

## **EXCISE TAX STAMP REGULATIONS, 2016 (L.I. 2241)**

### ARRANGEMENT OF REGULATIONS

#### Regulation

1. Goods on which Excise Tax Stamp is to be affixed
2. Exemptions of Excise Tax Stamp
3. Features and design of Excise Tax Stamp
4. Registration as a manufacturer or importer
5. Procurement of Excise Tax Stamp
6. Time and place of affixing the Excise Tax Stamp
7. Delivery of goods for home consumption
8. Record keeping
9. Returns
10. Monitoring and enforcement
11. Failure to affix Excise Tax Stamp
12. General penalty

IN exercise of the power conferred on the Minister responsible for Finance by section 18 of the Excise Tax Stamp Act, 2013, (Act 873), these Regulations are made this 30th day of June 2016.

#### Goods to which Excise Tax Stamp is to be affixed

1. The Excise Tax Stamp shall, in accordance with the Act, be affixed on
  - (a) specified excisable goods which are
    - (i) manufactured in this country and delivered for home consumption; or
    - (ii) imported into this country and delivered for home consumption; and
  - (b) the following goods:
    - (i) mineral water;
    - (ii) bottled and other packaged water excluding sachet water;
    - (iii) carbonated soft drinks;
    - (iv) malt drink;
    - (v) stout;
    - (vi) beer, including cider beer;

- (vii) wines, including sparkling wine;
- (viii) spirits; and
- (ix) cigarettes and other tobacco products.

#### Exemptions of Excise Tax Stamp

2. The Excise Tax Stamp shall not be affixed on goods which are not liable to excise duty as specified in section 2 of the Excise Duty Act, 2014 (Act 878).

#### Features and design of Excise Tax Stamp

3. (1) The Authority shall determine the designs and specifications of the Excise Tax Stamp.
- (2) The Authority may change the designation and specification of an Excise Tax Stamp at any time depending on the supply of Excise Tax Stamps required.
- (3) The Commissioner-General shall publish the approved colours and designs of the various categories of the Excise Tax Stamps in
- (a) the Gazette, and
  - (b) at least two daily newspapers of national circulation.

#### Registration as a manufacturer or importer

4. (1) A person who intends to manufacture or import goods for which an Excise Tax Stamp is required to be affixed shall register with the Authority in accordance with section 4 of the Act.
- (2) The registration shall be as set out in Form A of the Schedule to the Act and may be electronic or manual.
- (3) Where the registration is an electronic registration, a manufacturer or an importer shall register through the Excise Tax Stamp Portal and complete Form A of the Schedule to the Act.
- (4) Where the registration is a manual registration, a manufacturer or an importer shall collect, complete and submit Form A of the Schedule to the Act to the Commissioner-General.
- (5) The Commissioner-General shall grant the registered manufacturer or importer user access to the Excise Tax Stamp System.
- (6) A foreign manufacturer shall be registered with the Authority if the foreign manufacturer meets the requirements specified in section 4 of the Act.

#### Procurement of Excise Tax Stamp

5. (1) A request to purchase an Excise Tax Stamp shall be made electronically through the Excise Tax Stamp Portal to the Authority.
- (2) The Commissioner-General may approve the request by issuing an electronic invoice to the manufacturer or importer.

(3) Sub regulations (1) and (2) apply to

(a) local manufacturers, and

(b) importers who send Excise Tax Stamps to foreign manufacturers to affix on goods before importation into the country.

(4) A manufacturer or an importer that requires an Excise Tax Stamp shall pay for the supply of the Excise Tax Stamp through a designated bank approved by the Commissioner-General.

(5) The payment for the supply of Excise Tax Stamps to be affixed on imported excisable goods which do not have the Excise Tax Stamps already affixed shall be effected at the time the goods are entered.

#### Time and place of affixing the Excise Tax Stamp

6. (1) Imported goods that are required to have the Excise Tax Stamp affixed to them shall have the Excise Tax Stamp affixed to them in accordance with section 9 of the Act.

(2) The Authority shall supervise the affixing of the Excise Tax Stamp.

(3) An Excise Tax Stamp which is damaged during the affixing process shall be kept for a verification audit and reconciliation.

#### Delivery of goods for home consumption

7. (1) The affixing of the Excise Tax Stamp on excisable goods in accordance with section 10 (2) of the Act is the responsibility of the buyer under the supervision of the Authority.

(2) For the purposes of section 10 (2), the buyer shall be deemed to be the local manufacturer or the importer of the goods bought under auction or disposed of by sale.

#### Record keeping

8. (1) The notification in writing to the Authority by an importer in accordance with section 11 (1) of the Act shall include:

(a) the category of the Excise Tax Stamp;

(b) the name of the foreign manufacturer;

(c) the quantity of each category of the Excise Tax Stamp supplied to the foreign manufacturer;

(d) the date of supply of the Excise Tax Stamp;

(e) the Excise Tax Stamp received by the foreign manufacturer;

(f) the Excise Tax Stamp affixed on product units according to categories;

(g) quantity of damaged or spoiled Excise Tax Stamps;

(h) the balance in stock of Excise Tax Stamps; and

- (i) any other information that may be required by the Commissioner -General.
- (2) The records to be maintained by a local manufacturer of goods which require the Excise Tax Stamp to be affixed to them in accordance with section 11 (3) of the Act shall include
  - (a) the date of supply of the Excise Tax Stamp;
  - (b) the category of the Excise Tax Stamp;
  - (c) the quantity of each category of the Excise Tax Stamp received by the local manufacturer;
  - (d) the quantity of the Excise Tax Stamps affixed on product units according to categories;
  - (e) the quantity of damaged or spoiled Excise Tax Stamps;
  - (f) the balance in stock of Excise Tax Stamps; and
  - (g) any other information that may be required by the Commissioner- General.

#### Returns

- 9. (1) An importer who purchases an Excise Tax Stamp and sends the Excise Tax Stamp to a registered foreign manufacturer to affix on products as well as a local manufacturer of goods for which the Excise Tax Stamp has been purchased shall submit monthly returns to the Commissioner-General in accordance with section 12 (1) of the Act.
- (2) A manufacturer who intends to cease production, either temporarily or permanently, shall notify the Authority in writing not less than fifteen days before the cessation and
  - (a) specify the date on which production will cease; and
  - (b) specify the date on which production will resume where the cessation is temporary.
- (3) The manufacturer shall submit a record of unused Excise Tax Stamps to the Authority within fifteen days of the date of cessation and the Authority shall recover the unused Excise Tax Stamps and take the appropriate steps to reconcile the supply and use of Excise Tax Stamps.
- (4) Where a foreign manufacturer ceases production either temporarily or permanently the importer shall notify the Authority in writing within fifteen days of the cessation and
  - (a) specify the date on which production will cease; and
  - (b) specify the date on which production will resume where the cessation is temporary.
- (5) The importer shall submit a record of unused Excise Tax Stamps to the Authority within fifteen days of the date of cessation and the importer shall recover and return the unused Excise Tax Stamps to the Authority.

#### Monitoring and enforcement

- 10. (1) An authorised officer of the Authority shall conduct periodic visits to manufacturing and trading premises for purposes of monitoring and verifying the use of the Excise Tax Stamp.

(2) The verification of the genuineness of the Excise Tax Stamp may include the use of approved software or device.

(3) The Authority may use the services of other government agencies approved by the Commissioner-General for the purposes of monitoring and verification of the Excise Tax Stamp.

(4) The authorised officer shall submit a monitoring report to the Commissioner-General within twenty-four hours of the visit.

(5) The report shall include the following:

(a) the name of the manufacturer or importer;

(b) the date of visit;

(c) observations and findings;

(d) action taken; and

(e) any other relevant information.

Failure to affix Excise Tax Stamp

11. Sections 124 and 125 of the Customs Act, 2015 (Act 891) shall apply to a seizure under these Regulations.

General penalty

"12. A person who contravenes a provision of these Regulations commits an offence and is liable on summary conviction to a fine of not more than three hundred per cent of the duties and taxes involved or to a term of imprisonment of not more than five years or to both and any goods connected to the offence shall be forfeited to the State.

MR. SETH E. TERKPER

Minister responsible for Finance

Date of Gazette notification: 4th July 2016.

Entry into force: 3rd August 2016.