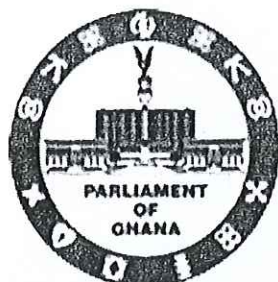


**IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF THE FOURTH  
REPUBLIC OF GHANA**



**REPORT OF THE FINANCE COMMITTEE  
ON THE STAMP DUTY (AMENDMENT)  
BILL, 2023**

**1.0 INTRODUCTION**

The **Stamp Duty (Amendment) Bill, 2023** was *presented and read the first time* in the House on Friday 24<sup>th</sup> November, 2023 by the Hon. Deputy Minister for Finance, Mrs. Abena Osei-Asare on behalf of the Minister responsible for Finance.

The Bill was subsequently *referred* to the Finance Committee for consideration and report in accordance with Order 169 of the Standing Orders of the House.

The Committee met and considered the Bill with a Deputy Minister for Finance, Hon. Mrs. Abena Osei-Asare and a team of officials from the Ministry of Finance, the Ghana Revenue Authority (GRA) and the Attorney General's Department.

The Committee is grateful to the above-mentioned Hon. Deputy Minister and the team of officials of the Ministry of Finance, GRA

and the Attorney General's Department for attending upon the Committee.

### **1.1 URGENCY OF THE BILL**

The Committee determined and hereby certifies that the Bill is of an urgent nature and may be taken through all the stages of passage in one day in accordance with article 106(13) of the 1992 Constitution and Order 119 of the Standing Orders of the House.

### **2.0 REFERENCES**

The Committee referred to and was guided by the following documents *inter alia* during its deliberations on the Bill:

- The 1992 Constitution of the Republic of Ghana.
- The Standing Orders of the Parliament of Ghana.
- Interpretation Act, 2009 (Act 792).
- Public Financial Management Act, 2016 (Act 921).
- The Budget Statement and Economic Policy of the Government of Ghana for the 2024 Financial Year.
- Ghana Revenue Authority Act, 2009 (Act 791).
- Stamp Duty Act, 2005 (Act 689).

### **3.0 BACKGROUND**

The Stamp Duty Act, 2005 (Act 689) was passed to impose a tax on documents or specific instruments that have legal effect. It is not a tax on transactions, but on documents brought into being for the purpose of recording transactions.

Act 689 requires an instrument or a document to which Act 689 applies to be duly stamped to render the instrument or document admissible as evidence and enforceable in a court in Ghana. An unstamped or insufficiently stamped document or instrument is inadmissible as evidence in court and cannot be relied on to make a case.

The rates of stamp duties under Act 689 have not been reviewed since the passage of the Act in 2005 and therefore do not reflect the current economic realities. The Stamp Duty (Amendment) Act, 2008 (Act 764) which converted the values and tax rates stated under the First Schedule to Act 689 from old Ghana Cedis to new Ghana Cedis, did not review the existing rates of the stamp duties.

The objective of this Bill is therefore to revise the rates and bands in line with current economic realities.

### **4.0 OBJECT OF THE BILL**

The object of the Bill is to amend the Stamp Duty Act, 2005 (Act 689) to review the rates of stamp duty on specified instruments

## **5.0 CONTENTS OF THE BILL**

The Bill contains one (1) clause.

The clause seeks to amend the Stamp Duty Act, 2005 (Act 689) by replacing the First Schedule to the Act with a new First Schedule to review the rates of stamp duty on specified instruments.

## **6.0 OBSERVATIONS**

### **6.1 Fiscal Impact**

As to what the fiscal implication of the Bill will be, the Committee was informed that the revision of the rates of stamp duty is expected to yield an amount of *six hundred and fifty-three million Ghana Cedis (GH¢653,000,000)* in revenue for the 2024 financial year in which the amendment is expected to come into effect.

### **6.2 Review of Stamp Duty Rates**

The Committee observed that the Bill does not affect any of the *ad-valorem* rates in Act 689. The only rates being reviewed are the nominal amounts that were set in 2005 and which have lost their value over time.

### **6.3 The Position of the Minority**

The entire NDC Minority on the Committee expressed concerns about the impact these increases would have on the cost of doing business in the country and on the general population. They



submitted that they were unable to support the Bill because it would directly worsen the economic circumstances of Ghanaians and businesses in the country. All members on the Minority side accordingly declined to recommend to the House to pass this Bill into law.

## **7.0 RECOMMENDATION AND CONCLUSION**


All members on the Majority side, on the other hand, supported the bill for the reasons stated in paragraph 3.0 of this report.

The Committee, by a Majority Decision therefore, respectfully recommends to the House to adopt this report and pass the **Stamp Duty (Amendment) Bill, 2023** into law in accordance with the 1992 Constitution and Order 119 of the Standing Orders of the House.

Respectfully submitted.



**KWAKU KWARTENG**  
(CHAIRMAN, FINANCE COMMITTEE)



**EPHRAIM AMU**  
(SCHEDULE OFFICER, FINANCE  
COMMITTEE)

6TH DECEMBER, 2023

