

INTERNAL REVENUE (REGISTRATION OF BUSINESS) ACT, 2005 (ACT 684)

ARRANGEMENT OF SECTIONS

Section

1. Registration of Business
2. Application for Registration
3. Issue of Certificate
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SCHEDULE

Schedule

THE SIX HUNDRED AND EIGHTY-FOURTH

ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

INTERNAL REVENUE (REGISTRATION OF BUSINESS) ACT, 2005

AN ACT to re-enact with amendments the law relating to registration of business for income tax purposes and to provide for connected matters.

DATE OF ASSENT: 6th January, 2005

BE IT ENACTED by Parliament as follows:

Section 1—Registration of Business

(1) A person shall not carry on any business unless that person has registered the business with the Commissioner.

(2) There shall be paid for the registration the fees specified in the Schedule to this Act or such other fee as the Commissioner shall prescribe.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months and where the offence is continued after conviction, to a further fine of 20 penalty units for each day the offence is continued.

(4) Notwithstanding subsection (3), prosecution shall not proceed under this section where the person pays to the Commissioner the prescribed registration fee and a penalty which shall be 100% of the registration fee.

Section 2—Application for Registration

An application for registration of any business shall be in such form as the Commissioner shall prescribe.

Section 3—Issue of Certificate

Upon the submission of payment of the fee, the Commissioner shall issue a certificate of registration.

Section 4—Display of Certificate

(1) Subject to subsection (2) of this section, a person to whom a certificate of registration has been issued under this Act shall display the certificate conspicuously on premises of the principal place of business.

(2) Where a person carries on a business at more than one place, a photocopy of the certificate shall be exhibited at that other place.

(3) A person who contravenes sub-section (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than 25 penalty units and not more than 50 penalty units or to a term of imprisonment of not more than three months.

Section 5—Power to Enter Premises

(1) The Commissioner or any person authorised by the Commissioner may enter any premises or place where any business is carried on for the purpose of enforcing the provisions of this Act.

(2) The Commissioner may request the assistance of any police officer for the purpose of entering any business premises to inspect a certificate of registration.

(3) A person who obstructs the Commissioner or any person authorised by the Commissioner in the performance of a duty under sub-section (1) commits an offence and is liable on summary conviction to a fine of not more than 100 penalty units or to a term of imprisonment of not more than 3 months.

Section 6—Categories of Self-employed persons

(1) The Commissioner may determine the categories of business of the employed persons and the registration fees payable by the categories.

(2) Where there is doubt as to whether a business falls into one category or the other that doubt shall be resolved by the Commissioner.

Section 7—Other Offences

Any person who makes a statement

(a) in respect of an application under this Act; or

(b) to an authorised person in response to a request for information in the performance of that person's functions under this Act,

which is false, commits an offence and is liable on summary conviction to a fine of not more than 100 penalty units or to a term of imprisonment of not more than 12 months or to both.

Section 8—Offences by bodies of persons

(1) Where an offence is committed under this Act by a body of persons, every director, manager, partner or officer of that body corporate whose act or omission resulted in the contravention of that offence is liable on summary conviction to the penalty provided in respect of that offence.

(2) A person shall not be treated as having committed an offence under subsection (1) if that person proves that the offence was committed without that persons knowledge or connivance and that that person exercised due diligence to prevent the commission of the offence having regard to all the circumstances.

Section 9—Regulations

The Minister responsible for Finance may by legislative instrument make regulations for the purposes of giving effect to the provisions of this Act and especially for amending the Schedule to this Act.

Section 10—Interpretation

In this Act, unless the context otherwise requires

"business" includes any trade, profession or vocation, but not employment.

"Commissioner" means the Commissioner of Internal Revenue.

Section 11—Repeals

The following enactments or parts of enactments are hereby repealed:

(1) Income Tax (Registration of Trade, Business, Profession or Vocation) Law, 1988 (PNDCL 156).

(2) Paragraphs 2, 4, 5, and 9 of the Sixth Schedule of the Local Government Act, 1993 (Act 462).

Section 12—Commencement

This Act shall come into force on 1st January, 2005.

SCHEDULE

Section 1(2)

Categories	Registration Fees
1. Companies	¢100,000.00
2. Professionals (Lawyers, Dentists, Doctors, Engineers, Accountants, Pharmacists, Valuers, Architects and analogous professionals)	¢100,000.00

3. Self employed persons other than professions		₹75,000.00
4. Small scale self-employed person	₹50,000.00	₹50,000.00

Date of Gazette notification: 14th January 2005

CUSTOMS AND EXCISE (PETROLEUM TAXES AND PETROLEUM RELATED LEVIES) ACT, 2005 (ACT 685)

ARRANGEMENT OF SECTIONS

Section

1. Imposition of ad valorem duty on petroleum products
2. Imposition of a fixed tax on petroleum products
3. Imposition of energy levy
4. Imposition of hydrocarbon exploration levy
5. Imposition of road levy
6. Cross subsidy levy
7. Social Impact mitigating levy
8. Application of Customs, Excise and Preventive Service Law to this Act
9. Interpretation
10. Repeal
11. Commencement

SCHEDULE

Schedule 1

Schedule 2—Road Levy

Schedule 3—Cross subsidy levy

Schedule 4—Social impact mitigating levy

THE SIX HUNDRED AND EIGHTY-FIFTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE CUSTOMS AND EXCISE (PETROLEUM TAXES AND PETROLEUM RELATED LEVIES) ACT, 2005

AN ACT to revise duties, taxes and levies on specified petroleum products and to provide for related purposes.

DATE OF ASSENT: 23rd February, 2005.

ENACTED by the President and Parliament

Section 1—Imposition of ad valorem duty on petroleum products

(1) There is imposed by this Act on the petroleum products specified in column 1 of Schedule 1 ad valorem duty of 15% of the ex-refinery price of the products.

(2) The ad valorem duty shall be collected by the Customs, Excise and Preventive Service at the strategic storage depots for petroleum products provided for under the Energy Commission Act, 1997 (Act 541).

Section 2—Imposition of a fixed tax on petroleum products

(1) There is imposed by this Act on the petroleum products specified in column 1 of Schedule 1 the fixed amounts specified in relation to them in column 2 of the Schedule as petroleum tax per litre of the products.

(2) The fixed amounts shall be payable to the supplier by the person to whom the product is supplied.

(3) The supplier is liable to account for the amounts to the Commissioner of Customs, Excise and Preventive Service at the time and place as the Commissioner shall determine.

Section 3—Imposition of Energy levy

(1) There is imposed by this Act on every litre of the petroleum products specified in Schedule 1 other than Liquified Petroleum Gas (LPG) an energy levy of ¢5,00.

(2) The energy levy is payable to the supplier by the person to whom the product is supplied at the time of the supply.

(3) The supplier is liable to account for the energy levy to the Commissioner of CEPS at the time and place that the Commission shall determine.

(4) The energy fund shall constitute a part of the moneys of the Energy Fund established under the Energy Commission Act, 1997 (Act 541) and accordingly the Commissioner shall submit the energy levy to the Energy Commission.

Section 4—Imposition of hydrocarbon exploration levy

(1) There is imposed by this Act on every litre of the petroleum products specified in Schedule 1 other than Liquified Petroleum Gas (LPG), a hydrocarbon exploration levy of ¢10.00

(2) The hydrocarbon exploration levy is payable to the supplier by the person to whom the products is supplied at the time of the supply.

(3) The supplier is liable to account for the energy levy to the Commissioner of CEPS at the time and place that the Commission shall determine.

(4) The purpose of the hydrocarbon exploration levy is to provide money

(a) to promote exploration of hydrocarbon basins:

(b) to store geological data on hydrocarbon deposits in Ghana;

(c) to assist with human resource development in hydrocarbon exploration

(5) The hydrocarbon exploration levy shall be paid into the accounts that the Accountant-General shall direct.

Section 5—Imposition of road levy

(1) There is imposed by this Act a road levy of the amounts specified in column 2 of Schedule 2 in respect of the petroleum products specified in relation to them in column 1.

(2) The road levy is payable to the supplier by the person to whom the product is supplied at the time of the supply.

(3) The supplier is liable to account for the payment of the road levy to the Commissioner of CEPS.

(4) The road levy shall constitute a part of the moneys of the Road Fund established under the Road Fund Act, 1997 (Act 536) and accordingly the Commissioner shall submit the road levy to the Road Fund Board.

Section 6—Cross subsidy levy

(1) There is imposed by this Act a cross subsidy levy of the amounts specified in column 2 of Schedule 3 in respect of petroleum products specified in relation to them in column 1.

(2) The cross subsidy levy is payable to the supplier by the person to whom the product is supplied at the time of the supply.

(3) The supplier is liable to account for the payment of the cross subsidy levy to the Commissioner of CEPS.

Section 7—Social impact mitigating levy

(1) There is imposed by this Act a social impact mitigating levy of the amounts specified in column 2 of Schedule 4 in respect of petroleum products specified in relation to them in column 1.

(2) The social impact mitigating levy is payable to the supplier by the person to whom the product is supplied at the time of the supply.

(3) The supplier is liable to account for the payment of the social impact mitigating levy to the Commissioner of CEPS.

Section 8—Application of Customs, Excise and Preventive Service Law to this Act

The Customs, Excise and Preventive Service Law, 1993 (PNDCL.330) shall apply for the purposes of collection of the taxes and levies imposed by this Act.

Section 9—Interpretation

In this Act unless the context otherwise requires

"CEPS" means Customs, Excise and Preventive Service;

"Commissioner" means Commissioner of CEPS;

"hydrocarbon exploration" means exploration in respect of liquified or gaseous substances composed principally of hydrocarbons that occur naturally in sub-soil, sea bed and includes natural

gas, crude oil shales, oil sand substances commonly known in the petroleum industry as gas condensate and liquified petroleum gas;

"supplier" means a person who sells or otherwise disposes of the petroleum products specified in Schedule 1.

Section 10—Repeal

(1) The following enactments are repealed:

- (a) The Customs and Excise (Petroleum Taxes and Petroleum Related Levies) Act, 1998 (Act 544);
- (b) The Customs and Excise (Petroleum Taxes and Related Levies) (Amendment) Act 2001 (Act 593);
- (c) The Customs and Excise (Petroleum Taxes and Petroleum Related Levies) Act, 2001 (Act 603);
- (d) The Customs and Excise Petroleum Taxes and Petroleum Related Levies (Amendment) Act 2003 (Act 640)

(2) The following Executive Instruments are hereby revoked:

- (a) Customs and Excise (Petroleum Taxes and Related Petroleum Related Levies) (Commencement) Instrument 2001 (E.I. 15);
- (b) Customs and Excise (Petroleum Taxes and Petroleum Related Levies) Commencement) (No.2) Instrument, 2001 (E.I.19).

Section 11—Commencement

This Act shall come into force on the 23rd day of February 2005.

SCHEDULES

SCHEDULE 1

(Sections 1, 2, 3 and 4)

Petroleum Products

Specific Excise Duty

1. Premium Petrol	¢200.00
2. Gas Oil	¢200.00
3. Residual Fuel Oil	¢200.00
4. Kerosene	¢100.00
5. Premix Fuel	¢100.00
6. Marine Gas Oil (local)	¢100.00
7. Liquefied Petroleum Gas (LPG)	¢100.00

SCHEDULE 2

(Section 5)

ROAD LEVY

Premium Petrol	¢600 per litre
Gas Oil	¢600 per litre

SCHEDULE 3

(Section 6)

CROSS SUBSIDY LEVY

Premium Petrol	+¢500.00 per litre
Kerosene	-¢484.49 per litre
Gas Oil	-¢269.87 per litre
Residual Fuel	-¢139.37 per litre
Premix Fuel	-¢36.08 per litre

Marine Gas Oil (local)	-¢622.87 per litre
Liquified Petroleum Gas (LPG)	-¢1,840.42 per kilogram

SCHEDULE 4

(Section 7)

SOCIAL IMPACT MITIGATING LEVY

Premium Petrol	¢442.56 per litre
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Date of Gazette notification 23rd February 2005