

SYLLABUS

2026

ADIT



INTRODUCTION

In order to achieve this qualification, candidates will need to possess a broad knowledge right across the spectrum of international taxation, preferably informed by experience.

This document contains the detailed syllabus for each available module, together with recommended reading lists. Permitted texts for each exam are indicated in the recommended reading lists, and can be found on our website at www.tax.org.uk/adit/permitted-books.

Questions **will not** be set which require knowledge of any law or regulation, or any Statutory Instrument, EU Directive or similar legal provision announced less than six months before the date of an exam, or on any tax or legal court case reported less than six months before the exam date. Nonetheless, all ADIT exam candidates are expected to maintain a general understanding of recent, significant legislative changes relevant to their exam subjects.

Each syllabus contains a list of topics included, together with an indication of the level of knowledge that a candidate may be required to demonstrate.

SYLLABUS GUIDE

Each syllabus includes guides which are intended to give candidates broad guidance on the approximate proportion of marks available for the major areas within the syllabus for each module.

The levels specified are:

Level 1

Candidates will be expected to have a broad understanding and awareness of the topic, but will not be required to provide answers in detail on these topics.

Level 2

Candidates will be expected to have a detailed knowledge of the topic and be able to apply this knowledge in both written and computational situations (where appropriate), showing an understanding of the issues involved.

Level 3

Candidates may be required to demonstrate an advanced knowledge, involving interpretive exposition and analysis, with the ability to comment upon problems arising and to suggest possible solutions in novel situations.

Candidates are expected to have an awareness of current accounting issues relevant to tax.

MODULE 3.05 - BANKING OPTION

I	Fundamental international tax issues	10%
II	Banking regulation and tax implications of bank operating models and capital/funding allocations	20%
III	Tax implications of banking activities	20%
IV	Transaction taxes and withholding taxes	15%
V	Special topics	20%
VI	The OECD and EU context	15%

I Fundamental international tax issues

A	Residence	1
B	Permanent establishments	1
C	Double tax relief	1
D	Transfer Pricing and thin capitalisation	1
E	Anti-avoidance legislation in the context of banks, financial instruments and cryptoassets	2

II Banking regulation and tax implications of bank operating models and capital/funding allocations

A	Banking regulators	3
B	OECD guidelines for attribution of profits to branches (with specific reference to the guidelines for banking and financial trading business, and related bank internal derivatives)	3
C	Attribution of capital to banking branches	2
D	Capital instruments	2
E	Tax treatment of capital instruments	2
F	Calculation of capital ratios	2

III Tax implications of banking activities

A	Global developments in banking taxation code of conduct and tax transparency, and UK Code of Conduct for Banks	3
B	Debt restructuring	2
C	LMA documentation and tax clauses, sub-participation and risk sharing	2
D	Securitisation of assets	1
E	Tax representations in ISDA Master Agreement	2

IV Transaction taxes and withholding taxes

A	Application of Stamp Duty and Stamp Duty Reserve Tax	2
B	Withholding taxes	3
C	Beneficial ownership questions at tax treaty level	2
D	VAT/GST on financial services, including partial exemption	2

V Special topics

A	UK bank levy	2
B	Derivatives	2
C	Cryptoassets	2
D	Client tax reporting (FATCA, CRS, DAC2, DAC6 and DAC8 proposal)	3

VI The OECD and EU context

A The OECD Base Erosion and Profit Shifting (BEPS) Project	2
B BEPS Action 4 - Limiting Base Erosion Involving Interest Deductions and Other Financial Payments	3
C OECD Pillar 1	2
D OECD Pillar 2	2
E EU ATAD I and II (and ATAD III proposal)	2

RECOMMENDED READING LIST

Permitted Texts

Candidates may take a copy of the following texts only into the examination:

Council Directive 2014/107/EU: mandatory automatic exchange of information in the field of taxation
Available from the European Commission:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014L0107>

GOV.UK. *The Code of Practice on Taxation for Banks* (GOV.UK, December 2013)
Available from GOV.UK:
www.gov.uk/government/collections/the-code-of-practice-on-taxation-for-banks

HMRC. *Stamp Taxes on Shares Manual* (HMRC, 2016)
Available from HMRC:
www.gov.uk/hmrc-internal-manuals/stamp-taxes-shares-manual

OECD. *Base Erosion and Profit Shifting Project: 2015 Final Reports. Executive Summaries* (Paris: OECD, 2015)
Available from the OECD:
<https://web-archive.oecd.org/2019-06-27/373991-beps-reports-2015-executive-summaries.pdf>

OECD. *Model Tax Convention on Income and on Capital* (Paris: OECD, 2017) [ISBN: 9789264287945]
Available from the OECD: www.oecd-ilibrary.org

OECD. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2022) [ISBN: 9789264526914]
Available from the OECD: www.oecd-ilibrary.org

Van Raad, K. *Materials on International, TP and EU Tax Law 2020-2021. Volume A* (Leiden: International Tax Centre, 2020) [ISBN: 9789082585452]
Available from the Leiden International Tax Centre:
www.itc-leiden.nl or b.bosman@itc-leiden.nl
Or available from Wildy & Sons: www.wildy.com

No other texts may be taken into the examination.

Essential Reading

HMRC. *Bank Levy Manual* (HMRC, 2016)
Available from GOV.UK:
www.gov.uk/hmrc-internal-manuals/bank-levy-manual

HMRC. *Governance Protocol on a Bank's Compliance with the Code of Practice on Taxation for Banks* (HMRC, 2013)
Available from GOV.UK:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/566837/Code_of_Practice_on_Taxation_for_Banks-Governance_Protocol.pdf

ISDA. *2002 Master Agreement* (ISDA, 2002)
Available from ISDA:
www.isda.org/book/2002-isda-master-agreement-english

ISDA. *2012 FATCA Protocol* (ISDA, 2012)
Available from ISDA:
www.isda.org/protocol/isda-2012-fatca-protocol

OECD. *Action Plan on Base Erosion and Profit Shifting. Actions 1, 2, 3, 4, 7 and 8-10* (Paris: OECD, 2013) [ISBN: 9789264202702]
Available from the OECD: www.oecd-ilibrary.org

OECD. *Addressing Tax Risks Involving Bank Losses* (Paris: OECD, 2010) [ISBN 9789264088672]
Available from the OECD: www.oecd-ilibrary.org

OECD. *Co-operative Tax Compliance: Building Better Tax Control Frameworks* (Paris: OECD, 2016)
Available from the OECD:
www.oecd.org/publications/co-operative-tax-compliance-9789264253384-en.htm

OECD. *Crypto-Asset Reporting Framework and Amendments to the Common Reporting Standard* (Paris: OECD, 2022)
Available from the OECD:
www.oecd.org/tax/exchange-of-tax-information/crypto-asset-reporting-framework-and-amendments-to-the-common-reporting-standard.htm

OECD. *Standard for Automatic Exchange of Financial Account Information in Tax Matters* (Paris: OECD, 2nd edition, 2017)

Available from the OECD:

www.oecd.org/tax/exchange-of-tax-information/standard-for-automatic-exchange-of-financial-account-information-in-tax-matters-second-edition-9789264267992-en.htm

OECD. *The Conditions for Establishment of Subsidiaries and Branches in the Provision of Banking Services by Non-Resident Institutions* (Paris: OECD, 2017)

Available from the OECD:

www.oecd.org/daf/fin/financial-markets/conditions-for-establishment-in-the-provision-of-banking-services.pdf

US Treasury. *Foreign Account Tax Compliance Act (FATCA), Model Intergovernmental Agreements* (US Treasury)

Available from the US Treasury:

www.treasury.gov/resource-center/tax-policy/treaties/Pages/FATCA.aspx

OECD. *Tax Challenges Arising from the Digitalisation of the Economy. Global Anti-BASE Erosion Model Rules (Pillar Two). Inclusive Framework on BEPS* (Paris: OECD, 2021)

Available from the OECD:

www.oecd-ilibrary.org/docserver/782bac33-en.pdf

OECD. *Tax Challenges Arising from the Digitalisation of the Economy. Commentary to the Global Anti-BASE Erosion Model Rules (Pillar Two). Inclusive Framework on BEPS* (Paris: OECD, 2022)

Available from the OECD:

www.oecd-ilibrary.org/docserver/1e0e9cd8-en.pdf

OECD. *Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations* (Paris: OECD, 2022 [ISBN: 9789264526914])

Available from the OECD: www.oecd-ilibrary.org

US IRS. *Revenue Procedure 2017-15 on Qualified Intermediary Agreements* (US IRS, 2017)

Available from the IRS:

www.irs.gov/pub/irs-drop/rp-17-15.pdf

Recommended Reading

ISDA. *2015 Section 871m Protocol* (ISDA, 2015)

Available from ISDA:

www.isda.org/protocol/isda-2015-section-871m-protocol

OECD. *Report on the Attribution of Profits to Permanent Establishments* (Paris: OECD, 2010)

Available from the OECD:

<https://web-archive.oecd.org/2012-06-14/104309-45689524.pdf>

OECD. *Standard for Automatic Exchange of Financial Information in Tax Matters. Implementation Handbook* (Paris: OECD, 2nd edition, 2018)

Available from the OECD:

www.oecd.org/tax/transfer-pricing/45689524.pdf

Textbooks

Abrahamson, J. *International Taxation of Banking* (Wolters Kluwer, 2020) [ISBN: 9789403510941]

Available from Wolters Kluwer:

<https://law-store.wolterskluwer.com>

Southern, D. *Taxation of Corporate Finance* (Bloomsbury Professional, 11th edition, 2025) [ISBN: 9781526528667]

Available from Bloomsbury Professional

www.bloomsburyprofessional.com

Weidmann, O. *Taxation of Derivatives and Cryptoassets* (Wolters Kluwer, 2nd edition, 2024) [ISBN: 9789403523835]

Available from Wolters Kluwer:

<https://law-store.wolterskluwer.com>

Articles

Southern, D. and Weidmann, O. 'Cryptotaxation: A Guide to a Brave New World', in *British Tax Review* (2023, Issue 1, pp. 68-96)

'Beneficial Ownership and Derivatives: An Analysis of the Decision of the Swiss Federal Supreme Court Concerning Total Return Swaps', in *44 Intertax 8 & 9* (2016, pp. 620-641)

Cases

- Abbey National Treasury Services plc v R&C Commissioners [2015] SFTD 929
- Barclays Mercantile Business Finance Ltd v. Mawson (Inspector of Taxes) [2004] UKHL 51
- Bristol & West plc v R&C Commissioners [2016] STC 1491
- Canada) v The Queen, Tax Court of Canada, 2009
- ConocoPhillips AS v Ojeskattekontoret, 2010
- ConocoPhillips Skandinavia AS and Norske
- Greene King plc v R7C Commissioners [2016] EWCA Civ 782
- Griffin (Inspector of Taxes) v Citibank Investments Ltd [2000] STC 1010
- HBOS Treasury Services plc v. HMRC [2009] UKFTT 261 (TC), [2010] SFTD 134
- HSBC Life (UK) Ltd v Stubbs [2002] STC (SCD) 9
- Indofood v. JPMorgan Chase Bank N.A. [2006] EWCA Civ 158
- IRC v Scottish Provident Institution [2002] STC 252
- Morgan Grenfell Ltd v. Welwyn Hatfield District Council [1995] 1 All ER 1, Ch. 6
- N Luxembourg and others, CJEU decision of 26 February 2019, - C115/16, ECLI:EU:C:2019:134
- Prudential plc v. HMRC [2007] UKSPC SPC00636
- Prudential plc v. HMRC [2009] EWCA Civ 622
- Swiss Federal Supreme Court (Bundesgericht) decision of 5th May 2015, 2C_364/2012 and 2C_377/2012 (Swiss Swaps Case), Re Swiss Swaps Case I/A in 18 ITLR, 138

- Swiss Federal Supreme Court, 2C_880/2018, decision of 19 May 2020, A Plc v Swiss Tax Administration in 23 ITLR, 864
- T Danmark and others, CJEU decision of 26 February 2019 – C-116/16, ECLI:EU:C:2019:135

Other Relevant Reading

Heckemeyer, J. and De Mooij, R. *Taxes and Corporate Debt: Are Banks any Different?* (Washington DC, 2013)
Available from the IMF:
www.imf.org/external/pubs/ft/wp/2013/wp13221.pdf

IFA. 'Withholding tax in the era of BEPS, CIVs and digital economy', in *Cahiers De Droit* (2018, Volume 103b)
Available from SDU:
www.sdu.nl/juridisch/producten-diensten/ifa/103b

IRS. *FATCA FAQs* (IRS, 2017)
Available from the IRS:
www.irs.gov/businesses/corporations/frequently-asked-questions-faqs-fatca-compliance-legal

Miller, E. and Usher, G. *Commentary on the ISDA Master Agreements* (Field Fisher, 2008)
Available from Field Fisher:
www.fieldfisher.com/en/insights/commentary-on-the-isda-master-agreements

OECD. *CRS-related FAQs* (Paris: OECD, 2018)
Available from the OECD:
www.oecd.org/tax/automatic-exchange/common-reporting-standard/CRS-related-FAQs.pdf

Sung, H. and Weidmann, O., IFA. 'Investment funds', in *Cahiers De Droit* (2019, Volume 104b)

Wright, S. *The International Loan Documentation Handbook* (Palgrave Macmillan, 3rd edition, 2024)
[ISBN: 9783031384882]
Available from Amazon: www.amazon.co.uk