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Act 1067



THE ONE THOUSAND AND SIXTY-SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

FINANCIAL SECTOR RECOVERY LEVY ACT, 2021

AN ACT to impose a special levy to be known as the Financial Sector Recovery Levy on banks to raise revenue to support the financial sector reforms and to provide for related matters.

DATE OF ASSENT: *31st March, 2021.*

PASSED by Parliament and assented to by the President

Imposition of Financial Sector Recovery Levy

Imposition of Levy on profit before tax of a bank

1. There is imposed by this Act a Financial Sector Recovery Levy of five percent on the profit before tax of a bank.

Application of Levy

2. Despite any provision to the contrary in an enactment relating to a tax holiday or an exemption from a direct tax or an indirect tax applicable to a bank, the Levy imposed under section 1 applies to a bank other than a rural bank or a community bank.

Levy not an allowable deduction

3. The Levy is not an allowable deduction for the purpose of ascertaining the chargeable income of a person under the Income Tax Act, 2015 (Act 896).

Profits affected by Levy

4. (1) The Levy is payable in respect of profit before tax.

(2) The Minister may, at the expiration of the 2024 year of assessment, review the Levy.

Assessment of Levy payable

5. (1) A bank covered under this Act shall submit an estimate of the Levy due for that year of assessment together with the annual income tax estimate of that bank.

(2) Where the bank has not

(a) been assessed for tax in the two preceding years of assessment,
or

(b) furnished

(i) a return or an estimate in accordance with the Income Tax Act, 2015 (Act 896), or

(ii) a statement of the estimated Levy payable in accordance with subsection (1)

the Commissioner-General may proceed to make an assessment of the Levy payable by that bank.

Payment period of Levy

6. (1) The Levy assessed for a year of assessment is payable on or before the following dates of each quarter of the year of assessment:

(a) 31st March;

(b) 30th June;

(c) 30th September; and

(d) 31st December.

(2) Despite subsection (1), payment of the Levy for the 2021 year of assessment shall be made in three instalments on or before

(a) 30th June, 2021;

(b) 30th September, 2021; and

(c) 31st December, 2021.

Administration, Collection and Recovery of Levy

Administration of Levy

7. The Commissioner-General shall administer the Levy in accordance with the Revenue Administration Act, 2016 (Act 915).

Collection of Levy

8. The Ghana Revenue Authority is responsible for the collection of the Levy.

Payment of Levy into Consolidated Fund

9. The Commissioner-General shall pay the Levy collected under this Act into the Consolidated Fund.

Recovery of Levy

10. For the purpose of enforcing the payment of the Levy, the provisions of the Revenue Administration Act, 2016 (Act 915) and the Income Tax Act, 2015 (Act 896) relating to collection, enforcement, refund and penalties shall apply to the collection of the Levy as if the Levy is collected under the specified enactments.

Miscellaneous Provisions

Regulations

11. The Minister may, by legislative instrument, make Regulations to provide for the efficient and effective implementation of this Act.

Interpretation

12. In this Act, unless the context otherwise requires,

“bank” means a bank regulated under the Banks and Specialised Deposit-Taking Institutions Act, 2016 (Act 930);

“Commissioner-General” means the Commissioner-General appointed under section 13 of the Ghana Revenue Authority Act, 2009 (Act 791);

“Levy” means the Financial Sector Recovery Levy imposed under section 1; and

“Minister” means the Minister responsible for Finance.

Date of Gazette notification: 31st March, 2021.