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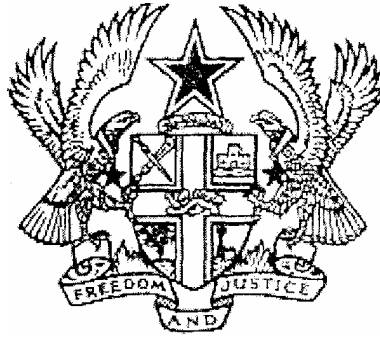
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THE SIX HUNDRED AND EIGHTY-NINTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA ENTITLED THE STAMP DUTY  
ACT, 2005

AN ACT to revise the Stamp Act 1965 (Act 311); to incorporate amendments relating to stamp duties and to provide for related matters.

DATE OF ASSENT: *17th May, 2005*

ENACTED by the President and Parliament:

*Provisions applicable to instruments generally*

**Charge of duties in Schedule**

1. (1) The amounts specified in Schedule 1 are payable as stamp duties in respect of the matters stated respectively in relation to them.

(2) The Minister may by legislative instrument amend the Schedule.

**Instruments to be separately charged with duty**

2. Except where express provision to the contrary is made in this Act or under any other enactment,

(a) an instrument that contains or relates to several distinct matters is to be charged separately and distinctly as if each matter were a separate instrument, with duty in respect of each of the matters:

- (b) an instrument made for a consideration in respect of which it is chargeable with ad valorem duty, and also for a further or other valuable consideration, is to be separately and distinctly charged, as if it were a separate instrument with duty in respect of each of the consideration.

**Assessment of duty**

3. The Commissioner shall assess the duties payable on an instrument required to be stamped under this Act.

**Impressed and adhesive stamp**

4. (1) Stamp duties chargeable under this Act or any other enactment on an instrument shall be paid and denoted in accordance with this Act.

(2) Except otherwise provided expressly by this Act or any other enactment, stamp duties shall be denoted by impressed stamps only.

(3) A stamp duty of an amount not exceeding ten thousand cedis may be denoted by adhesive stamps.

(4) Where duties are permitted to be denoted by adhesive stamps, they may be denoted by stamps issued by the Commissioner for the purpose of this Act.

(5) Each stamp impressed on an instrument, other than an instrument stored electronically or in cellulose material shall contain figures denoting the actual date on which that stamp was impressed.

**Instruments written on stamped material**

5. (1) An instrument which is

(a) written on material already stamped; or

(b) partly or wholly written on the material before being stamped,

is to be stamped in a manner that the stamp may appear on the face of the instrument and cannot be used or applied to another instrument written on the same piece of material.

(2) If more than one instrument is written on the same piece of material, each one of the instruments is to be separately and distinctly stamped with the appropriate duty payable.

**Circumstances affecting duty to be set out in instruments**

6. The facts and circumstances that affect the liability of an instrument to duty or the amount of the duty with which an instrument is chargeable, are to be fully and truly stated in the instrument.

**Mode of calculation of ad valorem duty in certain cases**

7. (1) Where an instrument is chargeable with an ad valorem duty in respect of

- (a) moneys in a foreign currency,
- (b) a stock or marketable security,

the duty shall be calculated on the value of the money in Ghana currency according to the prevailing rate of exchange on the day of the date of the instrument or in the case of stock or security, according to the average price of the stock or security.

(2) The Commissioner, if not satisfied with the evidence, is not bound to assess the duty in conformity with subsection (1).

**Cancellation of adhesive stamps**

8. (1) Where the duty chargeable on an instrument is required or permitted under this Act to be denoted by an adhesive stamp, the instrument is not duly stamped with the stamp unless

- (a) the adhesive stamp is properly cancelled; or
- (b) it is otherwise proved that the stamp that appears on the instrument

was fixed to it at the proper time.

(2) An adhesive stamp is properly cancelled if the person required by law to cancel it writes on or across the stamp, the name or initials of that person or the name or initials of that person's firm together with the true date of the writing, or otherwise renders the stamp incapable of being used for another instrument or purpose.

(3) Where two or more adhesive stamps are used to denote the stamp duty on an instrument, each of these stamps shall be cancelled in the manner provided by this section.

**Denoting stamp**

9. Where the duty with which an instrument is chargeable depends on the duty paid on another instrument, the payment of the last-mentioned duty shall, if an application is made to the Commissioner for that purpose and on production of both instruments, be denoted by a certificate under the hand and seal of the Commissioner.

**Commissioner may be required to express opinion**

10. (1) The Commissioner may be required by a person to express an opinion with reference to an executed instrument, as to

- (a) whether the instrument is chargeable with duty; and
- (b) the amount of duty with which the instrument is chargeable, if duty is chargeable.