

GHANA INVESTMENT PROMOTION CENTRE
(PROMOTION OF TOURISM) INSTRUMENT, 2005

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GHANA INVESTMENT PROMOTION CENTRE
(PROMOTION OF TOURISM) INSTRUMENT, 2005

IN EXERCISE OF the powers conferred on the Board of the Ghana Investment Promotion Centre and with the approval of the President under section 26 of the Ghana investment promotion Centre Act, 1994 (Act 478) this Instrument is made this 30th day of June, 2005.

Special priority areas:

1. Enterprises engaged in the category of activities specified in Part A of the schedule to this Instrument are hereby declared areas of special priority and shall qualify for the benefits and incentives specified in relation to them in Part B of the Schedule.

Enterprises to apply

2. (1) Enterprises specified in Part A of the Schedule to this Instrument and in the category of activities declared by the Board of the Ghana Investment Promotion Centre as special priority areas shall qualify for the benefits and incentives specified in relation to them in Part B of the Schedule.

(2) The Board of the Centre shall determine the fee to be paid for an application.

Co-operation of other Public Agencies and Authorities

3. Government departments, agencies and other public authorities shall co-operate fully with the Centre in the performance of its functions under this Instrument and shall not vary, by way of interpretation, the benefits and incentives specified in Part B of the Schedule other than a duly enacted Act of Parliament.

Assignability of approvals

4. No approval given under this instrument may be assigned, except with the prior written consent of the Centre.

Monitoring of projects

5. The Centre shall, in conjunction with the Customs, Excise and Preventive Service and such other relevant government agency or authority, monitor the use and application of the benefits and incentives granted under Part B of the Schedule to this Instrument.

Sanctions

6. (1) The Centre shall cancel an approval whereby
- (a) the approval has been obtained on the basis of fraud, deliberate or
- (2) Where an approved enterprise
- (a) applies a benefit conferred by or under this Instrument for purposes other than those for which the benefit was conferred,
 - (b) fails without reasonable cause in writing to submit a report required under this Instrument after thirty working days, where written notice of the default has been given, or
 - (c) fails without reasonable cause to commence operations within the time stipulated in the approval;
the Centre may impose any of the sanctions provided in sub-regulation(3) of this regulation.
- (3) Where the Centre is satisfied that an approved enterprise has contravened any of the provisions of sub-regulation (2), the Centre may,
- (a) suspend or cancel the approval,
 - (b) decide that the taxes and other charges in respect of which benefits were granted to the enterprise shall be paid within the time determined by the Centre, or
 - © recommend the application of sanctions or penalties to the Commissioner of Customs, Excise and Preventive Service or the Commissioner for Value Added Tax for an act or omission which also constitutes an offence under the provisions of the Customs, Excise and preventive Service (Management), Law, 1993 (P.N.D.C.L. 330) and the Value Added Tax Act 1998 (Act 546).

Interpretation

7. In this instrument unless the context otherwise requires
“Centre” means the Ghana Investment Promotion Centre.

Commencement

9. This Instrument shall come into force on the 10th February, 2006

SCHEDULE (Regulation)

<p style="text-align: center;">Part A List of Establishments and Investment projects</p> <p>Accommodation Establishments including hotels, motels, resorts, guests houses, catering rest houses, serviced flats and apartments, holiday apartments and other accommodation establishments as categorized and licensed with the Ghana Tourist Board.</p>	<p style="text-align: center;">PART B Applicable Incentives and Benefits</p> <p>(a) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the following capital equipment, machinery, appliances, furniture and fittings in the pre-approved quantities to be used in establishing the project:</p> <ul style="list-style-type: none">i) refrigerators/deep freezers.ii) Televisions setsiii) Audio visuals and video equipmentiv) Air conditioners,v) Public address system,vi) Furnishing including carpets, bedding and fixtures,vii) Fans,viii) Bedside & lounge audio visuals and video equipment,ix) crockery,x) industrial ovens, cooking ware and cutlery,xi) computers, printers and servers,xii) courtesy minibus, passenger or transit vehicles and delivery vans,xiii) fitness and health care equipment, andxiv) office equipment. as replacements to the items mentioned in Part A of this Schedule.
	<p>(c) Exemption from the payment of corporate tax for the following specified period:</p> <ul style="list-style-type: none">i) five years tax holiday for 2,3,4, and 5 star hotels or resorts in Accraii) seven years tax holiday for 2,3,4, and 5 star hotels or resorts in Accraiii) ten years tax holiday for 2,3,4, and 5 star hotels or resorts located elsewhere.

<p>Catering Establishments, including fast food, specialized restaurants and other catering establishments as categorized and licensed by the Ghana Tourist Board.</p>	<ul style="list-style-type: none"> iv) four years tax holiday for accommodation establishments below 2 star in Accra or within a radius of thirty kilometers from Accra v) five years tax holiday for accommodation establishments below 2 star located in regional capitals or more than thirty kilometers but less than hundred kilometers from Accra General Post Office and vi) seven years tax holiday for the same category elsewhere <p>(d) other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment promotion Centre Act 1994 (Act 478).</p> <p>(a) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the following capital equipment, machinery, appliances, furniture and fittings in the pre-approved quantities to be used in establishing the project.</p> <ul style="list-style-type: none"> i) Industrial ovens, cooking ware (industrial cookers, microwave ovens, deep fryers). ii) computers, printers and servers iii) public address system, iv) television sets vii) office equipment, and viii) delivery vans <p>(b) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the pre-approved quantities of knocked-down parts and components, and spare parts to be used as replacements to the items mentioned in Part A of this schedule.</p> <p>(c) Exemption from the payment of corporate tax for the following specified periods:</p>
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<p>Travel and Tour Establishments Including operation of a fleet of tourist coaches and/or buses and car hire services</p>	<ul style="list-style-type: none"> (i) three years tax holiday for catering establishments situated in Accra or within thirty kilometers radius from Accra (ii) four years tax holiday for the same facilities in regional capitals, (iii) five years tax holiday for the same facilities in located elsewhere <p>(d) other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment Promotion Centre Act 1994 (Act 478)</p> <p>(a) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the following capital equipment, machinery, appliances, furniture and fittings in the pre-approved quantities to be used in establishing the project:</p> <ul style="list-style-type: none"> (i) cars and tourist coaches to be used by operators, (ii) air conditioners (iii) furnishing including carpets, (iv) computers, printers and servers, (v) office equipment (vi) server for galileo system and radio communication equipment. <p>(b) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the pre-approved quantities of knocked-down parts and components, and spare parts to be used as replacements to the items mentioned in Part A of this Schedule.</p>
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<p>Conference and Convention Establishments, including management and operation of international conference centres</p>	<p>(c) Exemption from the payment of corporate tax for the following specified periods:</p> <ul style="list-style-type: none"> (i) three years tax holiday for enterprises situated in Accra or within thirty (30) kilometers radius from Accra (ii) four years tax holiday for the same facilities in regional capital and (iii) five years tax holiday for the same facilities located elsewhere <p>(d) Other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment promotion Centre Act, 1994 (Act 478)</p> <p>(a) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the following capital equipment, machinery, appliances, furniture and fittings in the pre-approved quantities to be used in establishing the project:</p> <ul style="list-style-type: none"> (i) cars and tourist coaches to be used by operators, (ii) air conditions, (iii) furnishing including carpets (iv) computers, printers and servers (v) office equipment, (vi) server for galileo system and radio communication equipment (vii) audio visual and video equipment
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<p>Recreation of Entertainment Establishments, including nightclubs, amusement centres, theme parks, casinos, provision of facilities for hand gliding and paragliding, water skiing, surfing, yachting and boating, cruising, angling and other marine and water based recreational facilities</p>	<p>(b) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the pre-approved quantities of knocked-down parts and components, and spare parts to be used as replacements to the items mentioned in Part A of this Schedule</p> <p>© Exemption from the payment of corporate tax for the following specified periods:</p> <ul style="list-style-type: none"> i) three years tax holiday for enterprises situated in Accra or within thirty (30) kilometers radius from Accra ii) four years tax holiday for the same facilities in regional capitals, iii) five years tax holiday for the same facilities located elsewhere, and <p>(d) other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment Promotion Centre Act 1994,(Act 478).</p> <p>(a) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the following capital equipment, machinery, appliances, furniture and fittings in the pre-approved quantities to be used in establishing the project:</p> <ul style="list-style-type: none"> (i) air conditions, (ii) furnishing including carpets (iii) computers, printers and servers (vi) audio and video equipment, and (vii) cars and vans to be used by the operators and organizers.
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<p>Strategic or Major Investment Project, which shall be limited to any other tourism project which the Board, in consultation with other relevant Government agencies may determine to be of a strategic or major investment status on the basis of its potential to significantly impact on the following:</p> <ul style="list-style-type: none"> (i) the level of investment in the economy (ii) employment generation, (iii) generation of further investments through linkages with (iv) increase in tourist arrivals and foreign exchange earnings. (v) the development of specialized tourism ventures in areas such as eco-tourism, heritage or cultural tourism, historical or emotional tourism and sports 	<ul style="list-style-type: none"> (b) Exemption from the payment of customs import duties and other related charges and Value Added Tax on the pre-approved quantities of knocked-down parts and components, and spare parts to be used as replacements to the items mentioned in Part A of this Schedule: © Exemption from the payment of corporate tax for the following specified periods: <ul style="list-style-type: none"> (i) three years tax holiday for enterprises situated in Accra or within thirty (30) kilometers radius from Accra (ii) four years tax holiday for the same facilities in regional capitals, (iii) five years tax holiday for the same facilities located elsewhere, and (d) other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment Promotion Centre Act 1994,(Act 478). (a) The benefits and incentives to be granted to the identified strategic investor shall be as negotiated by the Board of the Ghana Investment Promotion Centre and with the approval of
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<p>(vi) the ability to market Ghana's investment environment through the attraction of strategic investors</p> <p>(vii) the realization of Ghana's branded image, and</p> <p>(viii) such other objective as the Board may consider relevant for achieving the objects of the instrument</p>	<p>(b) In the special case of such projects, the benefits and incentives to be granted shall be in addition to the benefits and incentives already provided for under this instrument and such other relevant incentives or benefits that are generally applicable to enterprises under the Ghana Investment Promotion Centre Act 1994, & Act 478)</p>
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SIGNED BY PAUL VICTOR OBENG
Chairman of the Ghana Investments Promotion Centre

Date of Gazette notification: 18th November, 2005

Entry into force: 10th February, 2006