

CUSTOMS (AMENDMENT) BILL, 2020

MEMORANDUM

The object of the Bill is to amend the Customs Act, 2015 (Act 891) to provide incentives for automotive manufacturers and assemblers registered under the Ghana Automotive Manufacturing Development Programme, prohibit the importation of salvaged motor vehicles and specific motor vehicles over ten years of age into the country, increase the import duty on specific motor vehicles and provide import exemptions for the security agencies and officers of the security agencies.

The Government, in August 2019, launched the Ghana Automotive Manufacturing Development Programme to promote the manufacture of automobiles for both the domestic market and the West Africa sub-region. The Programme is part of the efforts of Government to develop some strategic anchor industries that will promote economic development in the country.

The Government has approved some incentives for automotive manufacturers and assemblers registered under the Programme and import exemptions for the security agencies and officers of the security agencies. The Bill reflects this policy decision.

The policy is estimated to cost eight hundred and two million, two hundred and fifty-one thousand, seven hundred and eighty-five Cedis in customs duties and taxes for the first three years. This is expected to be partially offset by the additional revenue from customs duties on vehicles not covered by the programme.

Clause 1 of the Bill amends section 55 of Act 891 by granting a rebate on the import duty on fully built units imported by automotive manufacturers and assemblers registered under the Programme. The rebate is based on a multiplier of the declared customs value of a semi-knocked down kit or completely knocked down kit and is subject to a first review during or after the third year of the Ghana Automotive Manufacturing Development Programme.

Clause 2 amends section 58 of Act 891 to prohibit the importation of salvaged motor vehicles and specified motor vehicles over ten years of age into the country.

Clause 3 amends section 61 of Act 891 to provide for the submission of a homologation documentation or certificate of conformance provided by the Standards Authority as an additional requirement that a local dealer in the importation of a motor vehicle permitted under Act 891 is required to furnish the Commissioner-General with.

Clause 4 amends section 151 to provide definitions for "completely knocked down kit", "enhanced semi-knocked down kit", "salvaged motor vehicle" and "semi-knocked down kit" respectively.

Clause 5 empowers the Minister responsible for Finance to issue an Executive Instrument specifying the date on which the import duty imposed on motor vehicles indicated under headings 87.03 to 87.04 of Chapter 87 of section XVII of the First Schedule is required to come into force. The Minister responsible for Finance is further empowered to issue an Executive Instrument specifying the date on which a motor vehicle over ten years of age may not be imported into the country.

Clause 6 amends Chapter 87 of section XVII of the First Schedule to Act 891 by the substitution for the stated import duty of thirty-five percent for the motor vehicles specified.

Clause 7 amends Part A of the Third Schedule to Act 891 by including the security agencies and officers of the security agencies as part of the institutions and persons granted exemptions on imports. The clause further amends Part B of the Third Schedule to Act 891 by including machinery, plant, equipment, replacement parts for equipment and kits for production trials imported by automotive manufacturers and assemblers registered under the Programme, as part of the items granted exemption from the payment of import duties and value added tax.



KEN OFORI-ATTA

Minister responsible for Finance

Date: 24th FEB. 2020

CUSTOMS (AMENDMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

Section

1. Section 55 of Act 891 amended
2. Section 58 of Act 891 amended
3. Section 61 of Act 891 amended
4. Section 151 amended
5. Section 154 inserted
6. First Schedule to Act 891 amended
7. Third Schedule to Act 891 amended

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BILL

ENTITLED

CUSTOMS (AMENDMENT) ACT, 2020

AN ACT to amend the Customs Act, 2015 (Act 891) to provide incentives for the automotive manufacturers and assemblers registered under the Ghana Automotive Manufacturing Development Programme, provide import exemptions for the security agencies and officers of the security agencies and for related matters.

Passed by Parliament and assented to by the President:

Section 55 of Act 891 amended

1. The Customs Act, 2015 (Act 891) referred to in this Act as the "principal enactment" is amended in section 55 by the addition after subsection (2), of

" (3) The Minister shall grant to an automotive manufacturer or assembler registered under the Ghana Automotive Manufacturing Development Programme a rebate of the import duty on fully built units imported from the original manufacturer of the fully built units.

(4) The rebate granted under subsection (3) shall be based on a multiplier of the assessed customs value of a semi-knocked down kit or completely knocked down kit.

(5) For a semi-knocked down assembly, the rebate on fully built units derived from a semi-knocked down kit is the assessed customs value of one complete kit.

(6) For an enhanced semi-knocked down assembly and a completely knocked down manufacture, the rebate on fully built units derived from a semi-knocked down kit or a completely knocked down kit is the assessed customs value of the two complete kits.

(7) The rebate granted under subsection (3) is subject to a first review during or after the third year of the Ghana Automotive Manufacturing Development Programme.

(8) For the purpose of this section,

- (a) "completely knocked down manufacture" means the process of assembling a completely knocked down kit into a fully built motor vehicle;
- (b) "enhanced semi-knocked down assembly" means the process of assembling an enhanced semi-knocked down kit into a fully built motor vehicle;
- (c) "fully built units" mean completely built motor vehicles under the Ghana Automotive Manufacturing Development Programme; and
- (d) "semi-knocked down assembly" means the process of assembling a semi-knocked down kit into a fully built motor vehicle."

Section 58 of Act 891 amended

2. The principal enactment is amended in section 58 by the insertion after subsection (1), of

"(1) A person shall not import into the country

- (a) a right-hand steering motor vehicle without the approval of the Minister;
- (b) a salvaged motor vehicle; or
- (c) the following motor vehicles over ten years of age subject to subsections (3) and (4) of section 154:
 - (i) motor cars and other motor vehicles principally designed for the transport of persons, other than those under heading 87.02, including station wagons and racing cars with HS heading 87.03; and

- (ii) motor vehicles not exceeding 5 tonnes for the transport of goods with HS heading 87.04.”.

Section 61 of Act 891 amended

- 3. The principal enactment is amended in section 61
 - (a) by the addition after paragraph (d) of subsection (1), of
 - “(e) homologation documentation or certificate of conformance.”.
 - (b) by the addition after subsection (2), of
 - “(3) For the purpose of this section,
 - (a) “homologation documentation” means a certification document provided by the Standards Authority in respect of a new motor vehicle; and
 - (b) “certificate of conformance” means a certification document provided by the Standards Authority in respect of a used motor vehicle.”.

Section 151 of Act 891 amended

- 4. The principal enactment is amended in section 151
 - (a) by the insertion after the definition for “Commissioner-General”, of
 - “completely knocked down kit” means the
 - (a) parts or components of a completely disassembled motor vehicle imported to be assembled locally into a fully built unit;
 - (b) floor panel, body sides and roof panel of a motor vehicle that are supplied separately and assembled locally; or
 - (c) body shell and all other parts of a motor vehicle that are welded, fitted, electronically coated and painted locally;”;

(b) by the insertion after the definition for "electronic signature", of

"enhanced semi-knocked down kit" means

- (a) a "working" finished vehicle that is subsequently knocked down more considerably than a semi knocked-down kit into parts to be reassembled; and
- (b) the floor panel, body sides and roof panels that are not knocked down but shipped as a whole;"

(c) by the insertion after the definition for "restricted goods", of

"salvaged motor vehicle" means a motor vehicle which

- (a) has been wrecked, destroyed or physically damaged by collision, fire, water or any other occurrence; and
- (b) does not have a clean title;" and

(d) by the insertion after the definition for "selling commission", of

"semi-knocked down kit" means

- (a) a "working" finished vehicle that is subsequently knocked down into parts to be reassembled; and
- (b) the floor panel, body sides and roof panels that are not knocked down but shipped as a whole;"

Section 154 inserted

5. The principal enactment is amended by the addition after section 153, of

“Commencement

154. (1) The Minister may, by executive instrument, specify the date on which the import duty imposed on motor vehicles indicated under headings 87.03 to 87.04 of Chapter 87 of section XVII of the First Schedule shall come into force.

(2) The date specified under subsection (1) shall not be earlier than three months after

(a) the new motor vehicles manufactured under the Ghana Automotive Manufacturing Development Programme are made available; and

(b) arrangements have been made for the motor vehicles to be sold at affordable prices.

(3) The Minister in consultation with the Minister responsible for Trade, may, by executive instrument, specify the date on which a motor vehicle over ten years of age may not be imported into the country.

(4) The date specified under subsection (3) shall not be earlier than six months after the first vehicle has been assembled under the Ghana Automotive Manufacturing Development Programme.”.

First Schedule to Act 891 amended

6. The principal enactment is amended

(a) in Chapter 87 of section XVII of the First Schedule by the substitution for the stated import duty in the fifth column of 35% for the commodity description in the third column in relation to the heading in the first column of:

Heading (1)	Commodity Description (3)	Import Duty (5)
87.03	Motor cars and other motor vehicles principally designed for the transport of persons (other than those under heading 87.02), including station wagons and racing cars	35
87.04	Motor vehicles not exceeding 5 tonnes for the transport of goods	35

(b) in Part A of Chapter 98 of the First Schedule by the substitution for tariff number, commodity description and import duty rate for heading 98.11 of:

(1) HEADING	(2) TARIFF NO.	(3) COMMODITY DESCRIPTION	(4) RATE OF DUTY
98.11	9811.10.00.00	<p>Motor vehicles and bicycles</p> <p>Component parts for automotive assembly:</p> <p>semi-knocked down, enhanced semi-knocked down, completely knocked down, and original equipment components for the automotive manufacturers and assemblers registered by the Commissioner-General under the Ghana Automotive Manufacturing Development Programme.</p>	0%

	9811.20.00.00	Materials for the manufacture or assembly of bicycles and other cycles (including delivery tricycles) not motorised.	0%
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Third Schedule to Act 891 amended

6. The principal enactment is amended

- (a) in Part A of the Third Schedule by the addition after tariff number 3AF.10, of a new row as follows:

Tariff No. (1)	Privileged Persons, Organisations and Institutions (2)	Import Duty (3)	VAT (4)
3AF.11	<p>Security agencies:</p> <p>(a) arms, ammunition, uniforms, accoutrements, and equipment including vehicles and musical instruments certified by the Minister responsible for Defence or the Minister responsible for the Interior and approved by the Minister responsible for Finance to be imported by the security agencies for the use of the security agencies or in cooperation with other States for</p> <p>(i) defending the territorial integrity of the State; or</p> <p>(ii) participating in international peace keeping.</p>	0%	Exempt

	<p>(b) parts, components or sub-assemblies of an item specified in paragraph (a) to be imported for incorporation in or fitting into that item.</p> <p>(c) parts, components or sub-assemblies of an item specified in paragraph (a) for the repair, refurbishment or maintenance of that item.</p> <p>(d) goods imported for training or testing of an item specified in paragraph (a).</p> <p>(e) articles, arms, ammunition, uniforms, accoutrements, and equipment, including vehicles donated</p> <p style="padding-left: 40px;">(i) by a foreign Government,</p> <p style="padding-left: 40px;">(ii) by an international organisation,</p> <p style="padding-left: 80px;">or</p> <p style="padding-left: 40px;">(iii) under a Technical Cooperation Agreement</p> <p>for the use of the security agencies.</p> <p>(f) goods that are imported by an officer of the security agencies returning to the country to resume residence after participating in international peace keeping or an exchange programme.</p>		
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(b) in Part B of the Third Schedule by the addition after tariff number 3BF.63, of a new row as follows:

Tariff No.	Commodity Description	Import Duty	VAT
(1)	(2)	(3)	(4)
3BF.64	<p>1. Machinery, plant, equipment and parts:</p> <p>Machinery, plant, equipment, replacement parts for equipment and kits for production trials imported by the automotive manufacturers or assemblers registered under the Ghana Automotive Development Programme, and</p> <p>(a) recommended by the Minister responsible for Trade; and</p> <p>(b) approved by the Minister.</p>	Exempt	

- (c) by the insertion after Part C(III) of the Third Schedule, of
 "For the purpose of

- (a) paragraph (f) of tariff number 3AF.11, "goods" mean goods
- (i) acquired by an officer of the security agencies for personal use or household use,
 - (ii) owned, possessed and used by an officer of the security agencies abroad for at least six months before the return of that officer to the country, and
 - (iii) accompanying an officer of the security agencies at the time of return of that officer to the country

but does not include goods imported by that officer for sale or otherwise disposed of within twelve months from the date of importation;

- (b) tariff number 3AF.11, "security agencies" include
- (i) the Military;
 - (ii) the National Security;
 - (iii) the Bureau of National Investigation;
 - (iv) the Ghana Police Service;
 - (v) the Ghana Prisons Service;
 - (vi) the Ghana National Fire Service;
 - (vii) the Immigration Service; and
 - (viii) the Customs Division of the Ghana Revenue Authority; and
- (c) tariff number 3BF.64, "kits" mean the knocked down components for the manufacture of automobiles."