

EXAMINATION FOR THE DEGREE OF MSc IN TAXATION

REPORT OF THE BOARD OF EXAMINERS FOR 2020-2022

PART I

Introduction

This report contains a brief commentary on central aspects of the fifth cohort of examinations on the MSc in Taxation and raises points which the examiners believe may be important for those who have oversight of the examination of MSc Taxation candidates in future years.

Statistics

Attached as Appendix 1 are the number of entrants, distinctions, merits and passes. This is the fifth cohort of students to complete the MSc in Taxation. At the time of writing one student has assessments outstanding and is still awaiting confirmation of their final outcome.

Eleven of the thirty-eight candidates received a distinction (29%), seventeen received a merit (45%) and eight received a pass (21%). This is roughly the same number of distinctions as in 2021, when seven of the twenty-six candidates received a distinction (27%), but a lower number of merits than in 2021 (54%). Only three received a pass in 2021 (12%) but the larger number in 2022 is partly due to three students having capped resits following technical fails.

One candidate received a fail (3%); they have not been contactable by administrative staff, their supervisor or college and will no longer be registered for the MSc. One candidate (3%) is awaiting their final outcome as assessments remain outstanding.

Nine men, out of twenty-eight, obtained a distinction (32%), which is a slightly higher number than in 2021, when five out of twenty received a distinction (25%). Twelve received a merit (43%); a lower figure than 2021 when eleven out of twenty received a merit (55%).

Two women, out of ten, obtained a distinction (20%), a lower figure than in 2021 when two out of six women received a distinction (33%). Five received a merit (50%), the same number as in 2021 when three of six women received a merit.

This cohort had significantly fewer women than men completing the degree (26% women, 74% men). The Admissions Committee is aware of this and continues to make efforts to recruit a more even gender split.

Attached as Appendix 2 are the marks distribution between the courses in 2020–2022. Although electives are open to both year groups, the statistics only refer to candidates who started in 2020 and graduated in 2022.

New Examining Methods and Procedures

The in-person written examination for Tax Principles and Policy was removed from January 2021 as a result of the Covid-19 pandemic. This was employed as a permanent change to the assessment method in May 2021 and has been met with very good feedback from both staff and students. It has continued to allow learning outcomes to be met successfully, whilst preparing students for future assessments of a similar nature. There will not be any further amendments made to examining methods, and no further mitigating measures need to be considered for this cohort.

To allow students to remain engaged with their studies through the pandemic, all teaching was moved online between March 2020 and July 2021. For the 2021-22 academic year all teaching was offered in a hybrid style, and teaching has now returned to 100% in person from the start of the 2022-23 academic year.

PART II

General Comments on the Examination

Timetable

Candidates were required to complete nine courses over two years – three compulsory courses and six elective courses. The norm was for candidates to take five courses in year 1 and four in year 2. With permission, they could take four courses in year 1 and five in year 2 or six courses in year 1 and three courses in year 2.

With permission, a 12,000 word dissertation in lieu of two elective courses could be submitted in year 2.

The assessment regime involved the writing of an extended essay for the Tax Research Round Table course. The remaining courses employed one of the following options: (i) two 3,000-word essays or (ii) one 3,000-word essay and one case study or problem question of similar length.

All assessments were submitted electronically via Inspira.

The courses were split into three groups with different deadlines throughout the year (February, May and September). In both 2020–21 and 2021–22, candidates had at least eight weeks to write and submit their assessments. Following student feedback, which was discussed in the Management Committee, deadlines will be spaced more evenly throughout the year from 2022–23 onwards.

Turnitin

Turnitin software was used to check for plagiarism on all assessed essays. Candidates submitted electronic copies of their essays via Inspira which automatically checked the essays through Turnitin. Results were provided to the Chair of the Examination Board.

Plagiarism and Late Submission of Essays

There were two occasions where assessed essays were referred to the Chair of the Examination Board as a result of suspected auto-plagiarism, which resulted in a further referral to Education Committee. The committee considered that the MSc in Taxation handbook guidance was ambiguous, stating candidates shouldn't refer to their own previous work 'too much', and recommended that the Board take no further action. Two further cases raising the same concern arose later but were not referred due to the prior guidance. The wording and information in the handbook provided to students from 2022–23 has now been altered to remove the ambiguity.

Numerous extensions permitting late submission of work were granted by the Proctors throughout the year. These were managed carefully by administrative staff and most candidates submitted before their extended deadlines; a few had late penalties imposed where these were missed.

Setting of Papers

The Board of Examiners reviewed all draft papers carefully via the secure Law PG Examining SharePoint site, making text changes for clarity and consistency as required and referring queries to the setter, which were discussed and resolved where needed.

Information Given to Candidates

The Examination Conventions for 2020–21 and 2021–22 were emailed to all candidates and made accessible on Canvas for all candidates to view.

The Notice to Candidates for 2020–21 and 2021–22 was emailed to all candidates and made accessible on Canvas for all candidates to view.

The Conventions stated that disruption as a result of the COVID-19 pandemic would be taken into consideration by the Examination Board for the 2020–2021 academic year.

Illegible Scripts

No candidate submitted an illegible examination script.

Marking and Remarking

Scripts and essays were marked and, where appropriate, second marked in accordance with established practice, as set out in the MSc in Taxation Examination Conventions. Final marks were agreed between the two markers before the Examination Board meeting.

Results were released during the two years, following interim Examination Board meetings.

Mitigating Notice to Examiners and Special Examination Needs

Six candidates submitted a Mitigating Notice to Examiners.

All notices were considered under the procedures set out in the Examination Regulations for the Conduct of University Examinations, Part 13. All decisions were recorded and all candidates were notified of the outcome prior to the marks release.

No candidates requested adjustments under Examination Regulations for the Conduct of University Examinations, Part 12.

No candidates applied for the Declared to Deserve Honours / Master's degree.

Names of Members of the Board of Examiners

The Examiners would like to express their thanks to all assessors and in particular to the External Examiners, David Salter (2020–2021) and Ann Mumford (2021–2022), for their helpful advice and judgement.

F. Pirie (Chair)
M. Devereux
G. Loutzenhiser
A. Mumford (External)

Appendices to the Report:

Appendix 1: Statistics for the MSc 2020-2022 Examinations

Appendix 2: Mark Distributions

Appendix 3: MSc Taxation Course Prizes (for information only)

Appendix 4: Reports on the Examination and Individual Courses (for information only)

Appendix 5: External Examiner's Report; sent separately by the external examiner (for information only)

APPENDIX 1:
STATISTICS FOR THE MSC TAXATION 2020-22 EXAMINATIONS

	2022						2021						2020					
	Male		Female		Total		Male		Female		Total		Male		Female		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Distinction	9	32	2	20	11	29	5	25	2	67	7	27	5	28	1	7	6	19
Merit	12	43	5	50	17	45	11	55	3	50	14	54	9	50	9	64	18	56
Pass	5	18	3	30	8	21	2	10	1	17	3	12	4	22	4	29	8	25
Fail	1	4	0	/	1	3	0	/	0	/	0	/	0	/	0	/	0	/
Incomplete	1	4	0	/	1	3	2	10	0	/	2	8	0	/	0	/	0	/
Total	28	100	10	100	38	100	20	100	6	100	26	100	18	100	14	100	32	100

N.B. All percentages have been rounded to the nearest whole number, which may result in the overall percentage result totalling 99 or 101 instead of 100.

APPENDIX 2:
FINAL MARKS STATISTICS, MSC TAXATION 2020-22
MARKS DISTRIBUTIONS, AS PERCENTAGES

Paper Name	Avg. Mark	No. Sitting	Mark Ranges (%)					
			49/less	50/54	55/59	60/64	65/69	70/over
2020-21 Core Courses								
Tax Principles and Policy	64.5	38	0	0	2	18	11	7
Principles of International Taxation	67.4	38	0	0	0	7	18	13
2020-21 Electives								
EU Tax Law	68.0	11	0	0	0	1	7	3
Comparative Corporate Tax	68.1	15	0	0	0	3	6	6
Current Issues in Taxation	66.9	10	0	0	1	1	4	4
Tax Treaties	65.5	21	0	0	0	9	8	4
UK Taxation of Global Wealth	70.2	5	0	0	0	0	1	4
Ethical Issues in Tax Practice	69.3	4	0	0	0	0	1	3
Transfer Pricing	66.8	9	0	0	0	0	7	2
Tax & Public Policy	67.0	15	0	0	0	2	9	4
US International Tax	65.1	14	1	2	1	3	3	4
2021-22 Core Courses								
Tax Research Round Table	66.8	38	0	0	0	10	18	8
2021-22 Electives								
Dissertations	67.0	8	1	0	0	0	5	2
Transfer Pricing	68.0	9	0	0	0	0	6	3
EU Tax Law	64.0	3	0	1	0	0	0	2
VAT	67.6	16	0	0	0	5	5	6
Tax Treaties	66.0	7	0	0	0	0	6	1
Rereading Classic Texts	66.0	6	0	0	0	2	3	1
Taxation of Corporate Finance	68.2	18	0	0	0	0	14	4
UK Taxation of Global Wealth	62.0	5	0	0	1	3	1	0
UK Corporate Tax	65.0	9	0	0	0	2	6	1
Tax & Human Rights	66.0	15	1	0	0	4	8	2
Tax and Public Policy	65.0	8	0	0	1	1	5	1

N.B. All percentages have been rounded to the nearest whole number, which may result in the overall percentage result totalling 99 or 101 instead of 100.

N.B. The statistics only refer to candidates who started in 2020 and graduated in 2022.

APPENDIX 3:

MSc in Taxation Course Prizes 2020-22

NB. As students in year 1 and in year 2 take electives at the same time, prizes are awarded to best performance across both years. Names listed below may therefore not be graduates in 2022.

2020-21 Core Courses	
Tax Principles and Policy	Callum Grant
Principles of International Taxation	Callum Grant
2020-21 Electives	
EU Tax Law	Mikolaj Kudlinski
Comparative Corporate Tax	Zachary Fentiman and Daniel Othmann
Current Issues in Taxation	Henry Winter
Tax Treaties	Erna Wessels-Ridder
Taxation of Global Wealth	Ali Eksandry
Ethical Issues in Tax Practice	Kui Li
Transfer Pricing	Lukas Simas
Tax & Public Policy	Zachary Fentiman
US International Tax	Stephen Dwyer
2021-22 Core Courses	
Tax Research Round Table	Lucas Lycksell
2021-22 Electives	
Transfer Pricing	Shweta Mallya
EU Tax Law	Shweta Mallya
VAT	Evangeline Tawil
Tax Treaties	Thomas Bury
Rereading Classic Texts	Angali Navkar
Taxation of Corporate Finance	Callum Grant
UK Taxation of Global Wealth	Richard Cha
Transfer Pricing	Shweta Mallya
UK Corporate Tax	Rebecca Newns
Tax & Human Rights	Nancy Guan
Tax and Public Policy	Angali Navkar

APPENDIX 4: Reports on the Examination of Individual Courses

1st and 2nd year students attend the same electives each year. Therefore, the figures in the below reports may not match the statistics provided in appendix 2, which only provides statistics for candidates who started in 2020 and graduated in 2022.

MSc Taxation- UK Corporation Tax 2021-22

There were approximately 25 MSc in Taxation students taking this course. Students were required to answer one essay (from a choice of two) and one problem question. The standard was very high. Ten marks over 70% were awarded and many of the other marks were 65% or above.

The problem question invited students to apply the UK statutory and case law to a factual situation raising many major and minor issues including use of trading losses, capital gains tax treatment of intergroup transfers and corporate reorganisations, the 'central management and control' test, taxation of dividends and impaired debt rules for loan relationships. The best answers clearly identified all or nearly all of the large number of potential issues and addressed each one as succinctly as possible, spending more words analysing the more difficult issues and dealing with the minor ones briefly.

Students were also offered the choice of writing an essay either on the UK tax rules on losses/corporate groups or on the role of 'main purpose' targeted anti-avoidance rules. The essays were equally popular and there were strong answers to both questions.

The essays and problem question were equally well done, although individual candidates sometimes did better in one or the other part of the assessed work, so that the markers felt that the two parts of the assessed work taken together gave a good view of attainment on this paper. As usual, the best papers showed clear structures behind the answers, proper referencing to statutory and case law sources, and had applied knowledge carefully and specifically to the questions posed in the essays and problem. In their responses to both the essay and problem question, some candidates did not appear to have used the extensive reading lists provided as much as they might have done.

**Examiners Report
Transfer Pricing
2021-2022**

14 October 2022

The summative assessment for this course consisted of two 3,000 word essays. Students were given three essay questions to choose from. The first question asked whether the ALP has facilitated international tax avoidance planning arrangements, the second question concerned the three biggest problems facing the ALP and whether they can be successfully addressed in the future, and the third question concerned the problems arising under the Authorised OECD Approach (AOA).

19 students submitted essays in all. The mean was 68. 2 students were awarded marks between 60 and 64, 12 students were awarded marks between 65 and 69, and 5 were awarded marks of 70 and above.

All three questions were answered, with question 3 being the most popular. Question 1 was answered by 8 students, Question 2 by 11 students, and Question 3 by 19 students.

We were very pleased with the overall quality of the essays.

Some specific points on the answers to the three questions:

Question 1: Some candidates could have improved their mark by exploring why in conceptual terms the ALP has facilitated tax avoidance - rather than simply giving examples of tax avoidance relating to the ALP.

Question 2: Some candidates explored the shifts in business connectivity and the impact of the IT revolution over time as playing a role in the increasing problems of the ALP since its inception 100 years ago and this added to the quality of the thinking reflected in their exam scripts.

Question 3: As with question 1, the better exam scripts sought to analyse in conceptual terms some of the key reasons why problems arise in the application of the AOA, whereas those scripts that simply catalogue the list of problems discussed in the class sessions without this more conceptual framing scored less well.

Finally, we would like to strongly advise students to read the guidance on essay writing found in the MSc handbook. As in previous years, grades were lost because candidates did not always read the question carefully enough or included material that is relevant to a question other than the one asked.

No concerns about plagiarism were raised.

**Examiners Report
Tax and Public Policy
2021-22**

The summative assessment for this course was two 3,000 word essays. Candidates were given two essay questions. The first question provided candidates with a wide choice: candidates were asked to briefly describe and evaluate any tax of their choosing. The second question asked candidates to evaluate a proposal for the reform of inheritance tax.

On the first question, the best answers were original and thoughtful. They contained a succinct description of the tax, and a well-structured and clear evaluation of the tax under the different evaluative criteria discussed in class. They also made good use of a range of relevant literature. Weaker answers tended to accept and reproduce arguments or statements found in the literature rather unthinkingly, and typically did not reflect very wide reading around the topic. As in previous years, the more interesting essays chose more uncommon taxes that had not been studied directly or discussed on the MSc. In some cases, where the tax chosen was well-known and already well analysed there was little room for original evaluation.

Many of the strengths and weaknesses found in answers to the first question were also found in answers to the second. The best answers focussed on addressing the question asked, making use of a wide existing literature, and drawing parallels with existing taxes to shed light on different aspects of the two tax proposals. These answers also carefully disentangled the various issues arising in the proposal and evaluated it under the relevant criteria. Common weaknesses found in weaker essays included: devoting too much attention to a slightly different tax to that in the question, giving too much weight to a relatively minor problem, making unsubstantiated claims, and poor referencing.

Finally, we take this opportunity to strongly encourage students to read – or re-read - the advice on essay writing found in the Student Handbook.

No concerns about plagiarism were raised.

Tax and Human Rights

Examiner Report 2021-2022

The assessment for Tax & Human Rights was split across three different sections: A, B and C. Students had to answer two questions from different sections of the assessment (i.e. not more than one answer from either A, B or C). The topics asked ranged considerably, but included: the principle of *ne bis in idem*; taxpayers' charters; the relationship between optimal taxation theory and human rights; and the compatibility of the OECD's two pillar solution with international human right obligations. The examiners were of the opinion that students dealt admirably with this broad range of topics and demonstrated good understanding of the issues that they raised, but believed that the quality of answers was mixed.

Weaker answers tended to make a number of common mistakes. Generally, these shortcomings were not related to subject specific knowledge, but were related to general essay writing skills. In particular, there was a tendency to merely recite everything from the reading list that concerned a particular topic, without using those materials to effectively answer the question or develop an argument. Some students also neglected some aspects of a question. For example, in response to question 5, which had two parts, some students dedicated significantly more of their time to one part or the other, which unfortunately brought down the overall strength of the answer.

Conversely, some particularly strong answers stood out for their attention to the question being asked and their ability to put forward a convincing argument. The best answers were not just knowledgeable of the readings, but were able to effectively critique what they perceived to be the shortcomings in them and set out how these arguments could be improved. They challenged the assumptions on which the questions were based and confidently dealt with potential counter-arguments in their strongest possible light.

UK Taxation of Global Wealth 2021-2022

Examiners Report

Students were required to answer 1 question from part A (questions 1 and 2) and one question from part B (questions 3 and 4). Students showed a clear preference for questions 1 and 3, which surprised the examiners. Overall, the standard this year was good, but not as strong as in previous years. There was a tendency in weaker answers to simply repeat the arguments presented in the reading materials without critically examining them or considering the context in which they were presented.

Question 1 concerned the effectiveness of a wealth tax, particularly when applied to “extreme” levels of wealth. Many students failed to consider this latter element of the question, either simply reciting the difficulties of an annual wealth tax compared to a one off wealth tax, or simply failing to consider what was meant by extreme as opposed to moderate wealth. The best answers did consider how a wealth tax on extreme wealth could work and avoidance issues such as fragmentation which would be more prevalent for the very wealthy as well as other reforms in reducing inequality. The question also required students to make international comparisons, although these were too often superficial or inaccurate.

Question 2, about inheritance tax and its loopholes, was not very popular at all. Those who attempted it could outline the basics of IHT and the best candidates made insightful comparisons between reform and more radical, such as introducing an acquisitions tax. Some students were confused about the difference between a donee based tax and an estate tax. International comparisons were a helpful source of reform ideas, when used well, although again could be disappointingly superficial and sometimes gave the impressions that they had been added on the end as an afterthought.

Question 3, about the taxation of foreign domiciles, was less popular than question 4 but better answered on the whole. Students demonstrated a solid understanding of the existing system and described the rules accurately. Stronger answers addressed a wide range of possible reforms, including rebasing, abolition of the remittance basis, a statutory domicile test, exit charges, IHT on excluded property trusts. Weaker answers tended to provide lots of detail on the Statutory Residence Test but didn’t link it specifically to arrivers, as required by the question. International comparisons were, on the whole, done well, particularly with regards to Portugal, Italy and Israel.

Question 4, which concerned the taxation of residential property, was another popular question, although disappointingly few answers discussed the issue of simplification raised in the question. Generally, students could set out the various taxes that applied to real estate reasonably well although sometimes the survey was incomplete. Common mistakes included engaging in a general survey of the tax system rather than linking it specifically to property; discussing foreign doms without linking it back to residential and commercial property and some students relied too heavily on just one or two sources from the reading list. The best answers providing informed and well-supported arguments in favour of reform of council tax and land value taxation.

EU Tax Law in a Global Context (2021-2022)

Examiners' Report

The examiners are satisfied with the 2021-2022 assessment. A good number of students have received a distinction-level mark, which is indicative of the high level of knowledge acquired by students during this course. No one has failed the assessment.

The first question concerned a justification based on the need to maintain the balanced allocation of the power to impose taxes between EU Member States. This justification, as repeatedly held by the Court of Justice of the European Union ("the Court"), is a legitimate objective that can justify a restriction of free movement (see, to that effect, Case C-446/03 *Marks & Spencer*, ECLI:EU:C:2005:763, paragraph 46; Case C-371/10 *National Grid Indus*, ECLI:EU:C:2011:785, paragraph 45). It reflects the idea that a Member State has the right to exercise its power to tax in relation to any activities carried out in its territory. The question asked students to consider whether the balanced allocation of taxing rights can be regarded as a powerful shield which helps to preserve the direct tax competence of EU Member States. Those candidates who presented a clear argument and demonstrated their in-depth understanding of relevant Court's rulings and academic literature have been rewarded with a distinction-level mark. Some students have not answered the exam question directly and instead focused on a broader issue of justifications. Their marks have been correspondingly lower. Candidates have drawn upon a wide range of cases. The choice of cases (i.e. cross-border transfer of losses or exit tax) had no impact on their marks. However, the depth of analysis and the ability of identifying certain common patterns (or differences) in the case law have been an important benchmark for higher marks. Those students who have demonstrated their ability to go beyond a mere description of how the Court used the justification in certain factual circumstances and have been able to draw analytical conclusions as to the limits of the balanced allocation of taxing rights in the light of free movement obtained higher grades. Descriptive answers and the answers which have made little use of relevant case law were marked lower.

The second question invited students to consider the Commission's 2016 External Strategy for Effective Taxation launched to encourage third countries to adhere to tax good governance standards. The strategy was based on the premises that "[a]ny EU approach to listing third countries must be fair, objective and internationally justifiable" (Communication from the Commission to the European Parliament and the Council, "An External Strategy for Effective Taxation" COM(2016) 24 final). Students were asked to discuss whether the EU has played a vital role in promoting tax good governance globally and evaluate the EU's approach against the declared criteria. Those students who addressed the question asked and have discussed the outcomes of the Commission's 2016 External Strategy for Effective Taxation against the declared objectives (i.e. fair, objective and internationally justifiable) have been duly rewarded. If students have not discussed the criteria but instead focused on the outcomes delivered by the EU's listing process more generally, the marks have been lower. Most students have demonstrated good understanding of the EU's strategy. Some students have considered the Commission's approach critically, pointing to the areas where the EU's listing process can be improved to satisfy the declared criteria. These students have obtained higher marks.

Overall, the ability to address the question asked in an analytical manner have consistently featured in the exam papers which received high grades. The students who have obtained a distinction-level mark were able to demonstrate strong analytical skills and a thought-through structure of their answers.

Principles of International Taxation

Examiners' report

The course on “Principles of International Taxation” is one of the core courses of the MSc programme. Students were asked to submit two essays for this course.

For their first essay, students could choose between three questions that were aimed at testing their theoretical understanding of the course. The first question required students to reflect on the role played by the OEEC, OECD and the League of Nations in the development of international tax law. Considering that the role of the OEEC and OECD started in the late 1950s, students were also asked to address the criticisms that the rules and principles of international tax law are no longer fit for purpose because they were adopted 100 years ago. The second question focused on the two OECD Pillars and asked students to explain why the two pillars might or not be a good solution to the taxation of multinational enterprises. The third question related the lack of agreement on the concept of nexus in international tax law, suggesting that a cooperative approach among states might be helpful in solving some of the problems that characterise the international taxation of income. Six students chose question 1; thirteen students chose question 2 and ten students chose question 3.

For their second essay, students could choose between two case-studies. The first case-study concerned the application of a tax treaty to a situation of dual residence. The second case-study focused on the interpretation of double tax treaties. Students were asked to discuss the relevance of different interpretation materials, including an amendment to the OECD Commentary (published after the conclusion of the double taxation convention to be interpreted); a change in the domestic law of one of the signatories to the convention; an academic commentary and an amendment to the preamble. Twenty-one students answered question 4 and eight students answered question 5.

The vast majority of students seemed to have understood the questions asked, which suggests that questions did not pose any problem of interpretation. Overall, essays with high marks were those that were well structured, included references to the literature, legislation and case-law and used these materials in a constructive and critical way. Students who received high marks for their essays were often able to express their opinion clearly and support their views with convincing arguments. Essays with lower marks were usually very descriptive, sometimes lacked structured and/or did not engage with the question asked.

Re-Reading Classic Texts in Tax Law and Policy
Examiners' Report
June 2022

The examiners were overall very pleased with the answers submitted for the course “Reading the Classics”. The vast majority of the students have engaged with the questions and the materials in a serious, critical and thoughtful manner. Most of the students wrote very good essays, and a few wrote superb ones which demonstrated a particularly high quality of academic writing.

Students were asked to answer two questions from three different essay questions. Question 1 focused on the connection between the goals of income taxation and multilateral cooperation. Students were expected to discuss the goals of income taxation (domestic and/or international), how competition might challenge them and evaluate the potential role of multilateral cooperation in promoting them. Question 2 raised domestic horizontal equity concerns through the case of people with disability, and asked students to discuss various policy tools to deal with them. Finally, question 3 focused on the definition of income and called for a consideration of political power versus normative evaluation in approaching the question.

Students' essays demonstrated very good understanding of the materials discussed in class and in the reading. The best papers were insightful, creative, critical, well argued, and demonstrated mastery of the materials covered and serious engagement with them while making a coherent and well supported independent argument. Essays with lower marks were often too general and did not make an effort to address the question asked.

31 students submitted two 3,000 word essays for this course. 8 students attained an overall mark of 70 or above and a total of 18 attained a mark of 65 or above. Overall, the quality of work was pleasing and students demonstrated that they had understood the materials they had studied. As always, the best answers showed close attention to the particular question being asked, developed their argument through a logical structure and presented individual thought alongside thorough analysis of arguments in the literature. Weaker answers tended to list arguments for and against a particular proposition without advancing an argument either way and describe arguments without evaluating their merits or engaging in academic analysis.

Question 1 required students to evaluate the risks and benefits of using financial accounting as part of the tax base. Generally, the question was well answered and students showed good awareness of the literature on both sides. The best answers did not simply accept the arguments of others, but were willing to interrogate those arguments and their underlying assumptions in order to form their own opinions, as the question required them to do. Meanwhile, the less strong answers often advanced a particular view without balance or regard to counter-arguments from the other side. The quality of analysis suffered as a result.

Question 2 was the least popular question among students, although it was particularly well answered by those who attempted it. It asked students to consider the different rationales behind a general anti-avoidance rule, drawing upon examples. Students generally showed that they understood the distinction between consequentialist and non-consequentialist rationales and how these impacted on the practical implementation of a GAAR. The one common shortcoming across these answers was structure, with answers raising all the right issues but doing so in a way that made it difficult to follow the essay's overall argument.

Question 3 on CGT was the most popular question, with a wide range of quality in the answers. Too often, students gave a general discussion of the merits and problems with a capital gains tax, without consideration to the issue of what it meant "to impose effective taxes". Others neglected to answer the second part of the question on whether governments should raise revenue through taxes on capital gains, or clearly shoe-horned it in at the end of their essays. It is an important lesson: where a question is asked in two or more parts, students must answer all parts of the question in sufficient depth.

Finally, question 4 was also popular, involving a discussion of the tax unit and the arguments for taxing individuals or couples jointly. On the whole, students seemed aware of the arguments for and against each side, raising the impossibility of reconciling marriage and couples neutrality. Better answers focused on the question and the assertion made that the arguments on both sides are "finely balanced" and evaluated the merit of this claim. The way that examples were used distinguished the best from the worst answers, with the strongest responses using real-world examples to demonstrate the otherwise abstract arguments being made. The weaker answers appeared to describe examples from different jurisdictions because the question required it, and did not use it as an opportunity to strengthen their analysis of the different arguments.

MSc Taxation 2021/21

Report on Tax Research Roundtable

The Tax Research Roundtable is a compulsory module, taken by students at the start of their second year. The programme is designed around the presentation of 5 research papers, with a day devoted to the presentation of each one, with an introduction to the topic, the presentation of the paper, and discussion. The five papers covered very different topics, including legal analysis of the international tax system, the taxation of cigarettes, the issues involved in taxing profit in the market country, the politics of having 140 countries participating in the Inclusive Framework, and the merits of a global tax on carbon emissions.

The assessed work requires a single essay of 6,000 words; students had a choice from 5 questions, reflecting the different topics taught during the week's course. The idea of the single essay is that students have an opportunity to engage in greater depth than in other modules on a particular topic, to study the academic literature more broadly and deeply, to reflect further in order to develop a coherent and logical analysis and answer to the specific questions. Reflecting the longer essays, specific feedback is given for each essay.

On the whole, the essays written were very good. All students read widely on the relevant topic, including in most cases identifying different strands of argument, and where disagreements exist in the literature.

Stronger essays reflected the fact that the students had put in considerable effort in reading and understanding the literature, presenting it in a balanced way, and making coherent arguments for and against specific positions. They were well structured, with a clear sense of develop of the argument, and clear conclusions. Strong essays were able to draw on the literature discussed in the different sessions on the roundtable and, indeed, on the literature discussed on other compulsory modules on the MSc. The very best essays went still further in developing new arguments.

Weaker essays tended to summarise a smaller set of academic writings, and to engage less in debate. There was a tendency for weaker essays to be more descriptive, rather than analytical. They were also less well organised and tended to move between different points with less of a coherent structure. In some cases, there was a lack of full understanding of the nuances of the arguments presented.

The average mark on the module was 67.

Tax Treaties
Examiners' Report
June 2022

In total 25 MSc in Taxation students submitted the summative assessment assignments for Tax Treaties. As in the previous year, students were required to answer one essay (from a choice of two) and one problem question. The overall standard this year was disappointingly lower than in previous years.

Students were offered the choice of writing an essay either on the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting (MLI) or the Authorised OECD Approach (AOA) to attributing profit to permanent establishments. The question on the MLI was significantly more popular than the AOA. The weaker answers made common mistakes, such as attempting to list everything they knew about the topic in their answers instead of paying attention to the question being asked, and failing to engage with the literature in any meaningful way. Others lacked a clear structure, which made it difficult for the student to develop a coherent argument. The best essays focused on the issues raised in the question, providing convincing analysis of the relevant provisions in light of a variety of academic views expressed on the reading list.

The answers to the problem question were, on average, slightly weaker than the essays. Many students did not demonstrate sufficient knowledge of the relevant cases, and a surprising number missed significant issues in the question, such as non-discrimination in part (a) or the beneficial ownership question in part (c). Other mistakes included discussing irrelevant material or assuming facts not in the question which incorrectly influenced their discussion. The best answers engaged with the cases and, when the issue raised has yet to be determined, used academic literature and OECD commentary to develop a coherent argument one way or the other.

Examiners' Report
Corporate Finance Taxation

29 June 2022

The summative assessment for this course consisted of two 3,000 word essays. Students were given three essay questions to choose from. The first question concerned the cum-ex scandal. The second question concerned tax systems and financial product innovation, in particular derivatives. The third question financing as a tax planning tool.

All three questions proved popular with the result that there was broadly an even distribution of questions answered. The answers were generally of a high standard, demonstrating a generally good grasp of the material covered in the course.

Some candidates would have done better by more carefully reading and responding directly to the exam question set. For example, a number of the answers spent too much time reciting facts or observations that were not required in the response to the question, meaning that the space devoted to responding to the question was limited. Going forward, it is recommended that all candidates include the full exam question they are responding to at the beginning of their script (rather than simply a reference to the number of the question).

Some candidates would have done better by thinking more about the issues raised by the question and responding with their own thoughts and reflections rather than merely reciting material covered in the course lectures and course textbook.

It would also have helped in some cases if candidates had set out more carefully an analysis to support their conclusions.

No concerns about plagiarism were raised.