

# **GHANA REVENUE AUTHORITY**

## **Administrative Guidelines for the Implementation of the Penalty and Interest Waiver Act, 2021 (Act 1065)**

**Administrative Guideline Number: GRA/AG/21/0001**

**Date of Issue: 15th April, 2021**

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## **1.0 Introduction**

The Coronavirus (COVID-19) pandemic has affected the livelihoods of many Ghanaians and enterprises. Some sectors of the economy and sections of the population continue to suffer the devastating consequences of the pandemic such as job losses, closure of businesses and cash flow challenges. It is against this backdrop that the Government, in its Budget Statement and Fiscal Policy for 2021, provided for the waiver of penalty and interest. In furtherance of this policy, the Penalty and Interest Waiver Act, 2021 (Act 1065) has been passed to provide the legal framework for its implementation. Section 11 of Act 1065, provides for the issuance of Administrative Guidelines for the waiver of penalty and interest by the Commissioner-General.

## **2.0 Objective**

The purpose of this guidelines is to give clarity and provide guidance to officers of the Ghana Revenue Authority (GRA) as well as taxpayers on the procedures to be followed in the waiving of penalty and interest.

## **3.0 Persons qualified for the waiver.**

A waiver for penalty and/or interest applies to a person who:

- a) has not previously registered with the Ghana Revenue Authority, or
- b) has registered with the Ghana Revenue Authority but
  - (i) has not submitted returns, or
  - (ii) is in arrears for the submission of returns, or
  - (iii) is in arrears for the payment of taxes.

## **4.0 Persons not qualified for the waiver.**

The waiver shall not apply:

- a) where the person fails to comply with the provisions of an enactment administered by the Commissioner-General that relates to the furnishing of a return or payment of a tax due from 1st January, 2021.
- b) to payments and returns due from 1st January, 2021 under an enactment administered by the Commissioner-General.

#### **5.0 Period covered by the waiver**

The waiver shall cover penalty and interest on accumulated tax arrears up to 31st December, 2020.

#### **6.0 Application for waiver**

1. A person who qualifies for the waiver under the law may apply to the Commissioner-General in writing using the prescribed form (Appendix 1) which is available at all GRA Offices and the GRA website ([www.gra.gov.gh](http://www.gra.gov.gh))
2. Where a person has already been assessed by the Ghana Revenue Authority, the application shall be accompanied with evidence of the assessed penalty and interest.
3. Where the penalty and interest have not been assessed by Ghana Revenue Authority, the Commissioner-General may make an assessment before the waiver can be granted.
4. Where a person has defaulted in filing a return(s) or payment of taxes due, the person shall submit the outstanding return(s) and indicate the tax liability involved, together with the penalty and interest thereon.
5. Where a person has already filed a return(s) and wishes to amend the return(s), the person may apply to file an amended return(s) with the necessary disclosures in order to benefit from the waiver.
6. Where a person has not registered with the GRA, but wants to benefit from the waiver, that person shall apply for registration as a taxpayer and make full disclosure of the necessary information for assessment.
7. The completed application form shall be submitted to the taxpayer's registered tax office or in the case of applications relating to Customs, to the Office of the Commissioner, Customs Division.

## **7.0 Period for submission of application**

An application for waiver shall be submitted to the Ghana Revenue Authority between 1st April, 2021 and 30th September, 2021.

## **8.0 Conditions for grant of the waiver**

A person shall only qualify for grant of the waiver where that person:

- a) submits return(s) or amended return(s), containing a full disclosure of undisclosed liabilities relating to the period up to 31st December, 2020,
- b) pays or makes the necessary arrangements to **PAY ALL** resulting taxes, and
- c) pays or makes the necessary arrangements to pay assessed and outstanding taxes.

## **9.0 Immunity from recovery or prosecution**

Where a person has applied and been granted waiver of penalty and interest under this Act, the Commissioner-General shall not:

- 1) recover the assessed penalty and interest on the tax paid or tax due or
- 2) commence prosecution or an enforcement action in respect of that person on the penalty and interest waived.

## **10.0 Administrative procedures**

### **10.1. Timelines for communication of decision**

1. After receipt of an application, the Commissioner-General shall within thirty (30) days serve notice of his/her decision on the applicant.

### **10.2 At the Taxpayer Service Center (TSC) Level**

2. An application in respect of domestic taxes shall be received at the Taxpayers Service Centre (TSC) of the taxpayer's registered tax office.
3. The TSC Manager shall acknowledge receipt of the application.
4. The TSC shall vet the application and assess the appropriate penalty and interest where this has not been done.

5. The TSC Manager shall record all applications received and forward same within five (5) working days to the appropriate Area Manager.
6. The TSC Manager shall prepare and submit to the Area Manager a monthly status report on the applications received within five (5) working days after the end of the month.

### **10.3 At the Area Office Level**

1. All applications received by the Area Manager shall be recorded and evaluated.
2. A report on the applications received and evaluated shall be submitted within three (3) working days to the appropriate Deputy Commissioner (DC).
3. The Area Manager shall prepare a monthly status report from all TSCs under their jurisdiction and submit same to the Commissioner, Domestic Tax Revenue Division (DTRD), through the appropriate Deputy Commissioner within ten (10) working days after the end of the month.

### **10.4 At the Deputy Commissioner (DC) Level**

1. The DC shall review the report on all applications received and make recommendations within two (2) working days to the Commissioner, DTRD.
2. The Commissioner, DTRD, shall evaluate and forward the applications to the Commissioner-General for approval.

### **10.5 At the LTO/Kinbu Sub-LTO Level**

1. All applications received by the Deputy Commissioner/Assistant Commissioner shall be recorded and evaluated.
2. The Deputy Commissioner/Assistant Commissioner shall review all applications received and make recommendations within two (2) working days to the Commissioner, DTRD.

3. The Commissioner, DTRD, shall evaluate and forward the applications to the Commissioner-General for approval.

#### **10.6 At the Head Office**

1. Receipts of reports and recommendations from the appropriate DCs shall be considered for approval by the Commissioner, DTRD.
2. The Commissioner, DTRD, shall prepare and submit monthly status reports on waiver granted to the Commissioner-General.

#### **10.7 Customs Division**

1. All applications shall be submitted to the Office of the Deputy Commissioner, Operations, or Deputy Commissioner, Post Clearance Audit, for processing and submission to the Commissioner, Customs.
2. The Commissioner, Customs, shall evaluate and forward the applications to the Commissioner-General for approval.

#### **10.8 At the Head Office (Commissioner-General)**

1. The Commissioner-General shall prepare and submit to the Minister:
  - a) an interim report indicating waivers granted as at 30<sup>th</sup> September, 2021; and
  - b) a final report on the waivers granted as at 31<sup>st</sup> December, 2021.

#### **11.0 Waiver Certificate**

A waiver certificate shall be issued to an applicant only after completion of payment of the principal amount.

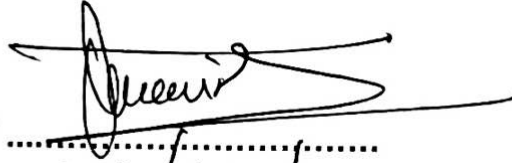
#### **12.0 Payment arrangement**

1. Where a person applies for installment payments of the principal amount, the office shall follow the laid down procedures in respect of threshold duration prescribed in the revised operational manual.

2. The installment payment plan application shall be submitted not later than 30th September, 2021.
3. A taxpayer who fails to comply with a proposed installment payment plan shall not be entitled to the waiver and the tax outstanding becomes payable immediately.
4. The installment arrangement plan shall be signed by the person and attached to the application.
5. All re-scheduled payment plans **SHALL NOT** go beyond 31st December, 2021.

### **13.0 Complaint and Determination of Complaint**

1. An applicant who is dissatisfied with a decision of the Commissioner-General in respect of the refusal or denial of the waiver of penalty and interest may, within thirty (30) days after receipt of the decision, lodge a written complaint with the Commissioner-General for a determination of the matter.
2. The Commissioner-General shall, within thirty (30) days after receipt of the complaint, make a determination and notify the applicant accordingly.
3. Where the applicant is dissatisfied with the determination made under subsection (2), the applicant may pursue the matter in court.



Signed .....

Date ..... 28/04/21 .....

**Rev. Ammishaddai Owusu-Amoah  
Commissioner-General**



**GHANA REVENUE AUTHORITY  
PENALTY & INTEREST WAIVER APPLICATION FORM**

Are you registered with the Ghana Revenue Authority? Yes  No

If Yes, kindly indicate your Taxpayer Office/Sector: .....

If No, kindly pick a form at any GRA Taxpayer Service Center/Sector to register as a taxpayer

**Section A**

- 1 Name of Taxpayer: .....
- 2 TIN: ..... Ghana Unique Identification Number: .....
- 3 Postal Address: ..... Location: .....
- 4 Nature of Business: Manufacturing  Services  Telecom   
 Financial Services  Commerce  Mining   
 Petroleum  Others (Specify) .....
- 5 Telephone Number: ..... GPS Address: .....
- 6 Email Address: .....

**Section B**

Please tick (√) as appropriate and attach details to this form)

**8 TAX TYPE(S) ASSESSED BY GRA FOR WHICH WAIVER OF PENALTY/INTEREST IS/ARE APPLIED FOR**

**8.1 DIRECT TAX TYPE(S) ASSESSED FOR WHICH PENALTY/INTEREST IS/ARE APPLIED**

- |                        |                          |                     |                          |          |                          |
|------------------------|--------------------------|---------------------|--------------------------|----------|--------------------------|
| Corporate Income Tax   | <input type="checkbox"/> | Personal Income Tax | <input type="checkbox"/> | PAYE     | <input type="checkbox"/> |
| Capital Gains Tax      | <input type="checkbox"/> | Minerals Royalties  | <input type="checkbox"/> | Rent Tax | <input type="checkbox"/> |
| Withholding Tax        | <input type="checkbox"/> | Gift Tax            | <input type="checkbox"/> |          |                          |
| Others (Specify) ..... | <input type="checkbox"/> |                     |                          |          |                          |

**8.2 INDIRECT TAX TYPE(S) ASSESSED FOR WHICH PENALTY/INTEREST IS/ARE APPLIED**

- |                 |                          |                        |                          |        |                          |
|-----------------|--------------------------|------------------------|--------------------------|--------|--------------------------|
| Value Added Tax | <input type="checkbox"/> | NHI/GETFUND Levies     | <input type="checkbox"/> | WH VAT | <input type="checkbox"/> |
| Excise Tax      | <input type="checkbox"/> | Others (Specify) ..... | <input type="checkbox"/> |        |                          |

**9.0 TAX TYPE(S) RETURN IN DEFAULT FOR WHICH WAIVER OF PENALTY/INTEREST IS/ARE APPLIED FOR**



**GHANA REVENUE AUTHORITY  
PENALTY & INTEREST WAIVER APPLICATION FORM**

**9.1 DIRECT TAX RETURN TYPE(S) FOR WHICH PENALTY/INTEREST IS APPLIED**

Corporate Income Tax	<input type="text"/>	Personal Income Tax	<input type="text"/>	PAYE	<input type="text"/>
Capital Gains Tax	<input type="text"/>	Minerals Royalties	<input type="text"/>	Rent Tax	<input type="text"/>
Withholding Tax	<input type="text"/>	Gift Tax	<input type="text"/>		
Others (Specify) .....	<input type="text"/>				

**9.2 INDIRECT TAX RETURN TYPE(S) FOR WHICH PENALTY & INTEREST IS/ARE APPLIED**

Value Added Tax	<input type="text"/>	NHI/GETFUND Levies	<input type="text"/>	WH VAT	<input type="text"/>
Excise Tax	<input type="text"/>	Others (Specify) .....	<input type="text"/>		

**9.3 CUSTOMS IMPORT DECLARATIONS/ASSESSED LIABILITIES FOR WHICH PENALTY/INTEREST IS/ARE APPLIED**

Import Duty	<input type="text"/>	1% IRS Tax	<input type="text"/>	Import VAT	<input type="text"/>
Import NHI/GETFund Levies	<input type="text"/>	Import Excise Duty	<input type="text"/>	Special Import	<input type="text"/>
Others (Specify) .....	<input type="text"/>				

**9.4 DOWNSTREAM PETROLEUM EXISTING LIABILITIES FILED FOR WHICH PENALTY/INTEREST IS/ARE APPLIED FOR**

Energy Sector Levies	<input type="text"/>	Special Petroleum Tax	<input type="text"/>
Others (Specify) .....	<input type="text"/>		

**10.0 SUMMARY OF TOTAL LIABILITY**



**GRA**

**GHANA REVENUE AUTHORITY  
PENALTY & INTEREST WAIVER APPLICATION FORM**

YEAR OF ASSESSMENT	PRINCIPAL AMOUNT	PENALTY ASSESSED	INTEREST ASSESSED	TC LIAE
Period to 2015				
2016				
2017				
2018				
2019				
2020				

*\*Kindly attach a schedule for each tax type*

**11.0 ARRANGEMENT TO REDEEM THE OUTSTANDING PRINCIPAL TAX**

Outright Payment                       Installment Payment

*\*If installment, please complete the installment schedule form and attach to the application*

**11.0 KINDLY INDICATE THE PERIOD(S) OR YEAR(S) IN WHICH RETURN(S) ARE IN DEFAULT AND FOR WHICH WAIVER IS BEING APPLIED FOR**

PERIOD	RETURNS
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

**12.0 DECLARATION**

I, ..... do hereby declare that the information contained in this application to the best of my knowledge is true, correct and complete, and further declare to comply with the terms and conditions of the Penalty and Interest Waiver, 2021 (Act 1065)

**Section C**

Name of Declarant: ..... Page 3 of 10 .....



**GRA**

**GHANA REVENUE AUTHORITY  
PENALTY & INTEREST WAIVER APPLICATION FORM**

Designation: .....

Signature: .....

Phone Number: .....

Date: .....

**Section D**

**Official Use Only (DTRD)**

Remarks by the Office Manager (Please tick (√) appropriately)

Recommended for waiver of penalty and Interest:

Not Recommended for waiver of penalty and Interest:

Reason for remarks above:

.....  
.....

Name of Office Manager: .....

Signature: .....

Date: .....

**Section E**

**Official Use Only**

**I (Office Manager)**

Principal Tax Amount (GH¢)

Penalty Assessed (GH¢)

Interest Assessed (GH¢)

Remarks by Office Manager: .....

.....

**II (Area Manager)**

Principal Tax Amount Recommended (GH¢)

13



**GRA**

**GHANA REVENUE AUTHORITY  
PENALTY & INTEREST WAIVER APPLICATION FORM**

Penalty Recommended for Waiver (GH¢)

Interest Recommended for Waiver (GH¢)

Remarks by Area Manager.....

.....

**III (Deputy Commissioner)**

Reviewed by Deputy Commissioner: .....

Signature: .....

Date: .....

**Section F**

**Official Use Only (Customs Division Only)**

Reviewed by Deputy Commissioner: .....

Signature: .....

Date: .....



# GRA

## GHANA REVENUE AUTHORITY

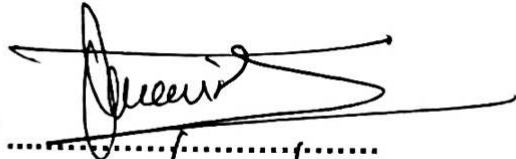
### PENALTY & INTEREST WAIVER CERTIFICATE

This is to certify that, ..... with Taxpayer Identification Number (TIN) ..... of the ..... Taxpayer Service Center/Office/Sector in pursuance of the Penalty and Interest Waiver Act, 2021 (Act 1065), has paid the principal tax assessed/made satisfactory arrangements (***underline as appropriate***) to pay the amount of .....  
..... (in words)  
**GH¢**..... as tax due and returns in outstanding for the tax period(s) ..... Year(s) of Assessment.

The Taxpayer hereby qualifies to enjoy the benefits granted under the Penalty and Interest Waiver Act as stated below:

**Total Penalty Waived for the period: GH¢**.....

**Total Interest Waived for the period: GH¢**.....



Signed .....

Date ..... 28/04/21 .....

**Rev. Ammishaddai Owusu-Amoah**  
**Commissioner-General**