VALUE ADDED TAX (AMENDMENT) (NO. 2) ACT, 2022

Act 1087

ARRANGEMENT OF SECTIONS

Section

1. Section 3 of Act 870 amended
2. Section 5 of Act 870 amended
3. Section 22 of Act 870 amended
4. Section 41 of Act 870 amended
5. Section 48 of Act 870 amended
6. First Schedule to Act 870 amended
7. Second Schedule to Act 870 amended

Act 1087

REPUBLIC OF GHANA

THE ONE THOUSAND AND EIGHTY-SEVENH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

VALUE ADDED TAX (AMENDMENT) (NO. 2) ACT, 2022

AN ACT to amend the Value Added Tax Act, 2013 (Act 870) to provide for an increase in the Value Added Tax rate, remove the tax exemption for imported textbooks and imported newspapers and other printed matter, exempt betting and other games of chance from tax, review the transitional provisions and administrative penalty for non-implementation of the electronic Value Added Tax system and for related matters.

DATE OF ASSENT: *29th December, 2022.*

PASSED by Parliament and assented to by the President

Section 3 of Act 870 amended

1. The Value Added Tax Act, 2013 (Act 870) referred to in this Act as the "principal enactment" is amended in section 3 by the substitution for section 3, of

"Rate of tax

3. (1) Except as otherwise provided in this Act, the rate of the tax is fifteen percent and is calculated on

(a) the value of the taxable supply of the goods or services; or

(b) the value of the import.

(2) Unless otherwise directed by the Commissioner-General in writing, a taxable person who

(a) is a retailer of goods; and

(b) makes at the end of any period of twelve months, taxable supplies not less than two hundred thousand Ghana Cedis but not exceeding five hundred thousand Ghana Cedis

shall account for the Value Added Tax payable under this section at a flat rate of three percent calculated on the value of the taxable supply.

(3) Subsection (2) does not apply to the supply of goods specified under section 27.".

Section 5 of Act 870 amended

2. The principal enactment is amended in section 5 by the deletion of paragraph *(d)* of subsection (2).

Section 22 of Act 870 amended

3. The principal enactment is amended in section 22 by the repeal of subsection (2).

Section 41 of Act 870 amended

4. The principal enactment is amended in section 41 by

(a) the substitution for subsection (11), of

"(11) A person who

(a) issues a false tax invoice or sales receipt;

(b) fails to issue a tax invoice or sales receipt contrary to subsection (1) or (5);

(c) fails to issue a tax invoice through a Certified Invoicing System contrary to subsection (2);

(d) tampers, manipulates or interferes with the proper functioning of a Certified Invoicing System;

(e) fails to integrate the Certified Invoicing System of the taxable person into the invoicing system of the Commissioner-General contrary to subsection (2); or

(f) fails to re-connect the Certified Invoicing System of the taxable person to the invoicing system of the Commissioner-General contrary to subsection (9)

is, in addition to the penalty provided under section 58, liable to pay a penalty of an amount of not more than fifty thousand currency points or three times the amount of tax involved, whichever is higher.";

(b) the substitution for subsection (12), of

"(12) Except as otherwise directed by the Commissioner-General, a taxable person shall, upon the coming into force of this Act, comply with the provisions of this section."; and

(c) the deletion of subsections (13) and (14).".

Section 48 of Act 870 amended

5. The principal enactment is amended in section 48

(a) by the deletion of paragraph *(c)* of subsection (1); and

(b) by the deletion of subsection (7B).".

First Schedule to Act 870 amended

6. The principal enactment is amended in the First Schedule by

(a) the substitution for subparagraph (2) of paragraph 10, of

"(2) The exemption in subparagraph (1) does not apply to imported textbooks, imported newspapers, architectural plans and similar plans, drawings, scientific and technical works, periodicals, magazines, trade catalogues, price lists, greeting cards, almanacs, calendars, diaries and stationery and other printed matter."; and

(b) the substitution for paragraph 26, of

"26. The acceptance of a wager or stake in any form of betting or gaming, including lotteries and from gaming machines.".

Second Schedule to Act 870 amended

7. The principal enactment is amended in the Second Schedule by the substitution for subsubparagraph *(a)* of subparagraph 6 of paragraph 2, of

"*(a)* section 19 and subsection (4) of section 18 are satisfied; and;".

Date of *Gazette* notification: 29th December, 2022.

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