



THE FOUR HUNDRED AND TWELFTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA

ENTITLED

**THE IMPORT LICENCE TAX ACT, 1980**

AN ACT to impose a tax on import licences in respect of which letters of credit are established.

DATE OF ASSENT: *27th June, 1980*

BE IT ENACTED by Parliament as follows:—

1. There shall be levied and charged in respect of any import licence issued by the Minister responsible for Trade in relation to which any letters of credit are duly established, a tax equivalent to ten *per centum* of the amount of the letters of credit: **Import licence tax.**

Provided that where the letters of credit so established are not utilised the person who paid the tax shall be entitled to a refund of the tax or of so much thereof as relates to the part of the letters of credit not utilised.

2. (1) The tax shall be paid by the importer to the bank by which the letters of credit are established and it shall be the duty of the bank to collect the tax. **Persons to collect tax.**

(2) The tax shall be paid at the time the letters of credit are established.

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3. The bank by which any tax is collected under section 2 of this Act shall pay the tax so collected to the Commissioner within seven days and shall within that period submit to the Commissioner a return in respect of the letters of credit established containing such particulars as the Commissioner may direct.

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4. The Commissioner may for the purpose of ensuring the collection of the tax imposed by this Act exercise all or any of the powers conferred on him by the Income Tax Decree, 1975 (S.M.C.D. 5).

Penalties.

5. (1) Any person who:—

- (a) fails to comply with any provision of this Act; or
- (b) obstructs the Commissioner in the discharge of any of his functions under this Act; or
- (c) fails to keep any records or documents required to be kept by the Commissioner; or
- (d) refuses or fails without reasonable excuse (proof of which shall be on him) to furnish any returns or documents required by the Commissioner within such period as may be specified in a request made in that behalf by the Commissioner,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten thousand cedis or a term of imprisonment not exceeding twelve months or to both.

(2) In the case of an offence committed by a body of persons—

- (a) where the body of persons is a body corporate other than a partnership, every director and officer of the body corporate shall be deemed to be guilty of the offence; and
- (b) where the body of persons is a partnership, every partner shall be deemed to be guilty of the offence:

Provided that no such person shall be deemed to be guilty of the offence if he proves that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

Exemptions.

6. (1) The Minister responsible for Finance may by legislative instrument make regulations exempting any person from the tax imposed by this Act.

(2) Without prejudice to subsection (1) of this section the tax imposed under section 1 of this Act shall not apply to letters of

credit issued in respect of import licence for the importation of agricultural machinery, implements and tools and agricultural tractors and trailers.

7. In this Act, "Commissioner" means the Commissioner of Interpretation. Income Tax or any person authorised in that behalf by him in writing to discharge any of his functions under this Act.

8. This Act shall come into force on the 27th day of June, 1980. Commencement.

