

MASTER'S DEGREE IN COMMERCE (TAXATION) COURSE OUTLINE

“We should bear in mind that law in its development is apt to proceed on practical in preference to philosophical lines. The practice of law as a living system, is based rather on human necessities and experience of the actual affairs of men, than on notions of a purely philosophical kind. Lord *Bacon* reminds us that the thoughts of philosophers may be likened to the stars, they are lofty, but give very little light”.¹

Professor EM Stack

Mr E Horn

Mr S Mabaso

Mr R Poole

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¹ *Kergeulen Sealing and Whaling Co Ltd v Commissioner for Inland Revenue*, 10 SATC 363, Stratford CJ (at 377, 378).

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INTRODUCTION

The Master in Commerce (Taxation) programme is designed to be flexible and therefore suitable for candidates who are employed or in business and who wish to further their studies. It is presented as a part-time, not in attendance course, although online supervision meetings can be arranged. All the study material is provided online, and assignments and the thesis are reviewed online. The exam at the end of the course-work component is written on-line.

DURATION OF THE DEGREE

The normal duration of the degree is two years, with some candidates taking as long as three years, particularly when they are also in employment. Assignments have no due dates, but the average time period during which assignments are submitted is between 12 and 18 months. The coursework examination that is written at the end of the coursework component is written on demand. This open-book exam can be written on-line at any venue.

At the end of the academic year, candidates are required to complete and submit a **POSTGRADUATE REPORT** on Ross. This report is recommended by your supervisor and approved (or not) by the Dean. If you have not submitted a report, you **WILL NOT BE PERMITTED TO RE-REGISTER**.

Candidates are required to **RE-REGISTER ANNUALLY** and pay their study fees. Registration for the degree is limited to three years. An application can be made to the Registrar to extend this period, but a study period longer than three years is subject to the payment of a higher annual fee.

COURSE CONTENTS

The course consists of the following components, with a weighting as set out below:

Coursework component	40%
Examination	10%
Thesis of limited scope	50%

SUB-MINIMUM MARK - COURSEWORK

The course work component – assignments and the examination – must be completed and **A SUB-MINIMUM MARK OF 50%** obtained **BEFORE** you may submit the thesis for examination. However, you can work simultaneously on both components. If you decide to work on the thesis before you have completed the course work, **YOU FIRST NEED TO SUBMIT ASSIGNMENT 9**.

ASSIGNMENTS

The coursework component comprises eight self-study modules on South African taxation, with the ninth assignment dealing with research methodology. Each module includes an assignment (to be found on the last page). There are therefore **NINE** assignments to be submitted.

Candidates who are not in employment (that is, studying full-time) should aim to submit assignments monthly, but part-time candidates may take longer.

SELF-STUDY

In addition to studying the modules, as holding a master's degree qualification assumes that you have an in-depth knowledge of all aspects of taxation, candidates are expected to study the taxation principles relating to the following topics:

- capital allowances and capital gains tax
- companies and the corporate rules
- deceased and insolvent estates
- dividends and dividends tax
- donations tax
- employees' tax and provisional tax
- estate duty and estate planning
- foreign exchange
- foreign income of residents
- individuals, including the taxation of spouses and partnerships
- interest
- investors *versus* share dealers
- leasing
- non-residents
- other section 11 deductions
- retirement benefits
- special inclusions in gross income
- trading stock and temporary differences
- trusts
- Value-Added Tax

Any standard textbook can be used for this self-study, for example:

Haupt, P. and Haupt, E. (Latest edition) **Notes on South African Income Tax**. Roggebaai, Cape: H & H Publications

Stiglingh, M. *et al.* (Latest edition) **SILKE: South African Income Tax**. Durban: LexisNexis

You must have access to an up-to date copy of the Income Tax Act, 58 of 1962, as amended, and the Tax Administration Act, 28 of 2011, as amended.

Aspects of the additional topics **WILL BE TESTED IN THE FINAL COURSEWORK EXAMINATION**.

OTHER MATERIAL

In addition to the modules, a **RESOURCE KIT** is made available, which contains various guidelines, including referencing guidelines that are essential reading from the outset, as these referencing methods must be used for all assignments, the Topic Statement, the Research Proposal and the thesis. You may use other referencing software such as Zotero, RefWorks or the referencing facility in the Word programme. The referencing guidelines in the Resource Kit must, however, be consulted for guidelines on referencing case law, South African Revenue Service Interpretation Notes, and where several sentences in a paragraph are attributable to a single source.

A **RESEARCH METHODOLOGY MODULE** on conducting research, and other related documents, are part of the study material for the ninth module. These documents provide guidelines on doing research in general and research in the field of taxation. The assignment attached to the Module must be submitted before you start the thesis component of the degree.

MODULE DESCRIPTIONS

1. Income tax – aspects of the “gross income” definition: total amount, in cash or otherwise, received by or accrued to or in favour of a taxpayer.
2. Income tax – further aspects of the “gross income” definition: the distinction between capital and revenue receipts.
3. Income tax – further aspects of the “gross income” definition: the source of income – international and local transactions.
4. Income tax – aspects of the “general deduction formula”: expenditure and losses actually incurred in carrying on a trade, in the production of income.
5. Income tax – further aspects of “the general deduction formula”: the distinction between capital and non-capital expenditure.
6. Employment benefits.
7. Tax planning and anti-avoidance measures.
8. The Tax Administration Act.
9. Research Methodology.

Please Note: The modules are not updated each year and it is incumbent upon you, as senior students, to keep your reading of tax cases up to date. References in the modules may be out of date, but using the indices of the works referred to, you will be able to find the relevant material.

SUBMISSION OF ASSIGNMENTS ON THE MODULES

The assignment questions are found on the last page of each module. Answers to assignments one to eight are based mainly on the interpretation of the taxation acts and related court decisions, in the context of the tax problem to be addressed. Assignment 9 deals with research methodology. Typically, assignments are about 20 – 25 typed pages in length (one-and-a-half spacing) and must be accompanied by a full reference list. Also included in the **RESOURCE KIT** is the assessment matrix used to assess assignments. This provides guidance on what is expected in an assignment. **PLEASE REFER TO THIS MATRIX.**

Assignments processed using **Word** must be submitted as e-mail attachments to: e,stack@ru.ac.za

Assignments will be assessed as soon as possible after receipt and suggested solutions provided.

TECHNICAL ASPECTS OF ASSIGNMENTS

Assignments are part of the learning process toward the thesis to be submitted in the second half of the programme. For this reason, standards of language and grammar are expected to be impeccable. Only “academic register” is acceptable, and colloquialisms and tax “jargon” will be penalized. Full and accurate referencing is required (refer to the **RESOURCE KIT**). Refer also to the document: **PREPARING TO WRITE THE ASSIGNMENT.**

After the first assignment, where mistakes will be pointed out, if a later assignment is submitted in which referencing and other errors that have been pointed out in the first assignment are once again made, the later assignments will not be assessed, but will be sent back to be corrected.

RECOMMENDED TEXTBOOKS

De Koker, A. and Williams, R.C. **Silke on South African Income Tax**. Updated annually. Durban: LexisNexis: Volume 1, Chapters 1 and 2.

Haupt, P. and Haupt, E. **Notes on South African Income Tax**. Updated annually. Roggebaai, Cape: H & H Publications.

Stiglingh, M. *et al.* **Silke: South African Income Tax**. Updated Annually. Durban: LexisNexis.

Williams, R.C. (Latest Edition) **Income Tax in South Africa: Law and Practice**. Durban: Lexis-Nexis Butterworths.

Williams, R.C. (Latest Edition) **Income Tax in South Africa: Cases and Materials**. Durban: Lexis-Nexis Butterworths.

} Out of
print but
still very
useful

COURSE-WORK EXAMINATION

Two three-hour papers (with 15 minutes of reading time per paper) are written at the end of the coursework component. The papers consist of two essay-type questions per paper. The questions mainly cover topics dealt with in modules (except Module 9), but may also test general tax provisions and principles. The exam is an open-book exam.

The examinations are written “on demand” when candidates feel that they are suitably prepared to do so, but preferably as soon as possible after completing the assignments. **EXAMINATIONS ARE WRITTEN ON-LINE AT ANY VENUE.**

THESIS OF LIMITED SCOPE

The detailed requirements for the thesis are set out in the Rhodes University **HIGHER DEGREES GUIDE**, which is sent to each master’s degree candidate with the confirmation of registration and is also available on the Registrar’s web page. It should be noted that the maximum length of the thesis is **30 000 WORDS**, excluding the cover page and the reference list.

The **RESEARCH PROCESS** is as follows:

Candidates are expected to be familiar with the techniques and methods of research; in addition to the **RESEARCH METHODOLOGY MODULE** referred to above, the supervisor may recommend other readings relevant to the specific methodology to be used in the research.

Candidates identify a possible topic or area for research and propose a provisional title. Initially, the candidate informs the supervisor by email of the topic he or she is interested in, together with a brief note on how he or she plans to deal with the topic. Once the supervisor has provisionally agreed to the topic, a **TOPIC STATEMENT** is submitted to the supervisor(s) for approval.

Once the Topic Statement has been approved by the supervisor(s), a formal **RESEARCH PROPOSAL** is written in the format set out on the **COMMERCE FACULTY WEB PAGE**. A template for this purpose will be provided by the Department or can be accessed on the web page. The Research Proposal is subject to the recommendation for approval by the Head of the Department and is submitted to the Higher Degrees Committee of the Faculty of Commerce for approval and for the confirmation of the appointment of a supervisor(s) at periodic meetings of the committee.

A **RESEARCH PROPOSAL** has two main aims:

- to guide the researcher in carrying out the research: it is, essentially, a detailed research plan;
- to communicate the research plan to others (the evaluators) and to convince readers of the proposal that the research is meaningful and will contribute, however modestly, to the body of academic knowledge, that the researcher understands and is able to apply the tools and techniques of research, is able to work independently, and that ethical concerns will be addressed.

Candidates carry out the research and write the thesis, under the guidance of the supervisor and a co-supervisor, where one is appointed.

As indicated in the Higher Degrees Guide:

Material Accessed on Websites

Candidates who make use of resources on the Internet must immediately save the relevant CONTENT and the source of the information into a file or onto a flash drive, and this information, if used or cited in the thesis, must be submitted to the supervisor prior to submitting the thesis for examination. This is required when you access sites that are not available in print form.

NB: Candidates give notice in writing (**two months in advance** of the date the thesis is to be submitted for examination) to the Registrar of their intention to submit the thesis for examination. The notice is submitted via ROSS.

PLEASE DO NOT SUBMIT THE NOTICE MORE THAN TWO MONTHS BEFORE THE DATE THE THESIS IS TO BE SUBMITTED.

The thesis is submitted with the approval of the supervisor.

LIST OF DOCUMENTS PROVIDED

In addition to this **COURSE OUTLINE** and the **RESOURCE KIT**, the following documents are provided. The referencing guidelines in the Resource Kit must be consulted when writing each assignment and the thesis. All of the documents provided are **essential reading** and must be studied carefully.

■ FOR THE ASSIGNMENTS

- nine modules, with the assignment questions on the last page;
- a document – Approach to Answering Assignments;
- a document – Academic Writing;
- solutions to assignments 1 – 8;
- for assignment 9:

- * A Research Methodology Module, together with annotated PowerPoint presentations
- * Academic Writing (also relevant for assignments 1 – 8)
- * Writing the Research Methodology Chapter.

■ FOR THE THESIS

In addition to Module 9, the following documents:

- the Higher Degrees Guide;
- a document – The Topic Statement;
- the Research Proposal Template; and
- a document - Writing the Research Methodology Chapter.

ADMISSION REQUIREMENTS

Applicants should be in possession of a suitable honour's degree, which must include at least one full-year postgraduate course in South African taxation, for which a mark of at least 65% is required.

It is possible to apply for an *ad eundem gradum* registration where an applicant does not comply with the above requirements, but admission is subject to the recommendation of the Board of the Faculty of Commerce and the approval of Senate.

Acceptance as a candidate is at the discretion of the Department of Accounting and subject to the availability of suitably qualified supervision staff.

The application form and other administrative information is available from: academicadmin@ru.ac.za

ANNUAL POSTGRADUATE REPORT

At the end of each calendar year, you are required to submit an annual report in which you report on your progress during the year, This report is submitted on **ROSS**. **If you fail to submit this report, you will not be allowed to REGISTER THE FOLLOWING YEAR.** One of the fields deals with the title of your thesis and the research proposal. If you are still busy with the course work, simply state "research proposal to be submitted in 202x".

YOUR CONTACT DETAILS

It is important that the Department and the Registrar can contact you by post, email, and telephone, so please make sure that we have all the details and **keep them up to date**.

Please do not hesitate to consult us at any time on any matters related to your studies. We wish you success in your studies.