

# THE FEDERAL GOVERNMENT RECONSTITUTES THE TAX APPEAL TRIBUNAL

## TAX ALERT

The Honourable Minister of Finance on 12 July 2018 announced the reconstitution of the Tax Appeal Tribunal (TAT) across the six geo-political zones, in accordance with Section 59 (1) of the Federal Inland Revenue Service (Establishment) Act of 2007.

Since its inception, the TAT has been responsible for the settlement of virtually all

Tax disputes in Nigeria. The TAT is located across the six geo-political zones in Nigeria

Geo-political Zones	Cities
North Central	Jos
North East	Bauchi
North West	Kaduna
South East	Enugu
South South	Benin
South West	Ibadan

with special status granted to Lagos and the Federal Capital Territory, Abuja.

***“Statutorily, the TAT is designed to be the administrative tribunal to entertain disputes in relation to tax matters in Nigeria before the matters, where necessary, are appealed to the Federal High Court on point of law”***

The TAT deals with issues that arise from the Fifth Schedule to the FIRS (Establishment) Act of 2007. The issues range from Companies Income Tax, Petroleum Profits Tax, Personal Income Tax, Capital Gains Tax to even transactional tax

issues like withholding tax, etc.

It has been nearly two years since the tenure of the last commissioners elapsed in 2016



leading to the stultification of all pending and prospective tax dispute cases ordinarily resolved by the TAT. However, some taxpayers have filed cases in the Federal High Court (Since the Federal High Court still possesses Original Jurisdiction in matters of taxation) instead of waiting for the reconstitution of the TAT.

## OUR COMMENTS

Statutorily, the TAT is designed to be the administrative tribunal to entertain disputes in relation to tax matters in Nigeria before the matters, where necessary, are appealed to the Federal High Court on point of law. In recent times, objections have been raised as to the jurisdiction of the TAT as to its potential conflict with the jurisdiction of the Federal High Court. Whilst we recommend the review of the laws setting up the TAT for clarity if needs be, we submit that the usefulness of TAT far outweighs the legal and intellectual debates and arguments about its legal form that may affect its existence. Tax is a technical matter with some peculiar details and deserves to be reviewed at first instance by persons who are well knowledgeable in taxation practice. The TAT is designed to be made up of experienced Commissioners who have rich background in Tax law and practice that should be able to exhume the facts of any issue before giving judgement.

For enquiries:

**Azeez Alatoye**

Senior Partner

azeez.alatoye@ascensioncsng.com

**Ademola Olanrewaju**

Partner

ademola.olanrewaju@ascensioncsng.com

**Matthew Johnson**

Partner

matthew.johnson@ascensioncsng.com

W:www.ascensioncsng.com

E:Info@ascensioncsng.com

T: +234 1 700 1006

## Office Locations:

### Lagos

178B, Prince Ade Odedina Str, Off  
Sinari Daranijo Str, Victoria Island,  
Lagos,  
Nigeria.

### Abuja

Apo Sparklight Mall (Suite CC10, 2nd  
Floor), Durumi Phase II (Federal  
Capital Territory.

### Port Harcourt

102, Old Aba Road, Shell Industrial  
Area, Rumuobiakani, Port Harcourt,  
Rivers State.

Disclaimer Please note that this memorandum is not intended to give specific technical advice and it should not be construed as doing so. It is designed to alert clients to some of the issues. It is not intended to give exhaustive coverage of the topic. Professional advice should always be sought before action is either taken or refrained from as a result of information herein. In any case, Ascension does not accept any responsibility for any decision whatsoever made based thereon or any liability incurred for failure to consult with professionals on any specific areas of issues raised.



## Tax Training

11<sup>th</sup> – 12<sup>th</sup> September, 2018  
+234 809 041 6512

Managing Transaction Taxes:  
Understanding Monthly Tax Compliance  
Requirements



Ascension Academy, Block 111 PLOT 25A  
Daniyan Natalia Street, 3rd /Ikate Roundabout  
Lekki Phase 1, Lekki – Epe Expressway.

Follow Us:



@ACSNigeria



@ACSTaxMatters



@ascension-consulting-services