

Faculty of Law

LLM – Tax Law



UNIVERSITY
OF
JOHANNESBURG

FACULTY OF LAW



The Future
Reimagined

Tax laws have become increasingly complex in the last century. More and more anti-avoidance measures have recently been introduced to curb the effectiveness of tax avoidance structures, thus increasing the volumes of tax provisions applicable to day-to-day commercial transactions. The Master's in Tax Law is a structured qualification intended to provide candidates with an in-depth understanding of the tax core as well as developing tax laws in South Africa and in the international community.

The minimum duration for this degree is two years and it is offered on a part-time basis. Classes or seminars in the taught modules are presented in the evenings on weekdays from 18h00 to 20h00 (one seminar per week per module). The next student intake will be in February 2022. In general, in order to be admitted, students must have attained an average of at least 65% for the law subjects in their LLB degree. In addition, an applicant's mark for Tax Law at undergraduate level will be taken into account.

This qualification consists of a minor dissertation on a Tax Law topic together with the following three taught modules:

Tax Law: Basic Principles

Topics that will be covered include: an introduction to Tax Law and tax concepts, an overview of the South African tax system and the Income Tax Act 58 of 1962, an analysis of the general principles of determining taxable income entailing gross income, exemptions, allowable deductions and assessed losses, an introduction to the tax treatment of capital allowances and deductibility of assessed losses; an in-depth analysis of the tax principles applicable to trading stock; a detailed analysis of the taxation of companies, specifically taxation of dividends and corporate reorganisation transactions; an overview of tax rules applicable to special entities, such as partnerships, trusts, small businesses and micro businesses, and an analysis of the Eighth Schedule to the Income Tax Act on the taxation of capital gains.

This module is presented by Professor Thabo Legwaila and guest lecturers.

International Tax

Topics that will be covered include basic principles of international tax, countries' jurisdiction to tax – source and residence bases of taxation, taxation of individuals and foreign nationals in South Africa, taxation of companies and dividends, tax implications of cross border financing, withholding taxes on dividends, interest, service fees and royalties, double taxation agreements, taxation of foreign exchange gains and losses, controlled foreign company legislation as well as transfer pricing and thin capitalisation. The module will also explore international tax avoidance and the international anti-avoidance initiatives such as the OECD's Base Erosion and Profit Shifting ("BEPS") initiative.

This module is presented by Professor Thabo Legwaila and various guest lecturers. Students may only register for this module if they have passed the module Tax Law: Basic Principles.

Indirect Taxes And Tax Administration

This module is intended to fill the gap experienced by tax lawyers and practitioners who, while studying tax, tend to concentrate on the major aspects of tax such as income tax and international tax and devote less attention to aspects such as tax administration and various transaction taxes. As a result this module covers specific taxes that have an impact on commercial transactions by individuals and corporates. This module will cover the following taxes: donations tax, securities transfer tax, value-added tax, employees taxes as well as the logistics of the provisional taxes. The topic of tax administration will be covered through an in-depth exploration and analysis of the Tax Administration Act 28 of 2011.

This module is co-ordinated by Professor Thabo Legwaila and presented by him in conjunction with several guest lecturers. Students may only register for this module if they have passed the module Tax Law: Basic Principles.

For further information and enquiries regarding entry requirements, closing dates and the application procedure, as well as the content of the coursework, please do not hesitate to contact the faculty:

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