MARCH 2024 PROFESSIONAL EXAMINATION PRINCIPLES OF TAXATION (PAPER 2.6) CHIEF EXAMINER'S REPORT, QUESTIONS AND MARKING SCHEME

EXAMINER'S GENERAL COMMENTS

The questions generally tested candidates' understanding of the basic principles of taxation. The questions were clear, straight forward and spread across the syllabus. This has been the feature of the paper and one was expecting candidates to come to terms with it in preparing for the paper. Unexpectedly, candidates grossly displayed a serious lack of preparedness and thus exhibited a poor performance in almost all the questions except for question one where candidates displayed some remarkable scores. The general performance showed a drop compared to the November 2023 sitting. It was the worst performance compared to all three sittings in 2023. The questions were very basic which candidates could have taken advantage of to pass with ease but that was not the case. Candidates and tuition providers are continuously being advised to desist from specialisation and shallow preparations.

STANDARD OF THE PAPER

The standard of the paper was good and up to the expected level being tested. The questions were quite simple, clear and straight to the point except for the computational question on VAT and Levies which really tested some application of knowledge in the area. The questions were also spread across the syllabus grid. The mark allocation was fairly allotted to each sub-question, it followed the weightings in the syllabus and proportionate to time required to pass.

The implication of the above is that candidates would have performed exceptionally if they had prepared sufficiently across the syllabus content and had focused on the basic requirements of the various topics in the syllabus.

PERFORMANCE OF CANDIDATES

Shockingly, the general performance of the candidates across the centres was below average. Approximately 27% of candidates passed the paper. A decline compared to approximately 35% pass rate for the November 2023 diet and the worst pass rate compared to all the three immediate past sittings. The expectations of the examiner from the candidates were not met considering the less difficult nature of most of the questions. It was as if candidates who sat for the paper did not prepare enough and ignored the very basic principles of the syllabus contents. Thus, inadequate preparations, lukewarm approach to the questions and complete lack of knowledge reared their ugly heads again. Taxation is a creature of legislation and one needs to know the laws backing the various principles. The answers provided by candidates must be supported by the specific tax legislation and thus candidates and tuition providers should not discount this fact and to also prepare across the syllabus.

NOTABLE STRENGTHS & WEAKNESSES OF CANDIDATES

Candidates really demonstrated enough strengths only in question one involving questions on the benefits of the new tax administration to the taxpayer and GRA, the

explanation and distinguishing features between progressive, proportional and regressive taxes, five direct taxes administered by the Domestic Tax Revenue Division of the GRA as well as the five benefits of integrating the revenue agencies. On the average, 85% showed a great deal of weakness in questions two (2) to five (5) generally demonstrating complete lack of knowledge of the questions. The 15 mark question on VAT in question 2 was the worst attempted, followed closely by question four (4). What was evident was that, where questions required knowledge of the law, candidates were unable to scale over. Besides, the coverage of the syllabus for the majority was not appreciable. Candidates should bear in mind that it takes barely three months to prepare after the release of results and therefore planning for the exams must start early and answers given by candidates should be grounded in the tax laws. They are encouraged to quickly enroll with a reliable tuition providing centres as an aid to their preparation. It is somewhat difficult to pass from self-tuition.

The ICAG manual on the Principles of Taxation continue to be one of the dependable reference guides in preparing for the paper. Candidates and tuition providers should also make good use of the various examiner's reports from November 2019 for the next diet since this happens to be the last sitting for the current syllabus in use. Lecturers and candidates should pay attention to the tax laws on the subject and the basic principles of taxation for an improved success rate.

Again and again, candidates are to pay attention to the topics such as Fiscal Policy, Business Income including Partnership, Withholding Tax, Employment Income, Tax Administration, and Value-Added Taxation, if they want to improve their success rate.

QUESTION ONE

a) In recent years, the Ghana Revenue Authority (GRA) has embarked on some tax administrative reforms. One of the key administrative reforms is the merger of the Medium Taxpayer Office (MTO) and Small Taxpayer Office (STO) systems in the management of taxpayers which has resulted in the introduction of the Taxpayer Services Centres (TSCs) concept whereby Taxpayers are migrated to tax offices closer to their business locations irrespective of their turnovers.

Required:

- i) Explain TWO (2) benefits of the new tax administration reform to the taxpayer. (2 marks)
- ii) Explain **THREE** (3) benefits of the new tax administration reform to the GRA. (3 marks)
- b) A tax may be described in a number of ways based on the relationship between income earned by a person and the tax rate applicable to that income. Again, an important feature of a tax system is the percentage of the tax burden relative to income or consumption, thus, the terms progressive, proportional and regressive are used to describe the way the rate of tax progresses from low to high; from high to low or proportionally.

Required:

In relation to the scenario above, explain *progressive*, *proportional* and *regressive* taxes stating the main features that distinguish them. (5 marks)

c) The Ghana Revenue Authority is made up of two operational divisions; Domestic Tax Revenue Division (DTRD) and Customs Division (CD) with assistance from the Support Services Division (SSD).

Required:

In reference to statement above, state **FIVE** (5) Direct Taxes administered by the Domestic Tax Revenue Division of the Ghana Revenue Authority. (5 marks)

d) The erstwhile revenue agencies (VAT, IRS & CEPS) were integrated into the Ghana Revenue Authority (GRA) in 2009. It was envisaged that the integration of the Revenue Agencies will bring certain benefits to taxpayers and tax administration.

Required:

State **FIVE** (5) of such benefits.

(5 marks)

QUESTION TWO

a) Pioneer Products Ltd (PPL) is a manufacturer of plastic products which are supplied into both domestic and foreign markets.

The following transactions took place in the year 2023:

	\mathbf{GH}
Turnover for the year	2,350,000
Export sales	570,000
Supplies to the presidency of Ghana for maintenance works	205,200
Import duties paid	12,900
Import VAT Paid	43,100
Cost of local purchases (Excluding VAT)	17,100
Cost of electricity bills paid (Including VAT)	63,200
VAT paid to Ghana Revenue Authority during the year	15,900
Levies paid to Ghana Revenue Authority during the year	3,200

Required:

Compute VAT and Levies payable at the end of the year 2023.

(10 marks)

- b) State **FIVE** (5) conditions under which goods supplied on "sales or return" basis becomes taxable. (5 marks)
- c) Ama Adaklu retired in December, 2022 after contributing to SSNIT for 300 months, working with three different employers. The last 5 years of her annual salary are as follows:

Year	Annual Salary (GH¢)
2018	200,000
2019	220,000
2020	250,000
2021	450,000
2022	500,000

Required:

Compute the monthly pension payable to Ama Adaklu.

(5 marks)

QUESTION THREE

a) The determination of a person's tax liability is in relation to the concept of "Year of Assessment" and "Basis Period".

Required:

In relation to the statement above, distinguish between the concept of *Year of Assessment* and *Basis Period* as used in income taxation. (4 marks)

- b) State the Basis Periods for the following persons as provided in the Income Tax Act, 2015 (Act 896):
- i) A sole proprietorship
- ii) A company
- iii) A trust
- iv) A partner of a partnership

(6 marks)

c) Hajia Bintu has been in business from 1 September 2018 preparing accounts to 31 August each year. She ceased to operate the business on 31 May 2023. The agreed profits for the past years of operations are as follows:

	GH¢
Year to 30/8/2019	18,000,000
Year to 30/8/2020	23,000,000
Year to 30/8/2021	28,000,000
Year to 30/8/2022	33,000,000
Period to 31/5/2023	50,000,000

Required:

Calculate the assessable income for all relevant years.

(10 marks)

QUESTION FOUR

- a) With reference to the Income Tax Act, 2015 (Act 896):
- i) State the general and residual deduction rules governing the ascertainment of a person's income from business and investment. (5 marks)
- ii) With relevant examples, state the differences between *capital expenditure* and *revenue expenditure*. (5 marks)
- b) Agoo Ltd runs a business with a basis period from January to December each year. The following information is relevant to its business operations for the 2022 year of assessment.

The Chargeable Income from business operations was GH¢480,000. The chargeable income was arrived at after the following adjustments were made:

- Financial cost incurred on hedged transactions was GH¢1,800,000.
- Financial gain from hedged transactions was GH¢720,000.

Required:

i) Compute the tax payable for the 2022 year of assessment.

(8 marks)

ii) Advise management on the above results.

(2 marks)

(Total: 20 marks)

QUESTION FIVE

a) Persons making payments for supply of goods, works and services are required by the provision of the Income Tax Act 2015, (Act 896) to withhold taxes on the gross amount at various rates and pay same to the Commissioner-General.

Required:

In reference to the above statement, explain what *Goods, Works* and *Services* are.

(10 marks)

b) The following information relates to Atta Panin:

2/2/2023 1000 shares purchased from Taame Ltd @ GH¢2 per share. 2/5/2023 1500 shares purchased from Taame Ltd @ GH¢3.5 per share.

12/12/2023 1200 shares sold @ GH¢5 per share and incurred commission of 1% on

the sale value.

Required:

Compute the tax payable.

(5 marks)

c) What is the tax treatment of a gift received?

(5 marks)

Applicable Tax Rate

	GH¢	Rate of Tax (%)	Tax Amount (GH¢)
First	5,880	0	0
Next	1,320	5	66
Next	1,560	10	156
Next	38,000	17.5	6,650
Next	192,000	25	48,000
Next	366,240	30	109,872
Exceeding	605,000	35	

SUGGESTED SOLUTION

QUESTION ONE

a)

- i) Benefits of Tax Service Centers to the taxpayer
- Reduced tax compliance cost- Long distance covered by taxpayers to interact with DTRD offices is reduced
- Receive better customer service from GRA
- Have queries and issues quickly addressed

(Any 2 points @ 1 mark each = 2 marks)

- ii) Benefits of Tax Service Centers to GRA
- It enhances effectiveness in compliance checks and monitoring of taxpayers due to their proximity to Taxpayer Service Centres
- Diversified knowledge and understanding of varied taxpayer size by tax officers across tax offices
- Improved customer services and better service delivery to taxpayers
- Improved tax revenue growth due to improved compliance

(Any 3 points @ 1 mark each = 3 marks)

b) **Progressive Tax:** As the name suggests, this is a tax regime in which the ratio of tax liability to income or other tax base rises or increases as the income increases. This implies that a greater percentage of income is taxed as income increases. Simply put, the higher the income of a person, the higher the tax liability and the lower the income, the lower the tax liability. This is a graduated form of taxation. A typical example of this type of tax system is the graduated rate of tax applicable to individuals found in the First Schedule of the Income Tax Act, 2015 (Act 896) as amended.

It is quite equitable.

It helps redistribute income.

The rich will bear more tax than the poor.

Proportional Tax: In a proportional tax system or regime, the effective tax rate remains fixed as the amount or income increases. That is, irrespective of one's income or expenditure, the tax rate is at the same percentage. Regardless, the rich and the poor suffer the same rate of tax.

Regressive Tax: Unlike progressive tax, in a regressive tax system or regime, the tax ratio falls as the income increases. Thus, it is the tax system which exacts a smaller percentage of tax as income increases. This is the tax system that has less effect on the rich than on the poor. Regressive tax is the opposite of progressive tax system. Indirect taxes are generally regressive. Example is VAT.

It is not equitable.

It does not help redistribute income.

The poor relatively bear more tax than the rich.

(5 marks)

c) Direct taxes administered by the domestic tax revenue division

- Corporate Income Tax
- Personal Income Tax
- Pay As You Earn
- Tax Stamp
- Mineral Royalties
- Capital Gain Tax
- Gift Tax
- Rent Tax

(Any 5 points @ 1 mark each = 5 marks)

d) Benefits envisaged to be derived from the integration

- Reduced administrative and tax compliance cost
- Better service delivery
- Improved departmental information flow.
- Holistic approach to domestic tax and customs administration
- Enhanced revenue mobilisation

(5 points @ 1 mark each = 5 marks)

(Total: 20 marks)

EXAMINER'S COMMENTS

The best answered question. Question 1a requested candidates to explain the benefits of the new tax administration reform to the taxpayer and GRA for two (2) marks and three (3) marks respectively. Candidates were to explain and give the features that distinguishes progressive, proportional and regressive taxes for 5 marks. These were generally well dealt with.

Candidates were also to state five (5) direct taxes administered by the Domestic Tax Revenue Division of GRA and five (5) benefits from integrating the revenue agencies. Candidates did very well in all the four (4) parts. It was a remarkable performance. That is to be expected since these were very basic principles that candidates are to be abreast with.

QUESTION TWO

a)	Computation of	VAT and	Levies Payable	for the ye	ar ended 2022
----	----------------	---------	----------------	------------	---------------

computation of	viii uiid Eevies Luyu	GH¢	GH¢
Turnover			2,350,000.00
less:			, ,
Export Sales		570,000.00	
Supplies to presid	dency	205,200.00	775,200.00
	•		1,574,800.00
Amount Levies c	harged (1,574,800*6%)		
NHIL	(1,574,800 * 2.5%)	39,370.00	
GETFL	(1,574,800 * 2.5%)	39,370.00	
COVID-19 HRL	(1,574,800 * 1%)	15,748.00	94,488.00
Amount of Taxab	ole Supplies		1,669,288.00
Amount Output	VAT Charged (1,669,2	288 * 12.5%)	208,661.00
-	,	,	
Determination of	_		
VAT paid at imp			43,100.00
-	al expenses (17100*12.5	5%)	2,137.50
VAT on electricit	, ,		7,022.22
Amount input V	AT paid		<u>52,259.72</u>
Amount of VAT	Pavable:		
Output VAT char	5		208,661.00
Less Input VAT p	O		52,259.72
VAT payable			156,401.28
Amount VAT alr	eady paid		15,900.00
Amount of VAT	3 I		140,501.28
	-		
Amount of Levie	•		
Amount of levies			94,488.00
Amount of levies	5 1		3,200.00
amount levies or	ıtstanding		<u>91,288.00</u>

(Marks are evenly spread using ticks = 10 marks)

- b) Conditions under which goods supplied on "sales or return" basis becomes taxable
- The date when the purchaser chooses to keep the goods;
- The issue of a tax invoice by the seller;
- The receipt of payment by the seller, other than a deposit;
- The expiry of the period within which the customer may return the goods; or
- Twelve months after the date of dispatch by the seller.

(Any 5 points @ 1 mark each = 5 marks)

c) Computation of monthly pension pay

Pension = Three years average salary x pension right x early retirement reduction factor

Three years average salary = (250,000 + 450,000 + 500,000)

3

= GH\$(400,000)

The pension right is: %
Minimum right 37.5
Add additional percentage (300 months -180 months) x 0.09375 11.25
48.75

Early retirement reduction factor:

Ama Adaklu worked for 25 years and retired at the age of 60. There is no retirement reduction factor. This factor would have been necessary if he retired between the ages of 55 and below 60.

Pension = $48.75\% \times GH$ ¢400,000 = GH¢195,000

Monthly pension pay = $\frac{\text{Pension entitlement}}{12 \text{ months}}$ = $\frac{\text{GH} + 195,000}{12}$ = $\frac{\text{GH} + 16,250}{12}$

(Marks are evenly spread using ticks = 5 marks)

(Total: 20 marks)

EXAMINER'S COMMENTS

The worst answered question. Less than five percent of candidates passed all parts of the question. The ten (10) marks computational question on VAT and levies payable was poorly answered by most candidates. Candidates are always found wanting in this area. We advise that tuition providers and candidates to spend their energies and time in learning VAT. In future, the examiners should remove all ambiguities in the question to help candidates improve their scores. The question 2b expected candidates to state five (5) conditions under which goods supplied on "sales or return" basis becomes taxable for five (5) marks. This was straightforward but most candidates displayed complete ignorance of this VAT principle. Candidates were to compute the monthly pension payable to Ama Adaklu for five (5) marks in question 2c. This was a regular question but was not well dealt with by most candidates.

QUESTION THREE

a) **Year of Assessment** is the income tax year or the year in which taxes are levied or collected. It is referred to as government fiscal year or budgetary year. In Ghana, it is the calendar year (January to December).

Basis Period is the period reference to which the assessable income of a person is computed in accordance with provisions of the Income Tax Act 2015, Act 896 as amended;

- It is a twelve (12) months period
- It cannot be more than twelve (12) months
- However, it can be less than twelve (12) months during commencement and cessation years.

(4 marks)

b) Basis period for category of persons

i) A Sole Proprietor - The Calendar Year

ii) A Companyiii) A TrustThe accounting year of the companyThe accounting year of the trust

iv) A partner of a Partnership - The calendar Year

(1.5 marks each = 6 marks)

c) <u>Hajia Bintu</u> Computation of Assessable Income for all Relevant Years

Y/A	Basis Period		Assessable Income
			$(GH^{\mathfrak{e}})$
2018	1/9/18 - 31/12/18	(4/12*18m)	6,000,000
2019	1/1/19 - 31/12/19	(8/12*18m) + (4/12*23m)	19,666,667
2020	1/1/20 - 31/12/20	(8/12*23m) + (4/12*28m)	24,666,667
2021	1/1/21 - 31/12/21	(8/12*28m) +(4/12*33m)	29,666,667
2022	1/1/22 - 31/12/22	(8/12*33m) + (4/9*50m)	44,222,222
2023	1/1/23 - 31/05/23	(5/9 *50m)	27,777,778

(Marks are evenly spread using ticks = 10 marks)

(Total: 20 marks)

EXAMINER'S COMMENTS

Candidates were to distinguish between the concept of year of assessment and basis period as used in income taxation in question 3 a) for 4 marks. They were to also state the basis period for a sole trader, a company, a trust and a partner in a partnership in question 3 b) for 6 marks. One would have expected candidates to have dealt with these questions with ease since this forms the basis of computing income taxation, but surprisingly, it was a below average performance. This trickled into the poor performance in calculating the assessable income for all relevant years. Candidates are advised to go back to the rudiments of computing income taxation since a sound

knowledge of year of assessment and basis period are the fundamental principles in computing assessable income and tax payable for taxable persons.

QUESTION FOUR

a)

i) General Deduction Rule

- The Commissioner-General shall not allow a deduction in respect of domestic or excluded expenses incurred by a person.
- A specific deduction rule shall take precedence where more than one deduction rule applies.

Residual Deduction Rule

- In calculating a person's income from conducting a business or investment for a year of assessment, deduct expenses to the extent they are wholly, exclusively and necessarily incurred during the year by the person and in the production of income from the business or investment.
- No deduction is allowed for an expense of a capital nature
- In this section, "expense of a capital nature" includes an expense that secures a benefit lasting longer than twelve months.

(5 points @ 1 mark each = 5 marks)

ii) Capital Expenditure

- It is an expenditure incurred for the acquisition of a fixed asset or for the improvement of a fixed asset eg. Building; plant & machinery; vehicles; etc.
- It also refers to an expenditure that gives rise to an advantage of an enduring nature for trade or business.
- The full benefit of the expenditure is consumed in more than one accounting period.

Revenue Expenditure

- It is an expenditure incurred for the day to day administration of a business eg. Rent, stationery, etc.
- The full benefit is consumed in one accounting period.

(5 points @ 1 mark each = 5 marks)

b)

i)

	GH¢
Chargeable Income	480,000
Financial cost	1,800,000
Financial gain	720,000

Allowable Financial cost = Financial gain + 50% (Adjusted Chargeable Income)

Adjusted Chargeable Income:

Chargeable Income	480,000
Add: Financial Cost	1,800,000
	2,280,000
Less: Financial Gain	(720,000)

Therefore;

Allowable Financial cost = 720, 000 + 0.50 (1,560, 000) = 1,500,000

Agoo Ltd

Computation of Tax Payable for the 2022 Year of Assessment

	GH¢
Chargeable Income after adjustment (Given)	480,000
Add Back Financial cost	<u>1,800,000</u>
	2,280,000
Less: Allowable Financial Cost	<u>1,500,000</u>
Actual Chargeable Income	<u>780,000</u>
Tax thereon @ 25%	195,000

(Marks are evenly spread using ticks = 8 marks)

ii) Advise to Management

Cost incurred from hedging was GH¢1,800,000. The allowable ceiling on the cost incurred is GH¢1,500,000. The excess of GH¢300,000 (GH¢1,800,000 – GH¢1,500,000) will be carried over for five years following the year the cost was incurred. Thus, it is granted in the order in which they occur.

Management should in future be mindful of the implication of cost on derivatives as they are not allowable wholesale but restricted in accordance with section 16 of Act 896 as amended.

(2 marks)

(Total: 20 marks)

EXAMINER'S COMMENTS

With reference to the Income Tax Act, 2015 (Act 896), candidates were to state the general and residual deduction rules governing the ascertainment of a person's income from business and investment in a) i) for 5 marks. These are enshrined in section 8 and 9 of the said Act. Surprisingly, most candidates did not know what the question was about. Candidates were also to state with examples, the differences between revenue and capital expenditure for 5 marks. Unexpectedly, it was just an average performance.

QUESTION FIVE

a) Goods, Works and Services

Goods: Means objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those incidental services do not exceed the value of the goods themselves;

"Goods" includes movable tangible property, thermal and electrical energy, heating, gas refrigeration, air conditioning, and water, but does not include money.

Works: Is defined to include work associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or surface and includes site preparation, excavation, erection including erection of mast for telecommunication business, assembly, installation of plant, fixing of equipment and laying out of materials, decoration and finishing, and any incidental activity under a procurement contract.

In this context excavation relates to removal of earth, cutting, digging and scooping during constructional works.

Services: Means the furnishing of labour, time, or effort not involving the delivery of a specific end product other than reports, which are merely incidental to the required performance; and includes consulting, professional and technical services but does not include employment agreements or collective bargaining agreements; (10 marks)

b) Atta Panin

Computation of total cost of shares before sale

Date	Details of transaction	No. of shares	Share price GH¢	Value GH¢
2/2/2023	Purchase of Shares	1,000	2.00	2,000
2/5/2023	Purchase of Shares	<u>1,500</u>	3.50	<u>5,250</u>
		2,500		<u>7,250</u>
31/12/23	Sale of Shares Unsold shares	1,200 1,300		

Computation of cost of shares sold

$$Cost = \underline{A} \quad x \quad C$$

$$(A + B)$$

A: Consideration Received or Sum Realised (1,200 @ GH¢5.00)	= 6,000
B: Value of share remaining (1,300 x GH¢5)	= 6,500
C: Cost of shares before disposal	= 7,250

$$= \frac{6,000}{(6,000 + 6,500)} \times 7,250$$
$$= GH$(3,480)$$

_Atta Panin Computation of Capital Gain Tax Payable 2023

_	GH¢	GH¢
Consideration Received		6,000
Less Cost		
Cost of shares sold	3,480	
Commission (1% x 6,000)	60	<u>3,540</u>
Capital Gain		<u>2,460</u>
Tax thereon @ 25%		615

(Marks are evenly spread using ticks = 5 marks)

c) Tax treatment of a gift received

According to the Income Tax Act 2015, Act 896 the tax treatment of a gift received is when a person receives a gift in respect of their employment, business or investment the gift is added to the person's income from employment, business or investment and taxed at the appropriate income tax rate.

However, where an individual receives a gift other than a gift received in respect of business or employment, the individual may elect to pay at the tax rate of 25%.

(5 marks)

(Total: 20 marks)

EXAMINER'S COMMENTS

Candidates were to explain what **Goods**, **Works** and **Services** are for 10 marks in question 5a. This was the first time the question was examined with the advent of the syllabus under consideration. The question looked so virgin to candidates and thus candidates did not perform to expectation. Some candidates were rather explaining supply of goods and services under VAT even though the question was emphatic and referred candidates to the Income Tax Act 2015, (Act 896). It is advisable for candidates to prepare for questions that have not been examined before once they are in the syllabus. Question 5b was a computation of tax payable in a piecemeal realisation of shares by Atta Panin whilst 5c requested candidates to explain the tax treatment of gift received for 5 marks respectively. These were straight forward and familiar questions and one expected candidates to perform very well but unexpectedly it was an average performance.