

**IN THE FIRST SESSION OF THE SIXTH PARLIAMENT OF
THE FOURTH REPUBLIC OF GHANA**



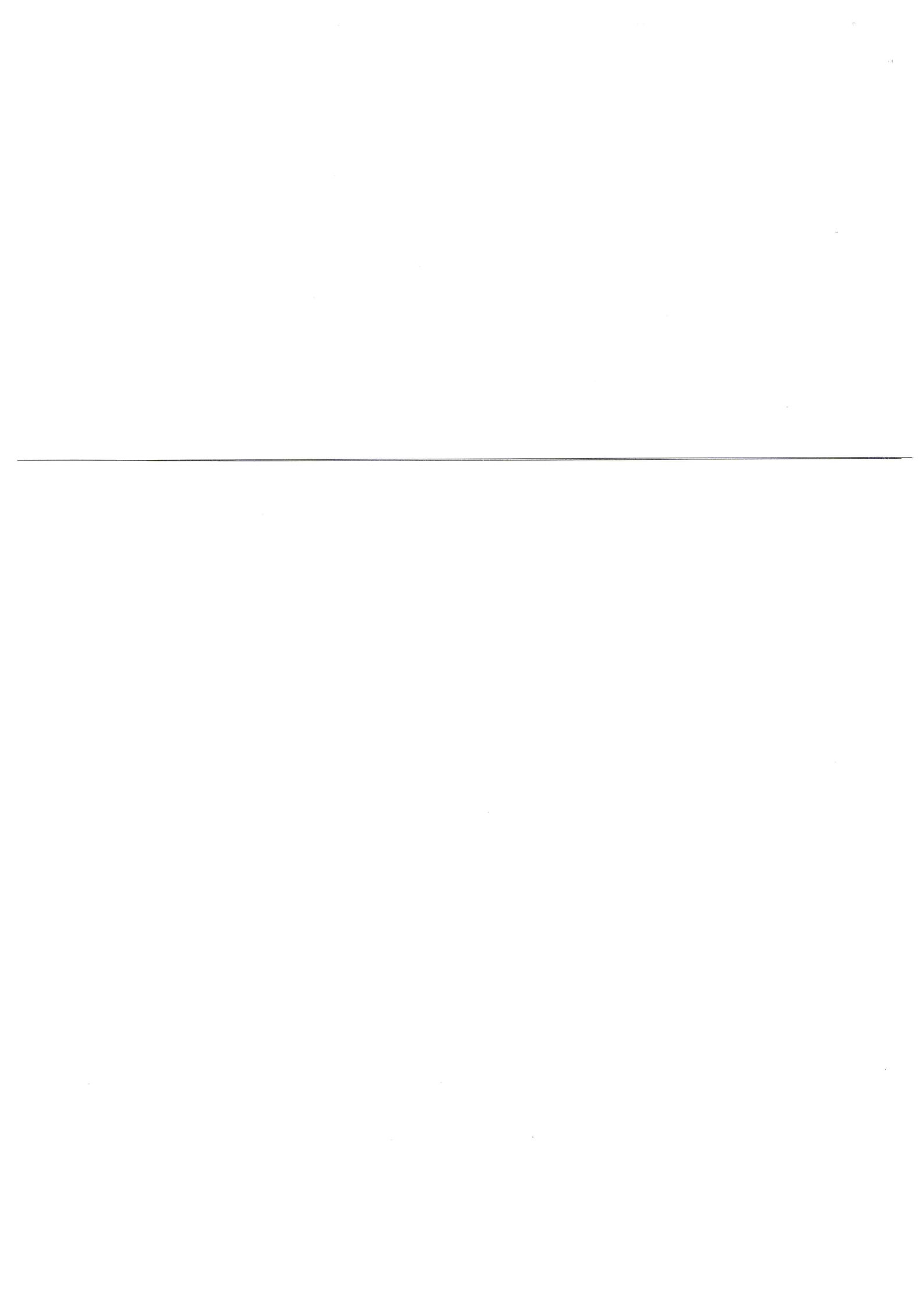
REPORT OF THE

FINANCE COMMITTEE

ON THE

CUSTOMS BILL, 2014

JUNE, 2014



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2014**

1.0 INTRODUCTION

The Customs Bill was presented to Parliament and read the first time by the Hon. Deputy Minister for Finance, Mr. Cassiel Ato Baah Forson on Tuesday 4th March, 2014 and referred to the Finance Committee for consideration and report in accordance with Article 174 (1) of the 1992 Constitution and Order 169 and 125 of the Standing Orders of the Parliament of Ghana.

Pursuant to the referral, the Committee met with the Hon. Deputy Minister for Finance, Mr. Cassiel Ato Baah Forson, the Commissioner-General of the Ghana Revenue Authority, Mr. George Blankson, Officials of the Ministry of Finance, Ghana Revenue Authority and Attorney General's Department and deliberated on the referral.

The Committee is grateful to the Hon. Deputy Minister, the Commissioner-General and Officials from the Ministry of Finance, Ghana Revenue Authority and Attorney General Department for attending upon it.

2.0 REFERENCE

The Committee referred to the following documents at its deliberations:

- a. The 1992 Constitution of Ghana.
- b. The Standing Orders of the Parliament of Ghana.

- c. Customs, Excise and Preventive Service (Management) Act, 1993 (P.N.D.C.L 330)
- d. Customs House Agents (Licensing) Act, 1978 (S.M.C.D. 188)
- e. Interpretation Act, 1960 (CA4)

3.0 BACKGROUND

With the coming into force of the Ghana Revenue Authority Act, 2009 (Act 791) which ~~integrated the three main revenue collecting agencies as Divisions of the Authority, it has~~ become necessary to harmonize and consolidate the administrative provisions in the existing tax laws into one legislation to be known as the Revenue Administration Act and to reorganize and streamline the other residual operational and charging provisions into separate legislation.

Currently, the provisions on customs operations are scattered in the Customs, Excise and Preventive Service (Management) Act, 1993 (P.N.D.C .L. 330), Customs, Excise and Preventive Service (Management) (Amendment) Act, 2002 (Act 643) and the Customs House Agents (Licensing) Act, 1978 (S.M.C.D. 188) among others. Thus, this Bill seeks to provide a separate legislation in respect of customs matters.

The enactment of the Bill will make the law more user-friendly and reduce the obstacles to compliance. This will invariably facilitate the implementation and optimization of revenue collection.

4.0 PURPOSE OF THE BILL

The Bill seeks to revise and consolidate existing provisions in relation to the imposition of customs duties into one single Act to make it user friendly and to provide for related matters.

5.0 DIVISION OF THE BILL

The Customs Bill, 2014 is divided into nineteen (19) parts with one hundred and fifty-two (152) Clauses.

Clause 1 of the Bill provides for the imposition of duties and taxes on goods that are imported into the country or exported from the country.

Exemptions from the imposition of customs duties and taxes are provided for in *clause 2*.

Clause 3 mandates the Authority to conduct customs control including random checks on its own or in conjunction with cooperating foreign customs administrations based primarily on risk management.

Clause 4 provides for the designation of customs-controlled areas by the Commissioner-General.

Activities to be conducted in a customs-controlled area are provided for in *clause 5*.

Conditions for the release of goods by the Commissioner-General are provided for in *clause 6*.

Clause 7 provides for post-clearance audit by the Ghana Revenue Authority.

Clause 8 deals with the registration of Authorised Economic Operators.

Clause 9 places an obligation on an owner, importer, consignee, exporter, entry filer or any other person required to keep records under the Act to keep the records in its original form, which includes the electronic form, unless the Commissioner-General approves an alternative method of storage.

Clause 10 provides for the Revenue Authority to establish a Customs Laboratory in accordance with the requirements of the World Customs Organization.

Clauses 11 to 14 make provision for customs information. They provide for a person who is directly or indirectly involved in the accomplishment of customs formality or in customs controls to provide the requisite documents and information to the

Commissioner-General and that person is responsible for the accuracy and completeness of the information and the authenticity of the documents provided.

Clause 15 to 30 provides for the arrival and departure of conveyance.

Clause 15 defines a Master of a conveyance as a person who is in charge of a conveyance or the agent of the Master.

Clause 16 provides for the right of the Commissioner-General to specify a place where a conveyance which arrives in the country shall touch for purpose of mooring or unloading.

Clause 17 provides for the master or an agent of a conveyance to make a report of the conveyance and the stores and cargo in the conveyance to the Commissioner-General within twenty-four hours after arrival from outside the country. The penalty for failure to make a report on the arrival of a conveyance is spelt out in *clause 18*.

Clauses 19 to 20 stipulate the duties of a master, in relation to a conveyance, its cargo, stores, baggage, crew and passengers. These include the requirement to produce all books and documents in the custody or control of the master, breaking of bulk and the consequences of breaking bulk without knowledge and consent of the Commissioner-General.

Clause 21 authorises the Commissioner-General to direct at what particular part of a port or other place that a conveyance must moor or unload its cargo and a master who fails to comply with a directive of the Commissioner-General is liable to have the cargo forfeited to the State.

Clause 22 deals with liability of goods other than cargo that is subject to forfeiture. It stipulates that goods other than cargo must not be taken out of a conveyance arriving from outside the country or delivered to a person aboard the conveyance unless the goods are for the consumption or use of the crew or passengers and the penalties and charges for a breach are spelt out in *clause 23*.

Provisions are made under *clause 24* for matters regarding stores of an aircraft or a ship. The clause gives discretion to a proper officer to permit the master of an aircraft or ship

departing from a port in the country on a flight or voyage to a place outside the country, to take on board the conveyance stores for the use of the aircraft or ship and for the use of the master, crew and passengers. The Commissioner-General may require a master of a conveyance of stores to take appropriate steps to prevent unauthorized use of stores including sealing of the stores where necessary.

Clause 25 deals with the departure of a conveyance from the country. A master or an agent of a conveyance which is leaving the country is required to deliver to the proper officer an entry outwards of the conveyance which must specify among other matters that goods left on board the conveyance are only goods required for use as stores and where necessary the master of the conveyance must obtain a certificate of rummage from the proper officer.

Clause 26 prohibits a person from putting goods on board a conveyance for exportation or use as stores, or into a vessel to be water-borne except under specified conditions whilst *clause 27* deals with goods for export or use as stores. It prohibits a person from putting on board an exporting ship, goods that have been put into a vessel to be water-borne to another ship for exportation or for use as stores, outside the limits of a port. It also authorizes a proper officer on reasonable suspicion to open and examine all goods put on board a conveyance or brought to any place in the country to be put on board a conveyance for exportation or for use as stores.

Under *clause 28 and 29* an exporter is required to give security that the Commissioner-General may require before entering goods on board a conveyance for use as stores or for export or transfer. A master of a conveyance or an authorized agent is also required to immediately before the departure of a conveyance from a port or any other place in the country, deliver to the proper office the content of the conveyance, and master or authorized agent who fails to comply with this provision is liable to pay a penalty equivalent to fifty penalty units, *clause 30*.

Clause 31 to 42 deals with coasting trade, coasting, in *clause 31*, is described as trade by air or sea, from one part of the country to another part of the country. Under this clause,

the Commissioner-General is given the discretion to impose conditions for the loading, unloading and movement of goods involved in coasting.

Clause 32 provides for an aircraft or ship to obtain permission from the Commissioner-General before engaging in coasting, and clause 33 mandates a master, owner or an agent of a ship that is engaged in coast trading to display the name of the ship on the ship.

Clause 34 spells out the penalty to be incurred by a master of a coasting ship or aircraft for the deviation of a ship or aircraft from the approved flight or voyage. Clause 35 requires the Commissioner-General to publish in the Gazette or the national daily newspaper the specific times for loading and unloading of goods for purpose of coast trading.

Clause 36 deals with restrictions on dealing with goods by the master of an aircraft or ship without the written permission of the Commissioner-General whilst *clause 37* provides for the appropriate penalty in dealing in prohibited or restricted goods in coasting trade.

Clause 38 specifies requirements for the carriage of passengers, *clause 39* places an obligation on the master of a coasting aircraft or ship to deliver to the proper officer an account on cargo before departure whilst *clause 40* mandates a master of a conveyance to produce a transpire to the proper officer immediately after the arrival of a coasting aircraft or ship at the port or place of unloading and before the goods are unloaded. The penalty for unlawfully loading or unloading goods on board an aircraft or ship in a port or place within the country is provided for in *clause 41* and the authority of the Commissioner-General to vary the procedure for loading or unloading of goods or entry or clearance of goods for a coasting aircraft or ship are provided for in *clause 42*.

Clause 43 to 47 is on licensing for customs house agents and bonded carriers. It restricts a company or partnership from engaging in business as a customs house agent unless that company or partnership is granted a license by the Commissioner-General to do so.

Clause 48 to 54 deals with entry of goods into the country. Provisions in relation to filing of a declaration, pre-entry of goods, unclear goods and missing or incomplete documents are all dealt with in *clause 49 to 54*.

Clause 55 to 61 provides for the importation of motor vehicles. A person who imports a motor vehicle into country is required to pay import duty and any other taxes prescribed by law.

Express and postal shipments are dealt with in *clauses 62 to 65*. This group of clauses specifies the procedure for the Commissioner-General to deal with express and postal shipment, The Commissioner-General is required to put in place systems and measures to ensure expedited clearance of an express shipment.

Clauses 66 to 70 deal with classification, valuation and country of origin of goods. *Clauses 71 to 73* provide for assessment of customs duty.

Clause 74 to 97 is on general customs procedures. They provide among others that imported goods intended to be put on the market or intended for private use or consumption within the country are to be placed under the customs procedure for home use.

Provisions on folded woven goods are dealt with in *clause 98 to 103*. *Clause 98 and 99* prohibits the sale or importation of folded woven goods unless the folded woven goods are folded in folds of not less than one meter or nine inches in length and each piece is marked with the number of meters and inches and stamped. An exception is however created for specified goods, or in cases where the folded woven goods are in transit or meant for transshipment. The penalty for a contravention of this provision is provided for under *clause 100*.

Clause 101 gives discretionary power to a proper officer to demand invoices from an importer and inspect packages which contain folded woven goods. On the other hand a vendor is require in *clause 102*, to give a warranty in respect of any folded woven goods sold or which is the subject of contract of sale.

Clauses 104 to 107 provide for refund, the abatement of duty, drawback and removal articles. They mandate the Commissioner-General to allow a refund or remit a duty paid where the goods are lost or destroyed by accident on board a conveyance in a customs-controlled area or in a warehouse among other matters.

Clause 108 to 111 stipulates the forms of security that a person may provide to ensure the payment of duty and the discharge of any other obligation.

Clause 112 to 120 provides for the powers, privileges and immunities of an officer of the Customs Division of the Ghana Revenue Authority.

Offences and penalties are provided in *clause 121 to 148*.

The final group of clauses, *clause 149 to 152* is on miscellaneous provisions. The enabling power of the Minister to make Regulations is provided for under *clause 149*, *clause 150* deals with interpretation of words used in the Bill and *clause 151* and *152* provides for repeals, savings and transitional provisions.

6.0 OBSERVATIONS

Rationale for the Bill

The Committee was informed during its deliberations that the integration of the three revenue collection agencies as a Division of Ghana Revenue Authority has necessitated the harmonization and consolidation of all the administrative provisions in all the tax laws into one legislation to be known as the Revenue Administration Bill and to reorganize and streamline the other residual and operational and charging provisions into separate legislation. To this end, The Excise Duty Bill which is a compilation of all provisions relating to Excise Duty in the Customs, Excise and Preventive Services (Management) Act, 1993 (PNDCL 330) and the Value Added Tax Law which seek to provide a single legislation on VAT for the purposes of effective tax administration were passed into law.

However, the provisions relating to customs operations remain scattered in the Customs, Excise and Preventive Services (Management) Act, 1993 (PNDCL 330), Customs, Excise and Preventive Services (Management) (Amendment) Act, 2002 (Act 634) and the Customs House Agents (Licensing) Act, 1978 (SMCD 188) amongst others.

The Minister of Finance further indicated that the Bill also introduced new clauses and modified existing ones to help bring clarity to some issues that create implementation challenges to the tax authorities. The passage of the Bill will therefore make the country's customs law user-friendly, reduce the obstacles to compliance and facility revenue collection at the countries entry points.

PROPOSED AMENDMENTS BY THE COMMITTEE

1. Clause 2 – **Amendment proposed** –
 - i) sub-clause (2), line 3, *delete* “duty” and *insert* “duties and taxes”
 - ii) sub-clause (3), *delete* “duty” and *insert* “duties and taxes”
2. Clause 4 – **Amendment proposed** –
 - i) sub-clause (1), paragraph (a) line 1, *delete* “and outside the customs territory” and *insert* “the country”
 - ii) sub-clause (5), line 2, before “processing” *insert* “type of” and *delete* all words after “allowed”
3. Clause 5 – **Amendment proposed** –
 - i) paragraph (d), after “ storage” *insert* “and processing”
 - ii) *Insert* a new sub-clause 2 as follow:

“Goods that are stored in a custom controlled area with the permission of the proper officer prior to shipment are stored at the risk and expense of the exporter and are subject to rent and other charges that may be prescribed”
4. Clause 9 – **Amendment proposed** – sub-clause (2), paragraph (a), line 1, *delete* “customs territory of the”
5. Clause 12 – **Amendment proposed** –
 - i) head note, *delete* and *insert* “Customs Advance Ruling”

- ii) sub-clause (6) (a) (iv) *delete* and *insert* “the production and expiration date”
- iii) sub-clause (8) (a) *delete* “comma” after “only” and *insert* same after “Commissioner-General”
- iv) sub-clause (11), *delete* and *insert*

“(11) The Customs rule made by the Commissioner-General shall

 - (a) be published, and
 - (b) in respect of a request of an interested party, the party shall be notified not later than thirty days after the ruling is made subject to the removal of confidential information in the ruling”

6. Clause 15 – **Amendment proposed** – line 2, *delete* “or agent of the master”

~~7. Clause 16 – **Amendment proposed**~~

- i) sub-clause (1) (c) line 1, *delete* “shall” after “place”
- ii) Delete sub-clause (6), (7) and (8)
- iii) sub-clause (9), line 2, after “thousand” *insert* “and not more than three thousand”.

8. Clause 18 – **Amendment proposed** –

- i) Headnote, *delete* and *insert* “**Failure to make report or account for package reported**”
- ii). sub-clause (1) (b) *delete* and *insert* a new rendition as “(b) makes a report that contains false particulars”
- iii). sub clause (1), concluding paragraph, line 1, after “thousand” *insert* “and not more than three thousand”.
- iv). sub clause (2) *delete* and *insert* the following:
 - “(2) If a package reported is not-
 - (a) duly unloaded, removed or deposit in custom-controlled area or any other place approved by the Commissioner-General, and entered and cleared from it in accordance with this Act; or
 - (b) produced to the proper officer for deposit or deposited in a State warehouse in accordance with this Act,

the master or the agent shall pay the duty on the package and in addition a penalty of three hundred percent of the duty involved, unless the master or the agent explains to the satisfaction of the Commissioner-General the failure to deal with the package.

v). sub-clause (3) line 1, *delete* “Sub-section (1) and *insert* “Subsection (2)”

9. Clause 19 – **Amendment proposed** – sub-clause (3), line 2, after “hundred” *insert* “and not more than six hundred”

10. Clause 20 – **Amendment proposed** – concluding paragraph, line 1, after “hundred” *insert* “and not more than one thousand five hundred”

11. Clause 21 – **Amendment proposed** – sub-clause (10), line 2, after “hundred” *insert* “and not more than six hundred”

12. Clause 22 – **Amendment proposed** – sub-clause (5), line 5, after “thousand” *insert* “and not more than three thousand”

13. Clause 23 – **Amendment proposed** –

i) sub-clause (1) (b) line 1, *delete* “of” and *insert* “for”

ii) sub-clause (3), line 4, *delete* all words after “than” *insert* “four hundred and not more than one thousand two hundred penalty units”

14. Clause 24 – **Amendment proposed** – sub-clause (3), line 2, *delete* “taking” and *insert* “taken”

15. Clause 25 – **Amendment proposed** – *insert* the following new sub-clauses;

“(5) the time when goods are exported is the time when the goods are put on board the exporting aircraft or ship.

(6) where the goods are prohibited to be exported, the time when the goods are exported is the actual time at which the aircraft or ship departed from its final position, anchorage or berth within the country.

(7) where the goods are exported overland or by inland waters the time of exportation is the time at which the goods pass across the boundaries of the country”.

16. Clause 26 – **Amendment proposed** – sub-clause (3), line 4, *delete* “that may incur the duty” and *insert* “if any”

17. Clause 28 – **Amendment proposed** – *delete* and *insert* the following

“**Loading of Goods other than cargo or stores**

28. (1) Despite anything to the contrary contained in this Act and subject to Regulations made under this Act, the proper officer may permit

(a) the loading of passenger baggage; or

(b) a person to take on board an aircraft or ship goods for sale or delivery to the passengers, officers or crew, or for any other purpose as the officer may allow, under such conditions as the officer may direct.

(2) Goods shall be forfeited

(a) where the goods not being part of the cargo or authorized stores of an aircraft or ship are found on an aircraft or ship which is about to proceed to a place outside the country;

~~(b) where the goods remain on board an aircraft or ship from a voyage from a place outside the country; or~~

(c) if an attempt is made to place the goods on board an aircraft or ship without the permission of, or contrary to any conditions directed by, the proper officer or otherwise contrary to this Act.”

18. Clause 29 – **Amendment proposed** –

i). sub-clause (1), line 1 after “enter” *insert* “bonded”

ii). sub-clause (2), concluding paragraph line 3 *delete* the words “the total value of the goods” and *insert* “one hundred percentage of the value of the goods”

iii). sub-clause (3), line 1 after “where” *insert* “bonded”

iv). sub-clause (8), line 2, after “hundred” *insert* “and not more than six hundred”

v). sub-clause (9), *delete*

19. Clause 30 – **Amendment proposed** –

i). sub-clause (3), concluding paragraph line 3 after “thousand” *insert* “and not more than three thousand”

ii). sub-clause (5), line 4 after “hundred” *insert* “and not more than three hundred”

iii). sub-clause (6), line 4 after “thousand” *insert* “and not more than six thousand”

iv). sub-clause (9), concluding paragraph line 1 after “thousand” *insert* “and not more than six thousand”

20. Clause 31 – **Amendment proposed** – sub-clause (3) line 4 after “to” *insert* “hundred percent of”

21. Clause 36 – **Amendment proposed** – sub-clause (1) , *renumber* (c) and (b) as (b) and (c) respectively and concluding paragraph line 1, *delete* “eight hundred and fifty penalty units and insert :one thousand penalty units and not more than three thousand penalty units”
22. Clause 37 – **Amendment proposed** – concluding paragraph line 1, *delete* “eight hundred and fifty penalty units” and *insert* “one thousand penalty units and not more than three thousand penalty units”
23. Clause 39 – **Amendment proposed** – sub-clause (3), concluding paragraph line 1 *delete* “ twice” and *insert* “two hundred percent of ”
24. ~~Clause 40 – **Amendment proposed** – sub-clause (2), line 2 after “to” *insert* one hundred percent of“~~
25. Clause 43 – **Amendment proposed** –
- i). sub clause (2) (a) (ii), line 1, *delete* “officer” and *insert* “one director or an employee” and in line 2, *delete* “house agency” and *insert* “business”
 - ii). sub-clause (2) (b) (ii), line 1, after “partner” *insert* “or an employee” and in line 2 and 3, *delete* all words after “proficiency” and *insert* “ in customs business”
 - iii). sub-clause (3), line 3, after “agent” *add* “provided an employee of that body or institution holds a certificate of proficiency in customs business”
26. Clause 45 – **Amendment proposed** – sub-clause (3) (a) line 2, *delete* “steamship” and *insert* “conveyance”
27. Clause 46 – **Amendment proposed** –
- i). sub-clause (5), line 1, *delete* “license” and *insert* “licence” and line 2, *delete* “licensee” and *insert* “licencee”
 - ii). sub-clause (6), line 2, *delete* “license” and *insert* “licence”
 - iii). sub-clause (7), line 1, *delete* “license” and *insert* “licence”
 - iv) sub-clause (8) line 1 *delete* “licensee” and *insert* “licencee”
28. Clause 47 – **Amendment proposed** – sub-clause (3) line 2, *delete* “licensee” and *insert* “licencee”
29. Clause 48 – **Amendment proposed** – sub-clause (5), *delete*

30. Clause 51 – **Amendment proposed** – sub-clause (2), line 3, *delete* “ninety-six hours” and *insert* “four working days”
31. Clause 52 – **Amendment proposed** –
- i). line 1, *delete* all words after “imported” and before “are” and *insert* “by a conveyance or inland water way or rail road”
 - ii). line 4 after “direct” *insert* “the importer or the agent” and in line 5 *delete* “aircraft or ship”
32. Clause 53 – **Amendment proposed** – Head note, *delete* and *insert* “**Deposit of goods in state warehouse**”
33. Clause 57 – **Amendment proposed** – *delete* and *insert* the following
-
- ~~Importation of motor vehicle~~**
57. The importation of a motor vehicle is as prescribed in the Schedule”
34. Clause 59 – **Amendment proposed** –
- i). sub-clause (1) line 2, *insert* “and clear” after “enter” and *delete* “importation” and *insert* “final discharge of the ship or aircraft or in the case of motor vehicles imported overland the date on which it crossed the national borders into the country”
 - ii). Sub clause (3) line 2, *delete* all words after “includes” and *insert* “shall include the duty and taxes eligible on the motor vehicle.”
35. Clause 62 – **Amendment proposed** – headnote, *delete* and *insert* “**Application of Act 649**”
36. Clause 65 – **Amendment proposed** – sub-clause 1 line 2, *delete* “suspect” and *insert* “suspects”
37. Clause 67 – **Amendment proposed** –
- i). sub-clause (4) (e) line 1, *delete* “license” and *insert* “licence”
 - ii). sub-clause (7), line 1, *delete* “may” and *insert* “shall”
 - iii). sub-clause (9) (a) line 2, *delete* “for exported into the country” and *insert* for export from the country of origin”
38. Clause 71 – **Amendment proposed** – sub-clause (2) (e), line 2, *delete* “losses” and *insert* “loses”

39. Clause 80 – **Amendment proposed** – sub-clause (1) line 1, *insert* “a comma” after “warehouse”
40. Clause 81 – **Amendment proposed** – sub-clause (2) line 5 *delete* “times” and *insert* “hundred percent of”
41. Clause 82 – **Amendment proposed** –
- i). sub-clause (1) line 3 after “hundred” *insert* “and not more than one thousand five hundred”
 - ii). sub-clause (3) concluding paragraph after “hundred” *insert* “and not more than six hundred”
42. Clause 83 – **Amendment proposed** –
- i). *delete* sub-clause (1) and *insert*
“(1) where goods entered to be warehoused are
 - (a) Not duly warehouse;
 - (b) Concealed or removed from the private bonded warehouse for the purpose of illegal mixing; or
 - (c) Dealt with in any unauthorised manner,the goods are liable to forfeiture”
 - ii). sub-clause (2) line 3, *delete* “times” and *insert* “hundred percent of”
 - iii). sub-clause (3) concluding paragraph line 2, *delete* “times” and *insert* “hundred percent of”
 - iv). sub-clause (4) line 4, *delete* “times” and *insert* “hundred percent of”
43. Clause 87 – **Amendment proposed** –
- i). sub-clause (2) line 3, after “five” *insert* “and not more than fifteen”
 - ii). sub-clause (3) line 3, after “five” *insert* “and not more than fifteen”
44. Clause 90 – **Amendment proposed** – sub-clause (2), concluding paragraph line 4 *delete* “times” and *insert* “hundred percent of”
45. Clause 91 – **Amendment proposed** – paragraph (c) *delete* “re-warehouse” and *insert* “ex-warehouse”

46. Clause 93 – **Amendment proposed** –
47. i). sub-clause (1) line 1, *delete* “maybe” and *insert* “may be”
 ii). sub-clause (2) line 1, *delete* all words after “is” and *insert* “includes the customs duty”
 iii). sub-clause (3) line 1, *delete* “duty for”
48. Clause 95 – **Amendment proposed** – sub-clause (7), lines 1 and 2, *delete* “necessary impose the prescribed penalty” and *insert* “there is a contravention of a provision of this Act, the proper officer may detain the goods”
49. Clause 97 – **Amendment proposed** – sub-clause (5),
 i) (a), *delete* “including” and *insert* “excluding” after “aboard”
~~ii) (d) line 2, *delete* “accruing up to the point” and *insert* same before “where” in~~
 line 1 of concluding paragraph
50. Clause 99 – **Amendment proposed** –
 i). sub-clause (1), line 2, *delete* “the goods are”;
 ii). sub-clause (1) (a) line 1, before “folded” *insert* “the goods are”
 iii). sub-clause (2), line 1, *delete* “metres” and *insert* “metres and centimetres” and in line 2, *delete* “customs” and *insert* “custom”
51. Clause 100 – **Amendment proposed** –
 i). sub-clause (1), line 3 after “three” *insert* “hundred percent of”
 ii). sub-clause (3) (a), *delete* and *insert* the following
 “(3) a penalty provided for in sub section (1) and (2) does not apply to a person who imports or holds folded woven goods.
 (a) Where the folded woven goods are shorter than indicated by the mark upon them by not more than
 (i) 10.26 centimetres in a piece marked 9.144 metres or under;
 (ii) 12.70 centimetres in a piece marked above 9.144 metres and up to 21.03 metres;
 (iii) 17.78 centimetres in a piece marked 21.03 metres and up to 32.92 metres;
 (iv) 22.86 centimetres in a piece marked above 32.92 metres and up to 42.98 metres; or

(v) 47.72 centimetres in a piece marked above 42.98 metres ; or “

52. Clause 103 – **Amendment proposed** – *delete* and *insert* a new rendition as follows:

“Application

103. This part does not

(1) exempt a person from a suit or other proceedings which may be brought against that person; or

(2) affect any provision of Trade Marks Act, 2004 (Act 664), except so far as that Act relates to trade descriptions, as to the measure only of folded goods woven goods within the scope and meaning of This Part”

53. ~~Clause 104 – **Amendment proposed** – sub-clause (7), *delete* and *insert* the following:~~

~~“(7) The Commissioner-General may remit or refund the duty due or paid on goods where~~

~~(a) The goods are lost by accident~~

~~(i) on board a conveyance in a customs controlled area or warehouse; or~~

~~(ii) in the process of removing the goods into or delivering the goods from, a customs controlled area or warehouse; or~~

~~(b) The Commissioner-General is satisfied that the goods have not been and will not be consumed by any person in the country”~~

54. Clause 113 – **Amendment proposed** – sub-clause (5), line 5, *delete* “times” and *insert* “hundred percent of”

55. Clause 116 – **Amendment proposed** – *rename* second sub-clause (2) as “(3)”.

56. Clause 117 – **Amendment proposed** – sub-clause (3) line 2, *delete* “by” before “force” and *insert* “with”

57. Clause 118 – **Amendment proposed** –

i). sub-clause (3) line 3, after “hundred” *insert* “and not more than six hundred”

ii). sub-clause (5), line 3 *delete* “times” and *insert* “hundred percent of” and in line 4, *delete* all words after “and” and *insert* “the goods shall be forfeited”

58. Clause 119 – **Amendment proposed** –

- i). sub-clause (5) line 2 after “thousand” *insert* “and not more than three thousand”
- ii). sub-clause (5) (c), line 2, *delete* “Ghana” and *insert* “the country”
- iii). sub-clause (7) line 2 after “hundred” *insert* “and not more than three hundred”
- iv). sub-clause (10), line 5 after “thousand” *insert* “and not more than three thousand”

59. Clause 120 – **Amendment proposed** – line 4, *delete* “comma” after “seizure”.

60. Clause 121 – **Amendment proposed** –

- i). sub-clause (2) (a), (b), (c), (e) and (f) *delete* the word “concerned” and *insert* “involved”.
- ~~ii). sub-clause (2), concluding paragraph, line 2, *delete* “times” and *insert* “hundred percent of”.~~
- iii). sub-clause (3), line 3, *delete* “triple” and *insert* “three hundred percent of”.
- iv). sub-clause (4), line 4, *delete* “times” and *insert* “hundred percent of”.
- v). sub-clause 5, line 3, *delete* “eight hundred and fifty” and *insert* “three thousand five hundred”.
- vi). sub-clause (6) (a) and (b) *delete* “some” and *insert* “a”.
- vii). sub-clause 8, line 3, *delete* “two hundred” and *insert* “two thousand five hundred”.
- viii). sub-clause (9), *delete* “(6)” and *insert* “(8)”
- ix). sub-clause (10), line 1, *delete* “a customs” and *insert* “despite sub-section (8) an”.
- x). sub-clause (12), line 4, *delete* “times” and *insert* “hundred percent of”.
- xi). sub-clause (13), line 3, *delete* “times” and *insert* “hundred percent of”.
- xii). sub-clause (14), line 4, *delete* “five hundred” and *insert* “two thousand and not more than six thousand”.
- xiii). sub-clause (15), line 4, after “hundred” *insert* “and not more than six hundred”.
- xiv). sub-clause (16), line 4 and 5, *delete* “times” and *insert* “hundred percent of”.
- xv). Renumber sub-clauses (16) and (17) as (17) and (16) respectively
- xvi). sub-clause 19, line 1, after “drawback” *insert* “or refund” and in line 3, *delete* “by the Commissioner-General”
- xvii). *Delete* sub-clauses (20), (21) and (22)

61. *Inset* a new clause after 121 as follows:

“Goods used contrary to authorised purpose

(1) Where goods, ordinarily liable to duty at a given rate, are allowed by law to be entered or delivered at a lower rate of duty or free of duty for use for some special purpose or because the goods are the property of or intended for use by a particular person or functionary, the goods are liable to forfeiture to the State if

(a) the required conditions are not observed; or

(b) being goods entered or delivered because they are the property of or intended for use by some particular person or functionary, the goods are sold or transferred to another person.

(2) Where goods are forfeited, the importer or person obtaining delivery of the goods and any person who is involved in the use of the goods contrary to the conditions of the entry at a lower or zero rate shall incur a penalty equal to one hundred percent of the duty payable on the goods.

(3) An importer or person to whom the goods have been delivered shall produce the goods on demand to an officer or otherwise account for the goods to the satisfaction of the Commissioner-General, and if the importer fails to produce or account for the goods, the importer or that person shall incur a penalty equal to the value of the goods in addition to the duty payable”

62. Clause 122 – **Amendment proposed** –

i). sub-clause (1), concluding paragraph, line 2, after “hundred” *insert* “and not more than seven thousand five hundred”

ii). sub-clause (2) (a) line 2, *delete* “times” and *insert* “hundred percent of”

iii). sub-clause (2) (b) line 2, *delete* “less” and *insert* “more” and *delete* “times” and *insert* “hundred per cent of”

63. Clause 123 – **Amendment proposed** –

i). sub-clause (2) (a) and (b) at the end, *insert* “or”

ii). sub-clause (2) (b) line 1, before “post” *insert* “registered”

iii). sub-clause (2), paragraph (d) line 1, before “national” *insert* “a”

- iv). sub-clause (3), line 3, *delete* “thinks fit” after “Commissioner-General” and *insert* “considers appropriate”
 - v). sub-clause (6), line 1, *delete* “and” after “seized” and *insert* “are not”
 - vi). sub-clause (11), line 1, before “where” *insert* “despite sub-section (1) and in line 4, after “retained” *insert* “to abide the result of any claims in respect of the goods”
 - vii). sub-clause (12), line 2, *delete* “knowingly concerned” and *insert* “involved”
 - viii). sub-clause (12), line 5, *delete* “twice” and *insert* “two hundred percent”
64. Clause 124 – **Amendment proposed** – sub-clause (7), line 1, *delete* “is” and *insert* “are”
-

65. Clause 125 – **Amendment proposed** –
- i). Head note, *delete* and *insert* “Disposal of goods”
 - ii). Sub-clause (4), line 3, *delete* “national newspaper” and *insert* “at least two state owned daily newspapers”
66. Clause 126 – **Amendment proposed** – sub-clause (3), line 1, after “may” *insert* “in consultation with the Minister of Roads and Highways”
67. Clause 127 – **Amendment proposed** – *delete* and *insert* the following new sub-clauses:
- “Shooting at a conveyance**

127. A person who shoots at a conveyance in the service of the Authority commits an offence and is liable on conviction to a term of imprisonment of not more than twenty years.

Shooting at an Officer

128. A person who shoots at, maims, wounds or causes harm by any means to an Officer acting in the execution of the duty of the officer commits an offence and is liable on conviction to a term of imprisonment of not more than twenty years.

Offender going Armed

129. (1) a person who is or has been engaged in the commission of an offence under this Act and who is armed with a firearm or other offensive weapon commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

(2) A person who is armed with a firearm or other offensive weapon and who is found with goods liable to forfeiture under this Act commits an offence and is liable on summary conviction to a fine of not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both.

68. Clause 128 – **Amendment proposed** – sub-clause (2), line 4, after “imprisonment” *insert* “of”
69. Clause 129 – **Amendment proposed** –
- i). sub-clause (1), line 4, *delete* “customs” *insert* “customs-controlled”
 - ii). sub-clause (1), line 7 and 8, *delete* “less than the Cedi equivalent of two thousand United States Dollars” and *insert* “more than two thousand five hundred penalty units”
-
70. Clause 130 – **Amendment proposed** – sub-clause (1), line 2, before “five” and *insert* “not more than two thousand”
71. Clause 134 – **Amendment proposed** – Head note, *delete* and *insert* “uncustomed or prohibited goods offered for sale”
72. Clause 135 – **Amendment proposed** –
- i). sub-clause (1), concluding paragraph, line 3, *delete* “of the Authority” and in line 6, *delete* “or tax”
 - ii). sub-clause (2) line 7, *delete* “times” and *insert* “hundred percent of” and after “goods” *add* “and the conveyance shall be forfeited to the state”
 - iii). sub-clause (4) (c), line 1, before “any” *insert* “with”
 - iv). sub-clause (4) (d), *delete* all words before “staved” and *insert* “goods on board which have been”
 - v). sub-clause (4), concluding paragraph line 5, after “hundred” *insert* “and not more than six hundred”
73. Clause 141 – **Amendment proposed** – paragraph (b) *delete* “to”
74. Clause 144 – **Amendment proposed** – line 2, *delete* all words after “proceedings” and in line 3, *delete* “or a penalty”
75. Clause 145 – **Amendment proposed** – sub-clause (1) (a), *delete* “concern” and *insert* “in relation to”.
76. Clause 146 – **Amendment proposed** – line 3, *delete* “corroborated” and *insert* “conclusive”.

77. Clause 147 – **Amendment proposed** – line 5, *delete* “it”.
78. Clause 149 – **Amendment proposed** –
79. i). line 2, after “Regulation” add “to”.
- ii). paragraphs (a), (b), (d), (e), (f), (g), (i), (j), (k) and (l), *delete* “to” at beginning.
- iii). paragraph (c), *delete* “for the conduct of” and *insert* “conduct”.
- iv). paragraph (h), *delete* all words before “drawback” and *insert* “implement the”.
- v). *insert* the following new paragraphs:
“(l) prescribe goods that may be warehoused;
“(m) amend the Schedule;”
80. Clause 150 - Interpretation – **Amendment proposed-**
- ~~i) “approved place of unloading and approved place of loading”, line 3, after~~
Gazette, *insert* “and at least two state owned daily newspaper”
- ii). “Boarding Station” line 2, after Gazette, *insert* “and at least two state owned daily newspaper”
- iii) “Conveyance” *delete* “means” and *insert* “includes”.
- iv) *insert* a new definition after “conveyance” as follows:
“customs advanced ruling” means a binding written statement issued by Customs that interprets and applies customs laws and regulations to a specific set of facts upon applications by a trade about a prospective transaction”
- v) “customs house agent”, *delete* and *insert* a new meaning as follows “means a person who is granted a licence to carry out customs business”
- vi) “customs controlled area” line 3, *delete* “or” and *insert* “and”
- vii) “declarant”, line 3, *delete* “or” after “importer” and *insert* “comma”, and after “exporter *delete* “comma”
- viii) ”electronic declaration” line 3, *delete* ”or broker”
- ix) “signature” line 1, *insert* ”electronic” before “signature”
- x) “entered” line 3, after “officer”, *insert* ”and”
- xi) “export value”, line 7, *delete* “Ghana” and *insert* “country”
- xii) “goods” line 1, *delete* “an article , conveyance” and *insert* “all kinds of articles”
- xiii) “goods of same class or kind” line 1, *delete* “means” and *insert* “include” and in line 3, *delete* “includes”.

- xiv) “manufacture” line 2, insert “comma” after “produced”
- xv) “officer”, *add* the following at end “and assigned to perform custom duties”
- xvi) “over-age” line 1 delete “over-age” and insert “over-aged” and in line 2, after “law” *delete* “as over a certain age”
- xvii) “owner of goods” line 1, *delete* “means” and *insert* “includes” and in line 4, *delete* “includes”
- xviii) “Port” line 2, after Gazette, *insert* “and at least two state owned daily newspapers”
- xix) “regulations” *add* the following at end “by legislative instrument”
- xx) “State warehouse” line 3, after “abandoned” *insert* “detained”.
- xxi) “sufferance wharf” line 2, after “Commissioner-General” *add* “may”, in line 3, *delete* the words “in his or her discretion” and in line 4, *delete* the words “as he or she may”
- “time of entry”, line 4, insert “and” after “officer”.
- xxii) “time of export”, line 1 *delete* “Ghana” and *insert* “the country”; line 3, delete “Ghana” and insert “the country”; line 7 delete “Ghana” and insert “the country” and line 8, delete “waters” and insert “waterways”; and delete “Ghana and insert “the country”
- xxiii) time of import”, line 2, delete “Ghana” and insert “the country”
- xxiv) add a new interpretation as follows “Members of the same family means
- (a) Husband and wife
 - (b) parent and child
 - (c) brother and sister (whether by whole or half-blooded)
 - (d) brothers (whether by whole or half-blooded)
 - (e) sisters (whether by whole or half-blooded)
 - (f) grandparent and grandchild
 - (g) uncle and nephew
 - (h) uncle and niece
 - (i) aunt and nephew
 - (j) aunt and niece
 - (k) sisters-in-law

- (l) brothers-in-law
- (m) brothers-in-law and sisters-in-law
- (n) parent-in-law and child-in-law”

81. Clause 151 – **Amendment proposed** - insert a new sub-clause (3) as follows:

“(3) Despite the repeal PNDCL 330, the provisions in relation to the administration of PNDCL 330 apply to this Act with necessary modifications until altered, revoked or modified.”

82. Add the following Schedule:

“SCHEDULE

Importation of motor vehicles

(Section 57)

NO	TYPES OF MOTOR VEHICLE	PENALTY
1.	Motor cars	
(a)	Where the age does not exceed ten (10) years	NIL
(b)	Where the age exceeds ten (10) years but does not exceed twelve years (12)	5% of CIF value
(c)	Where the age exceeds twelve (12) years but does not exceed fifteen (15) years	20% of CIF value
(d)	Where the age exceeds fifteen (15) years	50% of CIF value
2.	Commercial vehicle namely bus, coach or van	
(a)	Where the age does not exceed ten (10) years	NIL
(b)	Where the age exceeds ten (10) years but does not exceed twelve years (12)	2.5% of CIF value
(c)	Where the age exceeds twelve (12) years but does not exceed fifteen (15) years	10% of CIF value
(d)	Where the age exceeds fifteen (15) years but does not exceed twenty (20) years	20% of CIF value
(e)	Where the age exceeds twenty (20) years	50% of CIF value

3.	Commercial vehicle namely truck, lorry or tipper truck	
(a)	Where the age does not exceed ten (10) years	NIL
(b)	Where the age exceeds ten (10) years but does not exceed twelve years (12)	5% of CIF value
(c)	Where the age exceeds twelve (12) years but does not exceed twenty-two (22) years	10% of CIF value
(d)	Where the age exceeds twenty-two (22) years	30% of CIF value

8.0 CONCLUSION

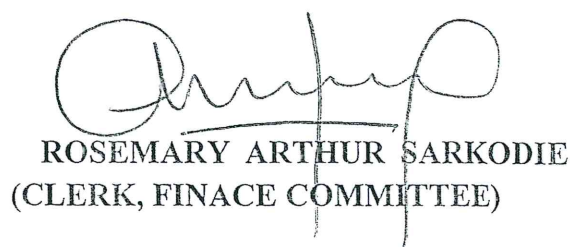
The Committee having carefully examined the Bill is of the view that, the passage of the Bill will make the implementation of Custom Laws user-friendly, help seal existing loopholes in existing laws and improve compliance and ultimately improve revenue collection at the countries entry points.

The Committee therefore recommends to the House to adopt its report and take the Customs Bill through second reading in accordance with Article 106 of the Constitution and Orders 126 and 127 of the Standing Orders of the House.

Respectfully Submitted



HON. JAMES KLUTSE AVEDZI
(CHAIRMAN, FINANCE COMMITTEE)



ROSEMARY ARTHUR SARKODIE
(CLERK, FINACE COMMITTEE)

