

NATIONAL INSTITUTE FOR LEGISLATIVE STUDIES (NILS)/
UNIVERSITY OF BENIN POSTGRADUATE PROGRAMMES

MASTERS IN LEGISLATIVE DRAFTING (MLD)
FIRST SEMESTER EXAMINATION 2015/2016 ACADEMIC SESSION

COURSE TITLE: DRAFTING OF TAX LEGISLATION
COURSE CODE: MLD 815
TIME ALLOWED: 3 HOURS
INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS

1. According to the “Learned Hand. The Spirit of Liberty” “... the words of such an act as the Income Tax, for example merely dance before my eyes in a meaningless procession: cross-reference to cross-reference, exception upon exception – couched in abstract terms that offer no handle to seize hold of – leave in my mind only a confused sense of some vitally important, but successfully concealed, purport, which it is my duty to extract, but which is within my power, if at all , only after the most inordinate expenditure of time”. Having regard to the subspecialty philosophy of drafting tax laws, discuss?
2. Identify and explain the criteria for a well drafted tax law and discuss their interrelatedness?
3. The prescription for brevity does not necessarily mean that a shorter statute is better than a longer one. It may be determined that certain details need to go into the statute, and it takes additional words to express these details. Moreover, the expression of an idea in so few words that it becomes cryptic and understandable only after careful study also constitutes an extreme to be avoided. What is the import of this sentence to legislative drafting especially tax legislation?
4. Write short notes on the following:
 - (a). The fundamentals of the legal framework for taxation
 - (b). The legal limitation to the general principles of taxation
5. One of the rules for the interpretation of taxing statute, is that the words of the Act must be given its ordinary or natural meaning and that the basic function of the courts is to ascertain the ordinary meaning of the words used in the taxing statute, nothing more, nothing less. This rule which is also referred to as the orthodox doctrine would have been more appropriate if the taxing statutes were plain, short and easy to understand but as it stands today with the difficult language of the taxing statutes necessarily made so by the maneuvers of taxpayers to escape or reduce their tax liability, it is doubtful whether the