120
Bank overdraft	<u>4,000</u>	<u>10,000</u>
	<u>69,000</u>	<u>67,360</u>

Additional information:

1. During the year 2016, payments through the bank comprised the following:

	Sh. "000"
Conveyance fees for business land title deed	128
Payments to creditors	2,488
Salary to wife	260
Mortgage interest; personal residence	184
Defending business against illegal trade	160
Revenue stamps	16
2. The credit purchases figure was overstated by 60%.
3. Receipts from debtors amounted to Sh.9,600,000. A debtor owing goods valued at Sh.85,840 inclusive of 16% VAT was declared bankrupt during the year and the debt written off. The write off was included in the interest expense.
4. The figure for sales was understated by 20%.
5. Business premises included:
 - A factory building at a cost of Sh.960,000.
 - Warehouse Sh.540,000.
 - Staff canteen Sh.600,000.

All these were put into use on 1 January 2014.
6. There were no acquisitions or disposals of fixed assets during the year 2016.
7. Plant and equipment acquired in the year 2015 includes:
 - Weighing scale Sh.14,000.
 - Furniture Sh.240,000.
 - Computers Sh.324,000.
 - Forklift Sh.400,000.
 - Lorry (2 tonnes) Sh.960,000.

The rest of the assets were categorised under Class IV for purposes of wear and tear allowance.

Required:

- (i) A statement of adjusted taxable profit or loss for the year ended 31 December 2016. (13 marks)
 - (ii) State three areas or items that you might require further clarification on from Masai Traders for accurate computation of any tax due. (3 marks)
- (b) Various governments have established agencies to broadly enhance efficiency and effectiveness of state corporations. In some countries, this agency is called the State Corporations Advisory Committee (SCAC).

Required:

- Summarise four specific responsibilities of SCAC or its equivalent body in your country. (4 marks)
- (Total: 20 marks)**

QUESTION THREE

(a) Describe three ways through which the government might redeem public debt. (6 marks)

(b) Andrew Mole is an employee of Sombea Ltd. He has presented the following information:

1. His salary per month is Sh.80,000 which includes house allowance of Sh.20,000 per month.
2. His wife is employed at a salary of Sh.20,000 per month with Faza Ltd. where Andrew Mole holds 15% of share capital.
3. The house in which the family lives in is owned by his wife. The house was constructed in the year ended 31 December 2016 through an 18% mortgage loan of Sh.5,000,000 repayable over a period of 10 years.
4. Their children attend a nearby primary school. Mole has been saving Sh.12,000 per month for his children's secondary school education and Sh.20,000 per month with his Sacco to be withdrawn upon retirement.
5. His wife has insured the house and pays insurance premiums of Sh.5,000 per month and county government rates of Sh.24,000 per annum.

Required:

Evaluate three possible schemes of tax planning that Andrew Mole and family could use to minimise their tax liability for the year of income 2016. (6 marks)

(c) Sambamba Public Limited Company is in the merchandising business. The Revenue Authority suspects that the company has not been paying the correct amount of tax from business activities over a period of four months.

The following details were obtained from the company's accounting records for the specified period below:

1. During the month of January 2016, the company purchased goods for Sh.754,000 and sold goods for Sh.788,800. The suppliers also issued credit notes of Sh.29,000 and received debit notes of Sh.69,600. The company had filed a nil VAT return for the month of January 2016.
2. In the month of February 2016, the company did not file VAT returns despite making sales of Sh.522,000. The company had charged a profit margin of 20%.
3. To avoid inspection, the company removed their VAT certificate of registration from the business premises and failed to issue tax invoices for goods valued at Sh.417,600 during the month of March 2016 with respect to goods sold.
4. In the month of April 2016, the company secured a huge supply contract with the government after successfully obtaining a tax compliance certificate through fraudulent accounting records.

Transactions are inclusive of value added tax (VAT) at the rate of 16% where applicable.

Required:

- (i) The amount of tax payable, if any, by the company plus any interest and penalties arising from the above transactions for the four months to April 2016. (6 marks)
- (ii) Comment on the information you might require from the company to determine the accuracy of the VAT payable, if any. (2 marks)

(Total: 20 marks)

QUESTION FOUR

(a) Discuss three measures that the central government could put in place to enhance financial accountability and transparency at the county level. (6 marks)

(b) Peter Chawawa started a retail business on 1 January 2011. He has not been filing income tax returns for the six years to 31 December 2016.

An investigation of his affairs revealed the following:

1. The balance sheet of the retail business as at 31 December 2011 was as shown below:

	Sh. "000"	Sh. "000"
Fixed assets:		
Premises		2,000
Furniture and fittings		1,000
Motor vehicles		<u>500</u>
		3,500

	Sh. "000"	Sh. "000"
Current assets:		
Stock	250	
Debtors	160	
Bank balance	81	
Cash in hand	<u>9</u>	<u>500</u>
Total assets		<u>4,000</u>
Capital: 1 January 2011	3,000	
Net profit for the year	300	
Drawings	<u>(500)</u>	2,800
Mortgage loan		1,000
Creditors		<u>200</u>
		<u>4,000</u>

2. He constructed an extension to the premises in year 2015 at a cost of Sh.625,000.
 3. The following account balances were outstanding in the respective years as shown below:

	2012	2013	2014	2015	2016
	Sh.	Sh.	Sh.	Sh.	Sh.
Trade debtors	173,000	190,000	208,000	230,500	253,000
Bank balance	109,000	194,000	281,000	409,500	(32,000)
Trade creditors	230,000	241,000	253,000	272,000	291,500
Cash in hand	10,000	10,000	10,000	10,000	10,000
Stock	255,000	302,500	332,500	366,000	402,500

4. He withdrew goods worth Sh.5,000 per annum from the business for his personal use.
 5. The principal repayments on each mortgage loan amounted to Sh.250,000 per annum from 31 December 2012. The mortgage interest paid in each of the four years ended 31 December 2012, 2013, 2014 and 2015 amounted to Sh.100,000, Sh.75,000, Sh.50,000 and Sh.25,000 respectively.
 6. His wife opened a savings account in a commercial bank in year 2012. The balances in this account after crediting the interest earned were as follows:

	2012	2013	2014	2015	2016
	Sh.	Sh.	Sh.	Sh.	Sh.
Savings account	300,000	900,000	100,000	725,000	750,000
Interest earned	25,000	75,000	90,000	70,000	60,000

7. His living expenses and wear and tear allowances were agreed with the revenue authorities as follows:

	2012	2013	2014	2015	2016
	Sh.	Sh.	Sh.	Sh.	Sh.
Living expenses	300,000	400,000	450,000	500,000	600,000
Wear and tear	155,500	130,500	109,000	73,000	157,000

Required:

Compute the annual taxable income of Peter Chawawa from year 2012 to year 2016.

(14 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) Mawela Property Developers Ltd. purchased a residential house on 1 January 2015 through a 12% per annum mortgage loan of Sh.4,000,000. The company incurred the following expenses in obtaining the loan:

- Audit fees Sh.48,400.
- Valuation of the house Sh.120,000.
- Legal fees for conveyance Sh.80,000.

Additional information:

1. The company replaced all doors in the residential house with metallic doors at a cost of Sh.96,000.
2. On 31 December 2016, the company sold the house at a price of Sh.8,000,000 after incurring the following expenses:
 - Repairs of the house Sh.78,000.
 - Advertisement Sh.24,200.
 - Agent's commission Sh.12,000.
 - Valuation fee Sh.148,000.
 - Legal fees Sh.42,800.

Required:

Compute the capital gain or loss arising from the sale of the above house.

(6 marks)

(b) Dawa Ltd. provided the following income statement for the year ended 31 December 2016:

	Sh. "000"	Sh. "000"
Turnover		27,400
Less cost of goods sold		<u>(11,000)</u>
Gross profit		16,400
Add other income:		
Capital gain on sale of assets		468
Insurance recovery on motor vehicle		450
Dividends from subsidiary company		942
Foreign exchange gain		124
Interest on fixed deposit		<u>300</u>
		18,684
Less expenditure:		
General expenses	4,840	
Impairment loss	390	
Bad debts	485	
Advertising	248	
Donations to disaster fund	150	
Property tax	136	
Branch closure costs	178	
Legal expenses	1,240	
Staff costs	<u>3,496</u>	<u>(11,163)</u>
Net profit		<u>7,521</u>

Additional information:

1. The cost of goods sold includes opening stock valued at Sh.2,200,000, while closing stock was stated at Sh.2,800,000. The opening stock was overcast by 10% and closing stock was undercast by 30%.

2. Legal expenses comprised:

	Sh. "000"
Acquisition of bank loan	90
Settling customers disputes	42
Preparation of memorandum of association	260
Liquidation costs	468
Patent rights	340
Notices to defaulting debtors	<u>40</u>
	<u>1,240</u>

3. General expenses comprised:

	Sh. "000"
Purchase of processing machinery	800
Purchase of factory building	1,280
Provision for corporation tax	394
Purchase of furniture	360
Directors allowances	480
VAT appeal	120
Credit notes received	135
Delivery van	720
Debenture interest	<u>551</u>
	<u>4,840</u>

4. Bad debts analysis:

Bad debts account

	Sh. "000"		Sh. "000"
Bad debts	178	Balance brought down: Specific provision	240
Balance carried down: Specific provision	560	General provision	180
General provision	<u>167</u>	Profit and loss account	<u>485</u>
	<u>905</u>		<u>905</u>

5. Staff costs include: staff development cost Sh.96,000, staff welfare expenses Sh.200,000, pension contribution Sh.1,480,000 and personal computers Sh.360,000.

6. Advertising include: neon sign Sh.129,000, depreciation of delivery van Sh.24,000, carriage outwards Sh.9,000 and hire of billboards Sh.86,000.

Required:

(i) A statement of adjusted taxable profit or loss for the year ended 31 December 2016. (12 marks)

(ii) Corporation tax payable, if any, by Dawa Ltd. (2 marks)

(Total: 20 marks)

KASNEB

CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 25 May 2017.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2016.

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 10,164	1	- 121,968	10%
10,165	- 19,740	121,969	- 236,880	15%
19,741	- 29,316	236,881	- 351,792	20%
29,317	- 38,892	351,793	- 466,704	25%
Excess over	- 38,892	Excess over	- 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)		Annual rates (Sh.)		
Capital allowance:	(i) Saloons, Hatch Backs and Estates				
Wear and tear allowance:					
Class I	37.5%	Up to 1200	1200 cc	3,600	43,200
Class II	30%	1201	1500 cc	4,200	50,400
Class III	25%	1501	1750 cc	5,800	69,600
Class IV	12.5%	1751	2000 cc	7,200	86,400
Software	20%	2001	3000 cc	8,600	103,200
		Over	3000 cc	14,400	172,800
Industrial building allowance:		(ii) Pick-ups, Panel Vans (unconverted)			
Up to 2009	2.5%	Up to	1750 cc	3,600	43,200
From 1 January 2010	10%	Over	1750 cc	4,200	50,400
Hotels	10%	(iii) Land Rovers/Cruisers			
Hostels/Education/Film producers buildings	100%			7,200	86,400
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%				
Farm works allowance	100%				
Investment deduction allowance	100%				
Shipping investment deduction (Ships over 125 tonnes)	100%				

Extraction expenditure:

Written off over 5 years (20%)

Commissioner's prescribed benefit rates

Services	Monthly rates	Annual rates
	Sh.	Sh.
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION ONE

- (a) A government's debt portfolio is usually the largest financial portfolio in a country. It often contains complex and risky financial structures and can generate substantial risk to the government's balance sheet.

Required:

In the context of the above statement:

- (i) Explain the term "public debt management". (2 marks)
- (ii) Discuss five guidelines for effective public debt management. (10 marks)
- (b) Assess four factors that might hinder the optimal growth of the East African Community (EAC) or the equivalent trading block in your region. (8 marks)

(Total: 20 marks)

QUESTION TWO

- (a) The privatisation of state corporations continues to be witnessed in a number of countries, particularly in the developing world.

Required:

Discuss four benefits likely to be realised from the above trend.

(8 marks)

- (b) The following information was obtained from the financial records of Mali Commercial Bank Ltd. for the year ended 31 December 2016:

	Sh. "000"
Interest on advances	464,800
Contribution to deposit protection fund	98,000
Operating lease rentals	6,480
Interest on government securities	14,600
Interest paid on deposits	4,740
Interest on placement and bank balances	2,660
Loss on disposal of collaterals	840
Fees and commission expenses	1,420
Losses from investment in securities	790
Purchase of equipment	1,200
Depreciation	496
Transfer to statutory reserves	626
Losses on stock brokerage dealings	348
Gain on foreign exchange dealings	1,470
Discounts on bills purchased	329
Auditor's remuneration	786
Provision for bad and doubtful debts	540
Investment in government securities	1,850
Bills receivable and for collection	314
Guarantees and performance bonds	378
Interest accrued and paid	1,974
Bills for collection, acceptance and endorsement	470
Rebate on bills discounted	292
Provision for taxation	400
General charges recovered	250
Commission on exchange and brokerage	784

Additional information:

- Contribution to deposit protection fund includes investment revaluation surplus of Sh.648,000.
- Included in transfer to statutory reserves is an amount paid for exchange and commission of Sh.48,000.
- Discounts on bills purchased include interest and discount paid of Sh.39,000.
- Provision for bad and doubtful debts include specific bad debts at the beginning and end of the year amounting to Sh.68,000 and Sh.140,000 respectively.

Required:

- (i) A statement showing the taxable profit or loss for Mali Commercial Bank Ltd. for the year ended 31 December 2016. (10 marks)
- (ii) Tax payable by (or refundable to) the bank. (2 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Your country has been experiencing growth in the number of projects initiated through public-private partnerships (PPPs). However, this growth appears to be declining in the last few years.

Required:

Evaluate three possible factors that could have contributed to the above trend.

(6 marks)

- (b) Wema and Nenda have been running Wenda Enterprises as a partnership, sharing profits and losses in the ratio of 2:3 respectively. The following is the statement of comprehensive income for the firm for the year ended 31 December 2016:

	Sh.	Sh.
Sales		5,220,000
Less: Cost of goods sold		<u>(2,047,000)</u>
Gross profit		3,173,000
Rental income		148,800
Foreign exchange gain		120,200
Interest on fixed deposit account		<u>80,000</u>
		3,522,000
Less: Expenses		
Purchase of CCTV cameras	96,000	
Impairment loss on godown	124,600	
Website development	130,000	
Debenture interest	56,000	
Audit fees	48,400	
Salaries and wages	300,000	
Directors' allowances	280,000	
Legal expenses	250,000	
Loss on rented property	36,200	
Purchase of foreign currency	344,900	
Advertising expenses	224,200	
Purchase of computers	180,000	
Insurance	94,200	
Medical expenses	49,600	
Bank charges	82,400	
Purchase and installation of computer programs	<u>120,000</u>	<u>(2,416,500)</u>
Net profit		<u><u>1,105,500</u></u>

Additional information:

- The business was converted into a limited liability company trading as Dawadu Ltd. with effect from 1 October 2016 and retaining the partners as directors of the new company.
- The cost of goods sold included opening stock of Sh.576,000 which was overcast by 20%, purchases of Sh.2,146,000 inclusive of 16% VAT and closing stock of Sh.675,000 which was undercast by 10%.
- All revenues and expenses accrued evenly throughout the year except for specific expenses relating to Dawadu Ltd. as a company.
- Salaries and wages included partners' salaries of Sh.120,000.
- Legal expenses comprised:

	Sh.
Acquisition of company's title deed	50,000
Negotiating debenture stock	100,000
Demand letters to customers	40,000
Drafting Memorandum of Association	<u>60,000</u>
	<u>250,000</u>
- Wema was paid consultancy fees of Sh.54,000 for installing CCTV cameras in the premises.
- Advertising expenses include a neon sign costing Sh.92,000.
- The sales figure was inclusive of VAT at the rate of 16%.
- Directors' allowances include commission paid to Nenda of Sh.60,000 for negotiating a business contract.

Required:

- Separate statements of adjusted taxable profit or loss for Wenda Enterprises and Dawadu Ltd. for the year ended 31 December 2016. (Hint: Start with the net profit). (12 marks)
- Tax payable by (or refundable to) Dawadu Ltd. for the year ended 31 December 2016. (2 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Describe three tax planning opportunities that could be derived from the financial management decisions in a company. (6 marks)
- (b) The following transactions relate to Sawela Ltd. for the month of April 2017:

	Sh.
Purchase of goods at standard rate	626,400
Exported goods to South Africa	380,000
Sales at standard rate	1,113,600
Audit fees	37,120
Purchase of fuel and oil for delivery van	29,000
Telephone bills	17,400
Exempt sales	400,000
Exported goods to Zambia	220,000
Catering services	41,760
Purchase of stationery	20,880
Cost of assigning a debt for consideration	100,000
Car park services provided by county authority	50,000
Treatment and supply of natural water	40,000
Purchase of first aid boxes and kits	30,000

Additional information:

- The company issued debit notes and credit notes of Sh.24,360 and Sh.34,800 respectively in respect to taxable supplies at standard rate.
- The company returned goods invoiced at Sh.29,000 to suppliers because they were of a wrong type. A credit note was received immediately.
- The company imported goods valued at Sh.320,000 (cost, insurance and freight). These goods were not included in the purchases figure. Import duty was at the rate of 20%.
- The company transferred a branch as a going concern to another registered company at a cost of Sh.450,000 at the end of April 2017.
- The company could not identify purchases at standard rate that were sold as exempt and therefore restricted deductible input tax.
- Transactions are inclusive of VAT at the rate of 16% where applicable.

Required:

Determine the VAT payable by (or refundable to) Sawela Ltd. for the month of April 2017.

(14 marks)

(Total: 20 marks)**QUESTION FIVE**

- (a) The development of an effective tax policy for a country requires critical consideration of certain factors at macro-economic level.

Required:

Discuss three such factors.

(6 marks)

- (b) A and B are partners trading as AB Enterprises, sharing profits and losses equally.

The following is the statement of comprehensive income for the partnership for the year ended 31 December 2016:

	Sh. "000"	Sh. "000"
Sales		40,450
Less: Sales returns		<u>(1,200)</u>
		39,250
Less: Cost of goods sold		<u>(19,550)</u>
Gross profit		19,700
Discount received		<u>350</u>
		20,050
Less: Expenses		
Rent	1,850	
Bad debts	400	
Wages and salaries	6,100	
Loan interest	400	

	Sh. "000"	Sh. "000"
Depreciation	4,200	
Insurance	1,450	
Repairs	300	
Electricity	<u>750</u>	<u>(15,450)</u>
Net profit		<u>4,600</u>

The partnership is under tax investigation and the assessor obtained the following details from the firm's records for the year ended 31 December 2016:

1.	Balances of assets and liabilities:	1 January 2016	31 December 2016
		Sh. "000"	Sh. "000"
	Inventory	6,100	4,200
	Machinery	84,600	97,000
	Rent prepaid	800	-
	Rent owing	-	950
	Debtors	9,300	7,500
	Loan from bank at 8% interest per annum	6,000	6,000
	Loan interest owing	-	200

2. Receipts and payments were as follows:

	Sh. "000"
Receipts:	
Receipts from debtors	26,400
Cash sales	72,400
Payments:	
Loan interest paid	400
Electricity	750
Rent	240
Purchase of machinery	16,400

3. Rent expense related to A's private residence. In addition, electricity paid includes Sh.50,000 for A's private residence.
4. The firm issued credit notes amounting to Sh.1,200,000 which was erroneously posted as Sh.200,000 to the relevant ledgers.
5. Included in the sales figure is Sh.30,000 for interest on drawings by B and proceeds on disposal of machinery Sh.1,450,000. The machinery had cost Sh.4,000,000 with an accumulated depreciation of Sh.200,000.
6. Receipts from debtors include Sh.440,000 contributed by a new partner C as his capital on 1 October 2016. The profit and loss sharing ratio changed to 2:2:1 for A, B and C respectively.
7. Purchases amounted to Sh.19,250,000 which included goods withdrawn by B valued at Sh.300,000.
8. Salaries and wages include accrued salaries to the partners of Sh.2,400,000 shared equally among all the three partners per month as applicable.

Required:

As a tax assessor, compute the net profit for tax purposes for the year ended 31 December 2016 indicating the taxable income for each partner. (14 marks)

(Total: 20 marks)

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	Sh. "000"	Sh. "000"
Depreciation	4,200	
Insurance	1,450	
Repairs	300	
Electricity	<u>750</u>	<u>(15,450)</u>
Net profit		<u>4,600</u>

The partnership is under tax investigation and the assessor obtained the following details from the firm's records for the year ended 31 December 2016:

1.	Balances of assets and liabilities:	1 January 2016	31 December 2016
		Sh. "000"	Sh. "000"
	Inventory	6,100	4,200
	Machinery	84,600	97,000
	Rent prepaid	800	-
	Rent owing	-	950
	Debtors	9,300	7,500
	Loan from bank at 8% interest per annum	6,000	6,000
	Loan interest owing	-	200

2.	Receipts and payments were as follows:	Sh. "000"
	Receipts:	
	Receipts from debtors	26,400
	Cash sales	72,400
	Payments:	
	Loan interest paid	400
	Electricity	750
	Rent	240
	Purchase of machinery	16,400

3. Rent expense related to A's private residence. In addition, electricity paid includes Sh.50,000 for A's private residence.
4. The firm issued credit notes amounting to Sh.1,200,000 which was erroneously posted as Sh.200,000 to the relevant ledgers.
5. Included in the sales figure is Sh.30,000 for interest on drawings by B and proceeds on disposal of machinery Sh.1,450,000. The machinery had cost Sh.4,000,000 with an accumulated depreciation of Sh.200,000.
6. Receipts from debtors include Sh.440,000 contributed by a new partner C as his capital on 1 October 2016. The profit and loss sharing ratio changed to 2:2:1 for A, B and C respectively.
7. Purchases amounted to Sh.19,250,000 which included goods withdrawn by B valued at Sh.300,000.
8. Salaries and wages include accrued salaries to the partners of Sh.2,400,000 shared equally among all the three partners per month as applicable.

Required:

As a tax assessor, compute the net profit for tax purposes for the year ended 31 December 2016 indicating the taxable income for each partner. (14 marks)

(Total: 20 marks)

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KASNEB

CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 24 November 2016.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2015.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
1 - 10,164	1 - 121,968	10%
10,165 - 19,740	121,969 - 236,880	15%
19,741 - 29,316	236,881 - 351,792	20%
29,317 - 38,892	351,793 - 466,704	25%
Excess over - 38,892	Excess over - 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:		
Wear and tear allowance:		
Class I	37.5%	
Class II	30%	
Class III	25%	
Class IV	12.5%	
Software	20%	
Industrial building allowance:		
Up to 2009	2.5%	
From 1 January 2010	10%	
Hotels	10%	
Hostels/Education/Film producers buildings	100%	
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%	
Farm works allowance	100%	
Investment deduction allowance	100%	
Shipping investment deduction (Ships over 125 tonnes)	100%	
Extraction expenditure: Written off over 5 years (20%)		
Commissioner's prescribed benefit rates		
Services	Monthly rates Sh.	Annual rates Sh.
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

(i) Saloons, Hatch Backs and Estates

Up to	1200 cc	3,600	43,200
1201	1500 cc	4,200	50,400
1501	1750 cc	5,800	69,600
1751	2000 cc	7,200	86,400
2001	3000 cc	8,600	103,200
Over	3000 cc	14,400	172,800

(ii) Pick-ups, Panel Vans (unconverted)

Up to	1750 cc	3,600	43,200
Over	1750 cc	4,200	50,400

(iii) Land Rovers/Cruisers

7,200	86,400
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QUESTION ONE

- (a) Tax havens have increasingly been used as avenues for tax avoidance. The Organisation for Economic Co-operation and Development (OECD) specifies three key factors in considering whether a jurisdiction is a tax haven.

Required:

- (i) Citing two examples of countries considered as tax havens, evaluate the three factors referred to in the above statement. (7 marks)
- (ii) Explain the terms “tax arbitrage” and “transfer pricing” in the context of international taxation systems. (4 marks)

- (b) Ali and Baba are partners in a small firm trading as Alibaba Enterprises. They share profits and losses in the ratio of 2:3 respectively.

The following extracts were obtained from the records of the firm for the year ended 31 December 2015:

1. **Partners’ current account extracts:**

	Debit			Credit	
	Ali Sh.	Baba Sh.		Ali Sh.	Baba Sh.
Drawings	40,000	60,000	Balance brought down	100,000	200,000
			Salaries to partners	70,000	120,000
			Interest on capital	50,000	40,000

2. **Assets and liabilities:**

	1 January 2015 Sh.	31 December 2015 Sh.
Saloon car (cost)	2,400,000	2,160,000
Trade receivables	1,800,000	960,000
Donations	-	140,000
Salaries and wages accrued	840,000	1,600,000
Electricity prepaid	170,000	200,000
Furniture	200,000	180,000
Inventories	360,000	500,000
Trade payables	1,500,000	1,200,000

3. **Extracts from the bank statement:**

	Sh.
Payments to suppliers for goods	840,000
Receipts from customers	2,200,000
Payments for computers (hardware)	600,000
Payments for computer software	120,000
Catering fees	90,000
Electricity	60,000
Salaries and wages	700,000
Legal fees	160,000

4. Legal fees amounting to Sh.48,000 relate to costs of negotiating purchase of business premises while electricity paid included a deposit of Sh.15,000 to the power company.
5. Each partner had obtained a 10% loan of Sh.200,000 from the partnership for acquiring their private assets. The interest on loan was included in their share of interest on capital.

Required:

- (i) A statement of adjusted taxable profit or loss of the partnership for the year ended 31 December 2015. (7 marks)
- (ii) Total taxable income (loss) for each partner. (2 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Mr. S. Bora has been running a retail business since 1 January 2011. He had not been maintaining proper accounting records. The revenue authority provided an estimated tax assessment and penalties of Sh.84,000. He is planning to appeal against the assessment and has availed the following information to you to assist in filing supportive documents for the appeal.

Assets and liabilities:

	Year ended 31 December:				
	2011 Sh.	2012 Sh.	2013 Sh.	2014 Sh.	2015 Sh.
Household property	480,000	560,000	380,000	400,000	450,000
Computers - office	-	-	150,000	105,000	180,000
Inventories	100,000	200,000	280,000	420,000	380,000
Bank overdraft	-	96,000	80,000	150,000	140,000
Office premises	1,800,000	1,720,000	1,640,000	1,840,000	1,680,000
Personal clothes	20,000	36,000	40,000	28,000	24,000
Creditors	360,000	420,000	280,000	240,000	320,000
Equipment - office	94,000	160,000	120,000	160,000	150,000
Debtors	160,000	260,000	180,000	120,000	194,000
Bank loan	170,000	360,000	100,000	94,000	136,000
Mortgage loan	800,000	800,000	800,000	800,000	800,000

Additional information:

- Office equipment costing Sh.40,000 was disposed of at Sh.60,000 in 2013. The gain on disposal was not recorded anywhere in the books.
- Legal expenses of Sh.48,000 on purchase of office equipment on 1 January 2012 was not capitalised.
- Living expenses for his family from year 2012 was Sh.80,000 per year and increased cumulatively at a rate of 10% per annum.
- In years 2014 and 2015, he donated Sh.160,000 and Sh.92,000 respectively to a political party registered in his country.
- Capital allowances agreed with the commissioner of domestic taxes for each year amounted to Sh.56,000.
- Business expenses allowable by the commissioner for each year were capped at Sh.24,000.
- The bank statement records reveal that Mr. Bora had paid school fees of Sh.84,000 in 2013 for his children from the business bank account.
- Household property for 2012 include property that Mr. Bora inherited from his father amounting to Sh.80,000
- Mortgage loan relates to office premises. The interest on the loan was 10% per annum on the principal amount.

Required:

- A capital statement for each of the years ended 31 December 2012, 2013, 2014 and 2015. (8 marks)
 - Revised taxable income and tax payable by Mr. Bora from tax arrears arising from undeclared income. Note: Use year 2015 tax rates. (2 marks)
 - Advise Mr. Bora on the intended appeal. (2 marks)
- (b) The following information was extracted from the books of Michezo Sporting Members Club for the year ended 31 December 2015. The club's manager did not submit income tax returns as he argued that the club was exempted from taxation. He has consulted you for professional advice.

Additional information:

- The club received gross income during the year ended 31 December 2015 amounting to Sh.35 million which was analysed as follows:

	Sh.
Entrance fees	4,770,000
Members subscriptions	15,900,000
Interest on late subscriptions	795,000
Interest income (fixed deposit)	2,544,000
Dividend income	1,272,000
Royalties	1,908,000
Rent income	6,360,000
Gain on property transfers	<u>1,451,000</u>
	<u>35,000,000</u>

2. Operating expenses amounted to Sh.6,360,000.
3. Interest and dividend income were stated gross of tax.

Required:

- (i) Advise the club's manager on the circumstances under which members clubs are taxed in your country. (2 marks)
- (ii) Assess whether Michezo Sporting Members Club is subject to taxation for the year ended 31 December 2015 and the applicable tax liability (if any). (6 marks)

(Total: 20 marks)

QUESTION THREE

- (a) Jamboree Sacco Society Ltd. reported the following income and expenditure for the year ended 31 December 2015:

Income	Sh.
Gross rental income	840,000
Interest on savings account	160,000
Interest on members loans	1,840,000
Interest on fixed deposit account	560,000
Interest on treasury bills	<u>435,000</u>
	3,835,000
Less expenses:	
• Repainting of rented property	156,000
• Interest on loans for money invested in treasury bills	114,000
• Administration expenses	496,000
• Legal expenses relating to rented property	<u>72,000</u>
	<u>(838,000)</u>
	<u>2,997,000</u>

Additional information:

1. The Sacco declared dividends and bonuses of Sh.980,000.
2. Corporation tax is at a rate of 30%.

Required:

- (i) Total taxable profit for the Sacco for the year ended 31 December 2015. (6 marks)
- (ii) Tax payable by the Sacco for the year ended 31 December 2015. (2 marks)

- (b) Ms Avril Chemu constructed a house in a high class residential estate. The following details relate to the building costs as at the date of completion, 31 December 2012:

	Sh.
• Cost of acquiring a half acre plot	8,000,000
• Obtained a fixed 15% mortgage loan (1 January 2011)	10,000,000
• Conveyance fees	200,000
• Valuation fees	360,000
• Building materials (including government subsidy)	4,600,000
• Labour for construction workers	560,000
• Painting	300,000
• Stamp duty	320,000
• Received government subsidy on building materials	600,000

The house was completed on 31 December 2012 and Ms Chemu moved in with her family.

Additional information:

1. After two years of stay, Ms Chemu opted to sell the house. On 1 March 2015, she secured a buyer at a purchase price of Sh. 20,000,000.
2. The following expenses were incurred in the process of finding a buyer:

	Sh.
Agent's commission	400,000
Advertising expenses	48,000
Valuation fees	240,000
Repainting of the house	80,000
Legal fees	160,000

3. The capital deductions accumulated for the two years (2013 and 2014) in respect of wear and tear and industrial building deduction amounted to Sh.420,000.
4. The construction of the house was financed through the mortgage loan, with the balance from the mortgage loan used to buy a motor vehicle (saloon). She repaid the full mortgage on 31 December 2014.

Required:

The capital gain and tax payable (if any) by Ms Chemu from the sale of the house.

(12 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Some scholars have raised concern over the apparent mismatch between taxation policy and the economic agenda of certain countries, where increased tax revenue did not necessarily translate into higher standards of living for the citizenry.

Required:

Explain four factors that could have contributed to the above scenario.

(4 marks)

- (b) Mr. Sylvanus Jirani was a resident of Kenya in the year of income 2015. During part of the year, he was in United Kingdom (UK) and earned income amounting to UK £43,500. Taxes paid on UK income amounted to £8,700. His employment income from Kenya was Ksh.950,000 (PAYE deducted Ksh.184,800). Further, he had provided consultancy services at a fee of KSh.190,000 (net of withholding tax).

Other income comprised the following:

1. Rental income of KSh.400,000 after deducting; cost of furniture Ksh.36,000, estate agents fees before letting Ksh.48,000 and caretakers wages Ksh.8,000 per month.
2. Patent rights where he received net royalty income of Ksh.95,000. Expenses relating to patent rights were; registration of patent Ksh.8,900 and operating expenses Ksh.18,000.

Assume the applicable exchange rate was Ksh.100 to £1. Kenya has signed a double taxation agreement with UK.

Required:

- (i) Double taxation relief (if any) due to Mr. Sylvanus Jirani for the year of income 2015. (8 marks)
 - (ii) Tax payable (or refundable) by Mr. Jirani for the year of income 2015. (4 marks)
- (c) Summarise four uses of funds deposited in the public private partnership (PPP) project facilitation fund. (4 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) The Council of the Institute of Certified Public Accountants of Country X is developing a Code of Ethics to manage the conduct of its Council members.

Required:

Propose three provisions for inclusion in the above referenced Code of Ethics to prevent cases of conflict of interest among Council members. (3 marks)

- (b) With reference to the operations of the Public Investments Committee (PIC) in your country:
- (i) Describe three functions of the PIC. (3 marks)
 - (ii) Explain two matters which the PIC is specifically excluded from dealing with. (2 marks)
- (c) Msanifu Insurance Company Ltd. is a resident insurance firm carrying on both general and life assurance businesses.

The following information relates to the insurance company's business for the year ended 31 December 2015:

	General insurance Sh. "000"	Life assurance Sh. "000"
Investment income	13,780	-
Insurance premium received	15,450	100,000
Insurance and management fees	-	25,000
Premium returned	374	-
Reinsurance commission received	1,360	-

	Sh. "000"	Sh. "000"
Premiums paid to reinsurance company	4,680	-
Agency expenses	1,350	1,960
Management expenses	1,934	-
Travelling expenses	1,800	2,400
Advertising	364	820
General expenses	8,490	4,640
Bad debts (specific)	368	1,080
Income from exercise of subrogation rights	1,250	-
Recoveries of reinsurance	150	-

Additional information:

1. Investment income comprised:
 - Fixed deposit account Sh.780,000.
 - Dividend received from qualifying company Sh.3,000,000 (net).
 - Rental income Sh.10,000,000.
2. General expenses include cost of computers Sh.800,000 and furniture and fittings Sh.1,260,000.
3. Reserves for unexpired risk for general insurance business were as follows:
 - As at 1 January 2015 Sh.3,240,000.
 - As at 31 December 2015 Sh.6,200,000.
4. Claims paid during the year ended 31 December 2015 amounted to Sh.7,600,000 for general business.
5. Life assurance fund balance was valued by an actuary at Sh.300,000,000 as at 31 December 2015. 25% of this fund balance was recommended to be transferred for the benefit of shareholders.
6. Claims outstanding for general business were as follows:
 - As at 1 January 2015 Sh.5,640,000.
 - As at 31 December 2015 Sh.6,000,000.

Required:

The taxable income or loss for Msanifu Insurance Company Ltd. for the year ended 31 December 2015. (12 marks)
 (Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 26 May 2016.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).

Year of income 2015.

Monthly taxable pay (Sh.)	Annual taxable pay (Sh.)	Rate of tax % in each Sh.
0 - 10,164	0 - 121,968	10%
10,165 - 19,740	121,969 - 236,880	15%
19,741 - 29,316	236,881 - 351,792	20%
29,317 - 38,892	351,793 - 466,704	25%
Excess over - 38,892	Excess over - 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:		
Wear and tear allowance:		
Class I	37.5%	
Class II	30%	
Class III	25%	
Class IV	12.5%	
Software	20%	
Industrial building allowance:		
Up to 2009	2.5%	
From 1 January 2010	10%	
Hotels	10%	
Hostels/Education/Film producers buildings	100%	
From 1 January 2010 - Commercial building: (Shop, office or show room)	25%	
Farm works allowance	100%	
Investment deduction allowance	100%	
Shipping investment deduction (Ships over 125 tonnes)	100%	
	(i) Saloons, Hatch Backs and Estates	
	Up to 1200 cc	3,600
	1201 - 1500 cc	4,200
	1501 - 1750 cc	5,800
	1751 - 2000 cc	7,200
	2001 - 3000 cc	8,600
	Over 3000 cc	14,400
	(ii) Pick-ups, Panel Vans (unconverted)	
	Up to 1750 cc	3,600
	Over 1750 cc	4,200
	(iii) Land Rovers/Cruisers	7,200
		86,400

Extraction expenditure:

Written off over 5 years (20%)

Commissioner's prescribed benefit rates

Services	Monthly rates Sh.	Annual rates Sh.
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

QUESTION FIVE

(a) Country Z has recently been admitted into a regional economic block. As part of the country's full integration into the economic block, it is required to undertake certain legislative and other reforms.

Required:

Advise Country Z on four fundamental reforms that could be considered in the process of integration into the economic block. (8 marks)

(b) Mjengo Ltd. is a real estate development company. In the year ended 31 December 2015, the company provided the following information:

- Bought 100 acres at Sh.6,000,000 each for building low cost houses in an approved development area.
- Cost of surveying was Sh.4,600,000 and conveyance fees amounted to Sh.6,960,000.
- The cost of constructing each unit was Sh.1,450,000. The company constructed 240 units on a 20 acre piece of land.
- All the units were sold at a price of Sh.1,600,000 in the year 2015.
- Building materials for constructing each unit amounted to Sh.742,400 inclusive of VAT at the rate of 16%.
- Professional fees paid to quantity surveyors inclusive of VAT was Sh.417,600 and for civil engineers was Sh.243,600.
- Drainage system and sewerage line cost Sh.960,000 for connecting all units built and to be built on 100 acres.
- The interest on loan to acquire the 100 acres was Sh.7,800,000.
- Hire expenses for bulldozers used in the construction was Sh.600,000 for each of the three months used for the construction.
- Charges paid to the government in respect of approval of plans were Sh.678,000.
- Cost of constructing a site office was Sh.800,000.
- Hire cost for a saloon car for the site manager was Sh.40,000 per month.
- A commercial building was also constructed at a cost of Sh.5,600,000 in a part of the land. The building was rented at a monthly rent of Sh.480,000 with effect from 1 May 2015.
- The costs relating to the total 100 acres are to be apportioned according to the acreage used.

Required:

(i) Statement of adjusted taxable profit or loss for Mjengo Ltd. for the year ended 31 December 2015. (10 marks)

(ii) Tax payable by Mjengo Ltd. (if any) for the year ended 31 December 2015. (2 marks)

(Total: 20 marks)

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Additional information:

1. Turnover and purchases were inclusive of VAT at the rate of 16%.
2. The turnover excludes cash sales. During the year ended 31 December 2015, the business paid the following expenses out of cash sales:

	Sh.
Telephone and postage	48,000
School fees	142,800
Repairs and maintenance	94,600
Insurance	36,600

3. The bank balance is included in the cash and cash equivalents. The following details were included in the bank statement:

	Sh.
Personal expenses	294,000
General expenses	792,800
Rent and rates	68,400
Hire purchase interest	29,600
Payments to creditors	2,460,000
Receipts from debtors	5,890,000

4. The following assets used by the business were not included in the assets register:

	Sh.
Computers	368,000
Fax machine	120,000
Saloon car	2,800,000
Delivery van	720,000
Computer software	150,000

The Revenue Authority has established that the statement of financial position forms a good basis for recomputing the taxable profit. All expenses are to be adjusted on the basis of the statement of financial position.

Required:

- (a) Using suitable computations, confirm the accuracy or otherwise of the taxable profit of Weka Enterprises for the year ended 31 December 2015. (15 marks)
 - (b) Summarise five types of preliminary information that you might require from the business in order to further ascertain the accuracy of the taxable profit. (5 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) Tax information exchange agreements (TIEAs) are increasingly forming part of the agenda during bilateral and multilateral trade discussions among various countries.
 - (i) Explain the nature of tax information exchange agreements. (2 marks)
 - (ii) Citing three reasons, discuss the purpose of TIEAs. (6 marks)
- (b) Zawadi Ltd. has been in operation since 1 January 2014. The company is under a tax investigation relating to value added tax (VAT) transactions.

The following details were obtained from the company's records for the month of September 2015:

- Stock in trade brought down in the month of September 2015 was valued at Sh.719,200.
- Sales ledger records in the company's books showed an amount of Sh.1,786,400 while as per VAT returns, it was Sh.1,429,120.
- The company had not claimed input tax on a building put into use on 1 January 2014 at a cost of Sh.2,784,000. However, in September 2015, the company set-off the input tax against the output tax for the month.
- Purchases amounting to Sh.174,000 did not have supporting fiscal receipts. The total purchases amounted to Sh.928,000.
- Since 1 January 2014, the company had not been filing VAT returns on time and all the penalties are outstanding.

QUESTION FIVE

(a) Country Z has recently been admitted into a regional economic block. As part of the country's full integration into the economic block, it is required to undertake certain legislative and other reforms.

Required:

Advise Country Z on four fundamental reforms that could be considered in the process of integration into the economic block. (8 marks)

(b) Mjengo Ltd. is a real estate development company. In the year ended 31 December 2015, the company provided the following information:

- Bought 100 acres at Sh.6,000,000 each for building low cost houses in an approved development area.
- Cost of surveying was Sh.4,600,000 and conveyance fees amounted to Sh.6,960,000.
- The cost of constructing each unit was Sh.1,450,000. The company constructed 240 units on a 20 acre piece of land.
- All the units were sold at a price of Sh.1,600,000 in the year 2015.
- Building materials for constructing each unit amounted to Sh.742,400 inclusive of VAT at the rate of 16%.
- Professional fees paid to quantity surveyors inclusive of VAT was Sh.417,600 and for civil engineers was Sh.243,600.
- Drainage system and sewerage line cost Sh.960,000 for connecting all units built and to be built on 100 acres.
- The interest on loan to acquire the 100 acres was Sh.7,800,000.
- Hire expenses for bulldozers used in the construction was Sh.600,000 for each of the three months used for the construction.
- Charges paid to the government in respect of approval of plans were Sh.678,000.
- Cost of constructing a site office was Sh.800,000.
- Hire cost for a saloon car for the site manager was Sh.40,000 per month.
- A commercial building was also constructed at a cost of Sh.5,600,000 in a part of the land. The building was rented at a monthly rent of Sh.480,000 with effect from 1 May 2015.
- The costs relating to the total 100 acres are to be apportioned according to the acreage used.

Required:

(i) Statement of adjusted taxable profit or loss for Mjengo Ltd. for the year ended 31 December 2015. (10 marks)

(ii) Tax payable by Mjengo Ltd. (if any) for the year ended 31 December 2015. (2 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

THURSDAY: 26 November 2015.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

**RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).
Year of income 2014.**

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 10,164	1	- 121,968	10%
10,165	- 19,740	121,969	- 236,880	15%
19,741	- 29,316	236,881	- 351,792	20%
29,317	- 38,892	351,793	- 466,704	25%
Excess over	- 38,892	Excess over	- 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

	Monthly rates (Sh.)		Annual rates (Sh.)	
Capital allowance:				
Wear and tear allowance:				
Class I	37.5%			
Class II	30%			
Class III	25%			
Class IV	12.5%			
Software	20%			
Industrial building allowance:				
Up to 2009	2.5%			
From 1 January 2010	10%			
Hotels	10%			
Hostels/Education buildings	50%			
From 1 January 2010-				
Commercial building:				
(Shop, office or show room)	25%			
Farm works allowance	100%			
Investment deduction allowance	100%			
Shipping investment deduction	40%			
Mining allowance:				
Year 1	- 40%			
Years 2 - 7	- 10%			

Commissioner's prescribed benefit rates

	Monthly rates	Annual rates
	Sh.	Sh.
Services		
(i) Electricity (Communal or from a generator)	1,500	18,000
(ii) Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits		
(i) Water	200	2,400
(ii) Electricity	900	10,800

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QUESTION ONE

- (a) A recent study on public financial management in developing countries identified a growing interest by governments to establish and enhance public private partnerships (PPPs) as one of the ways of achieving sustainable development. In some of the countries covered by the study, a public private partnership (PPP) unit had been established within the mainstream government structure.

Required:

- (i) Explore three possible reasons for the growing interest in public private partnerships particularly among developing countries. (3 marks)
- (ii) Explain three functions of a public private partnership unit as established by a government. (3 marks)
- (iii) Summarise three challenges likely to face the implementation of public private partnerships in your country. (3 marks)
- (b) Country X has undertaken a number of infrastructural projects as part of its long-term development initiatives. This has however resulted in the government borrowing heavily from both the domestic market and the foreign market. As a result, interest rates have risen significantly, a situation that has affected other critical sectors of the country's economy.

Required:

In the context of the above scenario, advise the government of Country X on four approaches that it could use to manage its public debt. (8 marks)

- (c) In the context of monitoring of public projects by public entities, outline three objectives of electronic project monitoring information systems (e-PROMIS). (3 marks)

(Total: 20 marks)

QUESTION TWO

- (a) In recent times, public financial management has generated a lot of interest from governments, the public, donors among other stakeholders.

Required:

Discuss four distinctive features of financial management in the public sector as compared to the private sector. (8 marks)

- (b) According to legislation on investment promotion, an applicant may apply for an investment certificate from a public investment board.

Required:

In the context of the above statement:

- (i) Outline three conditions that an applicant is required to fulfill in order to obtain an investment certificate. (3 marks)
- (ii) Describe five areas that could be considered by the public investment board before grant of an investment certificate. (5 marks)
- (c) Citing two examples, discuss the relevance of the international financial market in the context of public financial management in your country. (4 marks)

(Total: 20 marks)

QUESTION THREE

James and Katana established a partnership business, sharing profits and losses in the ratio of 3:2 respectively. The following is the income statement of the partnership for the year ended 31 December 2014:

	Sh.	Sh.
Sales		6,728,000
Unrealised foreign exchange gain		150,000
Capital gain on sale of shares		352,000
Recovery from insurance on stock stolen		480,000
Goods transferred to a branch at cost		184,000
Dividends from Kali Cooperative Society		<u>51,000</u>
		7,945,000

	Sh.	Sh.
Less expenses:		
Purchases	2,842,000	
Purchase of computers	180,000	
Partners salaries	720,000	
Legal fees	680,000	
Repairs and maintenance	568,400	
Rent and rates	244,600	
Interest on loan	166,200	
General expenses	964,000	
Motor vehicle expenses	840,000	
Insurance	156,000	
Preliminary expenses	262,800	
Directors fees	600,000	
Audit fees	148,200	
Debenture interest	360,000	
Travelling expenses	<u>96,000</u>	<u>8,828,200</u>
Net loss		<u>(883,200)</u>

Additional information:

- The partnership was converted into a limited liability company by the name Kaka Ltd. on 1 October 2014. Incomes and expenses accrued evenly throughout the year unless otherwise stated.
- Purchases and sales were inclusive of value added tax at a rate of 16%.
- Closing stock was valued at Sh.1,840,000 while opening stock was at 10% of sales net of value added tax.
- Legal fees comprised:

	Sh.
Petition to Association of Manufacturers	80,000
Notice for change of business name	64,800
Conveyance fees of business premises	72,400
Stamp duty	36,600
Negotiating a business loan	20,800
Recovery of bad debts	45,000
Signing a 100-year lease agreement	128,400
Purchase of partner's private residence - James	150,000
Appeal against tax arrears	<u>82,000</u>
	<u>680,000</u>
- Repairs and maintenance comprised:

	Sh.
Purchases of furniture	96,000
Installation of neon sign	60,000
Designing an office block	140,000
Cost of partitioning office block	250,000
Repainting of business premises	<u>22,400</u>
	<u>568,400</u>
- General expenses included; registering of patent rights Sh.64,000, floatation costs Sh.48,000 and negotiating costs for an additional piece of land for business expansion at Sh.56,000.
- Interest on loan includes interest on partners' capital of Sh.100,000 which was shared according to profit and loss sharing ratio.

Required:

- (a) A statement of adjusted taxable profit or loss for the business for the year ended 31 December 2014. (14 marks)

Hint: Start with gross profit.

- (b) Comment on the tax position of James, Katana and the company. (4 marks)
- (c) Citing examples, advise James and Katana on two areas of tax avoidance that they could explore for the business. (2 marks)
- (Total: 20 marks)**

QUESTION FOUR

- (a) Highlight four factors to be considered when selecting an appropriate transfer price. (4 marks)

(b) Mjengo Ltd. is in the real estate business. During the year ended 31 December 2014, the company acquired ten houses each at Sh.4,000,000 before incurring the following expenses:

- 10% interest on mortgage loan of Sh.10,000,000.
- Conveyance fees for each house Sh.40,000.
- Estate agent's valuation fees per house Sh.28,000.
- Repairs undertaken for two houses Sh.44,000.
- Cost of repainting the houses Sh.84,000.
- The impairment loss of the houses was estimated at Sh.150,000.
- Legal expenses amounting to Sh.36,000 were incurred in defending a title for a house with defective ownership documents.

Mjengo Ltd. sold each house at Sh.5,800,000. The cost for advertising the houses was Sh.160,000, estate agent's commission Sh.180,000, insurance Sh.72,000, valuation fees Sh.150,000 and legal fees Sh.148,000.

Required:

Determine the following:

- | | | |
|-------|---|-----------|
| (i) | Transfer value. | (3 marks) |
| (ii) | Adjusted cost. | (3 marks) |
| (iii) | Capital gains tax. | (1 mark) |
| (iv) | Due date for filing of capital gains tax. | (1 mark) |

(c) Rigs Drilling Ltd. is a mining company dealing with petroleum products. During the year ended 31 December 2014, the following details were extracted from the company's financial statements:

	Sh"000"
Geological costs	84,680
Exploratory drilling costs	146,400
Acquisition costs	19,800
Lifting costs	12,600
Lease operating costs	64,780
Costs of refining crude oil	18,240
Oil and natural gas revenue	9,840,000
Depletion and depreciation	34,980
Share based compensation	24,670
General and administrative expenses	78,340
Reversal of litigation expenses	9,680
Finance expenses	6,400
Decommissioning costs	4,280
Drilling machines	18,300
Investment income	464,000
Impairment losses	5,680
Intangible drilling costs	3,420
Professional fees	2,600
Loan repayment	840
Tractor	1,500
Derivatives oil losses	480
Restructuring expenses	848
Forklift	1,800

Additional information:

1. Intangible drilling costs include Sh.420,000 for a well which failed to yield crude oil and was abandoned.
2. Restructuring expenses include Sh.582,000 paid to a consultancy firm that restructured the capital structure of the company.
3. Exploratory drilling costs include:
 - Plant and machinery Sh.4,800,000.
 - Erection of rigs and tankage Sh.1,600,000.
 - Pipes and storage tanks Sh.9,480,000.
 - Factory building Sh.48,400,000.
4. Professional fees include Sh.800,000 for services provided by the general manager of the parent company.

Required:

A statement showing the taxable profit or loss for the year ended 31 December 2014.

(8 marks)

(Total: 20 marks)

QUESTION FIVE

(a) Summarise three legal provisions relating to double taxation relief as applicable in your country. (3 marks)

(b) Lima Ltd. is a company incorporated in your country. The company controls 80% of the share capital of Shamba Ltd. which is also incorporated in your country. The following is a statement of comprehensive income of Lima Ltd. for the year ended 31 December 2014:

	Sh. "000"	Sh. "000"
Gross profit		59,220
Less:		
Depreciation	4,872	
Legal expenses	508	
Loan interest	819	
Electricity	378	
Salaries and wages	9,387	
Telephone	357	
Patent royalties paid	756	
Travel expenses	<u>785</u>	<u>17,862</u>
		41,358
Other income		
Patent royalties received	2,772	
Loan interest received	193	
Dividend received from Shamba Ltd.	<u>5,628</u>	<u>8,593</u>
Net income		<u>49,951</u>

Additional information:

- The loan interest paid included the following:
 - Interest of Sh.285,000 relating to a loan acquired to purchase office equipment.
 - Interest of Sh.258,000 relating to a loan used to acquire shares of Shamba Ltd.
- Salaries and wages include passages of Sh.1,008,000 paid to a director who relocated to another country.
- Travel expenses include Sh.155,000 paid to a new employee hired from a foreign country.
- The loan interest received relates to a loan issued to an employee of the company to purchase a residential house.
- Not included in other income was rent received of Sh.1,638,000 from one lease, gross of a loss of Sh.397,000 made on another lease.
- An operating loss of Sh.189,000 had been carried forward for the previous eight years. This loss was included in salaries and wages expense as at 31 December 2014.
- Royalties of Sh.145,000 were due for receipt as at 31 December 2014 but had not been recorded in the books.
- Legal expenses included:
 - Sh.176,000 paid on disposal of some property and equipment.
 - Sh.48,000 incurred on debt collection.
 - Sh.78,000 incurred on defending the company against a claim for breach of contract.
- Patent royalties received were from Shamba Ltd. while those paid were to a Ugandan company.
- Capital allowances for the year ended 31 December 2014 were agreed with the commissioner at Sh.1,932,000.

Required:

A statement of adjusted taxable profit or loss for the year ended 31 December 2014. (10 marks)

(c) Amos Akida, a businessman, is facing a tax investigation by the revenue authority which suspects that he has been under-declaring income for the four years from year 2011 to year 2014.

You are the head of a team from the revenue authority conducting an investigation on Amos Akida. He has submitted to your team records of his private and business assets and liabilities from 1 January 2011 to 31 December 2014 as shown below:

	1 January 2011	31 December 2011	31 December 2012	31 December 2013	31 December 2014
Assets and liabilities	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"
Factory premises	48,000	54,000	56,000	52,000	54,000
Plant and machinery	24,000	25,000	38,000	34,000	36,000
Motor vehicle (commercial)	12,000	14,000	14,000	15,000	20,000
Inventory	4,600	5,200	9,000	10,000	8,000
Trade receivables	3,950	4,540	3,640	3,530	3,980
Private residence	8,240	14,600	14,600	14,600	14,600
Trade payables	7,280	8,640	9,420	8,360	7,890

	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"	Sh. "000"
Bank loan	10,900	10,000	9,870	7,640	9,840
Loan from a friend	800	700	600	870	640
Mortgage loan	3,780	3,780	3,780	3,780	3,780
Cash balance	3,400	5,400	3,600	3,760	4,670

Additional information:

1. The cash balance on 31 December 2012 included Sh.600,000 inherited from a relative on 30 August 2012.
2. His living expenses for each of the four years were as follows:

Year ended 31 December:

	2011	2012	2013	2014
Living expenses (Sh.)	85,000	140,000	90,000	165,000

3. Interest on mortgage is at the rate of 15% per annum.
4. There were no disposals of non-current assets during the period under investigation.

Required:

Taxable income of Amos Akida for each of the four years ended 31 December 2011, 2012, 2013 and 2014.

Ignore capital allowances.

(7 marks)

(Total: 20 marks)

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CPA PART III SECTION 6

ADVANCED PUBLIC FINANCE AND TAXATION

PILOT PAPER

September 2015.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question. Show ALL your workings. Any assumptions made must be clearly and concisely stated.

**RATES OF TAX (Including wife's employment, self-employment and professional income rates of tax).
Year of income 2014.**

Monthly taxable pay (Sh.)		Annual taxable pay (Sh.)		Rate of tax % in each Sh.
1	- 10,164	1	- 121,968	10%
10,165	- 19,740	121,969	- 236,880	15%
19,741	- 29,316	236,881	- 351,792	20%
29,317	- 38,892	351,793	- 466,704	25%
Excess over	- 38,892	Excess over	- 466,704	30%

Personal relief Sh.1,162 per month (Sh.13,944 per annum)

Prescribed benefit rates of motor vehicles provided by employer

		Monthly rates (Sh.)	Annual rates (Sh.)
Capital allowance:			
Wear and tear allowance:			
Class I	37.5%		
Class II	30%		
Class III	25%		
Class IV	12.5%		
Software	20%		
Industrial building allowance:			
Up to 2009	2.5%		
From 1 January 2010	10%		
Hotels	10%		
Hostels/Education buildings	50%		
From 1 January 2010-			
Commercial building:			
(Shop, office or show room)	25%		
Farm works allowance	100%		
Investment deduction allowance	100%		
Shipping investment deduction	40%		
Mining allowance:			
Year 1	- 40%		
Years 2 - 7	- 10%		
Commissioner's prescribed benefit rates			
Services		Monthly rates	Annual rates
		Sh.	Sh.
(i)	Electricity (Communal or from a generator)	1,500	18,000
(ii)	Water (Communal or from a borehole)	500	6,000
Agriculture employees: Reduced rates of benefits			
(i)	Water	200	2,400
(ii)	Electricity	900	10,800

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QUESTION ONE

- (a) Describe the stages involved in the National Government budget process as provided in the Public Finance Management Act 2012 or equivalent legislation in your country. (10 marks)
- (b) (i) Explain the relevance of transparency and accountability in the context of public debt management in your country. (4 marks)
- (ii) Discuss the importance of sound public debt management. (6 marks)
- (Total: 20 marks)**

QUESTION TWO

- (a) Outline the information that is required to be provided by a contracting authority within the framework of the public private partnership (PPP) when preparing a project proposal. (8 marks)
- (b) Explain six functions of the Public Private Partnership Unit (PPPU) as established under the Public Private Partnership Act 2013 or equivalent legislation in your country. (12 marks)
- (Total: 20 marks)**

QUESTION THREE

- (a) Explain how tax planning could be undertaken in the context of:
- (i) Income from investments. (2 marks)
- (ii) Capital structure decisions in corporate entities. (2 marks)
- (b) The promoters of Junefair Company Ltd. are considering the best source of financing for their new company.

The promoters are aware of the two main financing avenues for any company; equity financing and debt financing. They already have raised equity capital amounting to Sh.500 million as their base capital which falls short of their capital requirement of Sh.1 billion. They have approached a consultant to give them advise on how to source the additional Sh.500 million that they require. The consultant has assembled his analysis into two mutually exclusive financing sources based on the promoter's request as follows:

Option - A (Equity only)

	Sh."000"
Base capital - Equity	500,000
Additional capital - All equity	<u>500,000</u>
Total	<u>1,000,000</u>

Option - B (Debt only)

	Sh."000"
Base capital - Equity	500,000
Additional capital - Long term debt	<u>500,000</u>
	<u>1,000,000</u>

It is assumed that both the additional equity and additional debt will require an annual payment of Sh.40 million and Sh.50 million for dividend and interest respectively every year.

Assume that the profit before interest and taxes that the company would post each year is Sh.110 million. The corporate tax rate is 30%.

Required:

Suggest, from a tax planning perspective, the best source of additional financing that the consultant should recommend (4 marks)

- (c) Violet Auma has been offered a job with Apple Electronics (K) Ltd., a foreign company dealing with distribution of smart phones and computers in the East African region. She is due to report on 1 January 2016.

Her terms of employment provide for the following emoluments:

1. She would get a basic salary of Sh.450,000 per month effective from 1 January 2016.

2. The company would make the following additional payments to her per month:
 - Home to office car allowance of Sh.28,500. However, she would be given the option of using a company car. The car that would be allocated to her would be of 2500cc which the company would purchase at a cost of Sh.3,500,000.
 - House allowance of Sh.80,000 per month. However, the company gives her the option of moving to a company house from the commencement of her employment. The house would be rented by the company at Sh.80,000 per month.
3. She would, like all other employees, enjoy the company's pension scheme into which the company would pay Sh.25,000 monthly for her benefit. She would also have to contribute a similar amount into the scheme.
4. An end of the year bonus amounting to Sh.35,500 would be paid to her each year. She however would be given the option of taking a gift of a phone from the company worth the same amount.
5. She would be eligible to be included into the company's attractive medical scheme which only covers management staff. The amount of the benefit is capped at Sh.1,500,000 per year. She however has the option of a free-for-all claim-based medical scheme operated by the employer. The scheme is capped at Sh.1,000,000 per year.

Required:

Recommend the best option for Vilolet Auma based on the above information.

(12 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Multi-national corporations (MNCs) that have cross-border inter-company dealings (like purchases and sales) can deliberately move profits from one tax jurisdiction to another by manipulating the transfer price. Such companies, if left unchecked would make inter-company transactions at prices that may lead to low profits or losses in countries with high tax rates.

Required:

Explain the documentation and disclosure requirements imposed by your country to address the above challenges.

(5 marks)

- (b) One major shortcoming of globalisation is that it provides the incentive for tax competition among countries.

In the context of the above statement, explain the meaning of the following:

- (i) Tax competition. (3 marks)
 - (ii) Tax haven. (3 marks)
- (c) Outline five harmful effects of tax havens. (5 marks)
- (d) Explain four circumstances under which goods are deemed to have been dumped in your country. (4 marks)

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(Total: 20 marks)

QUESTION FIVE

- (a) The main focus of bilateral tax treaties is the elimination of double taxation and fiscal evasion.

Explain the meaning of the following as used in the context of tax treaties:

- (i) Double taxation. (2 marks)
 - (ii) Fiscal evasion. (2 marks)
 - (iii) Treaty shopping. (2 marks)
- (b) Rahab Tola, who is a Kenyan, was employed in the United Kingdom (UK) for the first 6 months in the year 2014 for which she was paid a total of £12,000. She later moved to Kenya where she was employed at a salary of Sh.2,400,000 for the 6 months to the end of the year 2014.

The UK authorities had charged Rahab Tola a tax on her pay amounting to £2,200.

Assume that the applicable foreign exchange rate was Sh.140/£. Kenya has a double taxation agreement with United Kingdom.

Required:

Calculate the amount of double taxation relief due to Rahab Tola for the year 2014. (4 marks)

- (c) China Construction Company (K) Ltd. has been engaged in the building and construction industry for many years. There has been an on-going dispute with the revenue authority as to the amount of value added tax (VAT) that the company is liable to pay.

You have been provided with the following details relating to the company's transactions:

	Purchases	Delivery date	Invoice date	Invoice amount (Sh.)	Payment date
1.	Concrete mixer	10 May 2015	12 June 2015	5,800,00	5 July 2015
2.	Scaffolding pipes	20 May 2015	6 June 2015	1,392,000	10 July 2015
3.	Poker vibrator	6 May 2015	29 May 2015	696,000	2 August 2015
4.	Xerox photocopier	30 April 2015	10 May 2015	928,000	22 May 2015
5.	10 trolleys	12 June 2015	13 May 2015	2,552,000	25 May 2015
6.	Executive boardroom table	21 May 2015	8 June 2015	464,000	30 June 2015
7.	200 tons of cement	27 April 2015	3 May 2015	3,712,000	2 August 2015
8.	Water dispenser for the office	14 May 2015	4 June 2015	92,800	23 June 2015
9.	Paint from Duracoat (K) Ltd.	10 May 2015	15 May 2015	812,000	28 May 2015
10.	Office chairs	1 May 2015	8 May 2015	348,000	26 May 2015

The above amounts are inclusive of VAT at the standard rate of 16% where applicable.

Additional information:

- The company had negotiated a contract for Sh.45,000,000 for which it received a progress payment of Sh.18,000,000 on 25 June 2015. These amounts are exclusive of VAT. The invoice had been raised earlier on 3 May 2015 based on the Architect's certificate for the value of work certified.
- The company had also won a labour-only contract for Sh.12,500,000 (exclusive of VAT) for which an installment payment of Sh.4,000,000 was received on 9 May 2015 ahead of the completion on 17 June 2015. The invoice was raised for full payment on completion. By end of August 2015, the balance of the payment had not been received from the client.

Required:

- Advise on the correct VAT position for the company for the period between May 2015 and August 2015. (6 marks)
 - Comment on any information that you have not used in (c) (i) above. (4 marks)
- (Total: 20 marks)**
-