



TECHNICAL ADVISORY

TAXPAYER AUDIT AND ASSESSMENT DEPARTMENT

INTERPRETATIONS, RULINGS AND OPINIONS COMMITTEE (IROC)
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Authority of the Commissioner of the Taxpayer Audit and Assessment to make assessment in respect of Education Tax.

Section 5(1) of the Education Tax Act states that:

Subject to the provisions of this Act, and except insofar as regulations otherwise provide, the provisions of the Income Tax Act, or any regulations thereunder, concerning payment, collection and recovery of income tax, and the enforcing of payment shall apply to education tax, in the same way as they apply to income tax; and no obligation as to secrecy imposed by statute or otherwise on persons employed in relation to income tax shall prevent information obtained in connection with the assessment or collection of income tax from being disclosed by or under the authority of the Commissioner of Income Tax in connection with the operation of this Act relating to the calculation or collection of tax under this Act.

Section 5 clearly dictates that the provisions of the Income Tax Act/Regulations as it concerns payment, collection, recovery (assessment falls under this category) and enforcing of payment shall apply to the education tax as it does to Income Tax. Thus, all the powers conferred on the Commissioner (TAAD) under the Income Tax Act as it pertains to the aforementioned categories apply to Education Tax.

Section 11F of the Revenue Act (RAA) Provides:

FUNCTIONS OF COMMISSIONER OF TAXPAYER AUDIT AND ASSESSMENT DEPARTMENT.

11F. The Commissioner of Taxpayer Audit and Assessment Department shall be responsible for the General Administration of the Taxpayer Audit and Assessment Department and shall have such functions relating to Taxpayer Audit and Assessment as may be assigned to him by or under this Act or any other enactment.

Sections 5 (1) of the Education Tax Act and 11F of the Revenue Administration Act supports the argument that both pieces of legislation confer on the Commissioner, Taxpayer Audit and Assessment Department (TAAD) all the requisite authority, needed to perform assessments regarding Education Tax.