

# THE KYEREMA

FSB LAW CONSULT'S MONTHLY NEWSLETTER

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# FROM THE HOUSE

Parliament has passed a number of laws to address the government's revenue generation drive to deal with the negative effects of the COVID-19 pandemic on the economy. A brief summary of the laws are given below.

## 1. COVID-19 Health Recovery Levy Act, 2021 (Act 1068)

This law was passed on 31<sup>st</sup> March, 2021 to impose a special levy known as the "Covid-19 Health Recovery Levy" on the supply of local goods and services as well as imported goods or services to raise revenue to support COVID-19 expenditures. Exempt goods and services will not attract this levy.

The levy is not subject to an input tax deduction and it is to ensure the smooth running of the health sector affected by the Covid-19 pandemic. The Ghana Revenue Authority (GRA) is responsible for collecting the levy and the monies received would be paid into the Covid-19 Health Recovery Levy sub account of the Consolidated Fund. Businesses can apply for a waiver between 1<sup>st</sup> April, 2021 and September 2021. The period of payment of the waiver lasts until 31<sup>st</sup> December 2021.

## 2. Penalty and Interest Waiver Act, 2021 (Act 1065)

This law also became operational on 31<sup>st</sup> March,



By: Bernadette Musey

2021 to grant waiver for penalties on accumulated tax arrears for persons who will make arrangements with GRA on or before 31<sup>st</sup> December, 2021.

Parliament passed this law to provide relief for taxpayers who have outstanding taxes up to December 2020 to file their returns and make payments on or before 31<sup>st</sup> December, 2021.

The waiver applies to persons not previously registered with GRA, persons registered with the GRA but have not submitted their returns or are in arrears for submission of returns or for the payment of taxes.

I urge taxpayers to take advantage of this waiver which is to reduce the burden on taxpayers caused by the Covid-19 pandemic and fulfil their tax obligations and outstanding returns.

## 3. Financial Sector Recovery Act, 2021 (Act 1067)

This Act received Presidential assent on 31<sup>st</sup> March, 2021 to impose a special levy on banks to raise revenue to support the financial sector reforms.

Under the law, banks are mandated to pay 5% tax on their profit before tax on a quarterly basis payable in three instalments starting 30<sup>th</sup> June, 2021.

The Finance Minister may at the end of 2024 review the levy. All levies received would be paid into the Consolidated Fund by the Commissioner-General.

## FSB NEWS

### MEET OUR NEW TEAM MEMBER



Benjamin Annang

This is Benjamin Annang, the Digital Community Lead at FSB. He develops strategic ways of building relationships between the firm and its clientele. He also manages the website and social media pages of the firm.

### WEBINAR PRESENTATION

Planning your life to ensure a hassle-free departure was the title of our Managing Counsel's presentation to lawyers on the "My learned friend's" platform. This webinar took place on the 16<sup>th</sup> of April 2021 via Zoom.



## 10TH ANNIVERSARY AS A NOTARY PUBLIC

14th April, 2011 was the year our Managing Counsel, Francisca Serwaa Boateng, Esq. was appointed as a Notary Public. 10 years of hard work and determination deserves a grand celebration. Team FSB says kudos on the great work done so far. Here's to best wishes for the next decade. May God bless and keep you.

**10TH ANNIVERSARY  
AS A NOTARY PUBLIC**

Wishes from FSB Law Consult to our Managing Counsel Francisca Serwaa Boateng Esq. called to the Bar as a lawyer 23 years ago. She was appointed as a notary public by The Hon. Chief Justice of the Republic of Ghana on 14th April 2011.

Here's is to best wishes for the next decade.



**FRANCISCA S. BOATENG ESQ.**  
MANAGING COUNSEL

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Here's a little insight into what Notary Public is about.

### Notary Public

**Who is a notary public?** A notary public is a public officer appointed by law to serve the public in simple matters usually concerned with estates, deeds, powers-of-attorney, and foreign and international business.

**What does a notary public do?** A notary public performs many duties such as:

- attesting the signature and execution of documents.
- authenticating the contents of documents and certificates.
- preparing and witnessing powers of attorney, corporate records, contracts for use in Ghana or overseas.
- drawing mercantile documents, deeds, sales or purchases of property, and wills.
- providing documents to deal with the administration of the estate of people who are abroad, or owning property abroad.
- authenticating personal documents and information for immigration or emigration purposes, or to apply to marry, divorce, adopt children or to work abroad.
- authenticating company and business documents and transactions.

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## From The Supreme Court



By: Sabina Arkorful

The Supreme Court is the highest court and its judgments guide all other courts in Ghana. As always, find below summaries of some interesting judgments from the Supreme Court.

### 1. *Ama Serwaa v Gariba Hashimu & Issaka Hashimu*<sup>[1]</sup>

Ama and Issaka met abroad and Issaka promised to marry her. He persuaded her to become a prostitute and they used the money she made to acquire assets in Ghana; Issaka registered the assets in his name alone. When they returned to Ghana, Issaka left Ama to marry another woman. Ama sued him for breach of promise to marry and her share of the assets. The Supreme Court held that when a person promises to marry another but he fails to do so, the other person can sue. Also, though the properties were in Issaka's name only, they were for both of them because they used their joint resources to buy them.

### 2. *Ernestina Boateng v Phyllis Serwah & 2 Others*<sup>[2]</sup>

Ernestina married one Mark under customary law and while they were going through divorce in court for, among others, the ownership of some two properties, Mark died. Mark's other customary law wife, customary successor and first son obtained letters of administration for his estate and they moved Ernestina out of one of the properties she was living in. Ernestina then sued the administrators. The Supreme Court gave Ernestina part of the properties because, though Mark bought the property in his name, there was evidence to show that, he and Ernestina both contributed the money for the properties. The Supreme Court also gave her GH¢10,000 as damages for the unlawful manner the administrators ejected her from the house. Interestingly, the Supreme Court declared Ernestina and Mark's customary marriage a nullity because at the time they married, Ernestina had a subsisting monogamous "connection" marriage.

### 3. *Sunbeltic Company Limited v Tema Development Corporation & 2 Others.*<sup>[3]</sup>

Sunbeltic Co Ltd and its lawyer were absent at the hearing of an appeal and the appeal was struck out. The lawyer later applied for the appeal to be re-listed since he was not served with a hearing notice and the Court of Appeal granted the application. The two other respondents appealed against the order re-listment. The Supreme Court held that, since there was no proof that the hearing notice was served on Sunbeltic's lawyer personally or on a named and identifiable person of his firm, he could not be said to have been served.

### 4. *Dalex Finance & Leasing Company Limited V. Ebenezer Denzel Amanor & 2 Others.*<sup>[4]</sup>

One Ebenezer, the owner of L.G.G (a company) connived with John (finance manager of Huawei) to present Dalex with fake purchase orders, invoices and waybills which showed that L.G.G had supplied Huawei with equipment

and was awaiting payment. Based on the fake documents, Dalex granted loans totaling GH¢ 6.5 million to L.G.G after a meeting with John and subsequently granted other loans. L.G.G defaulted in the payment of the loans and Dalex wrote to the Managing Director of Huawei who intimated that Huawei did not owe L.G.G at all. Dalex sued Ebenezer, L.G.G and Huawei. The High Court and the Court of Appeal held that Huawei was not liable. Dalex appealed again to the Supreme Court and the Supreme Court held that John's act of deceit was not in pursuit of what he was employed by Huawei to do. Since John acted outside the scope of his employment, Huawei not liable for his actions.

Footnote:

[1] Civil Appeal No. J4/31/2020 dated 14<sup>th</sup> April, 2021, SC (unreported)

[2] Civil Appeal No. J4/08/2020 dated 14<sup>th</sup> April, 2021, SC (unreported)

[3] Civil Appeal No. J4/04/2020 dated 14<sup>th</sup> April, 2020, SC (unreported)

[4] Civil Appeal No. J4/02/2020 dated 14<sup>th</sup> April, 2021, SC (unreported)

## Meet the Editorial Team!



**Francisca Serwaa Boateng**  
Managing Counsel, FSB Law Consult  
*Editor-In-Chief*



**Benjamin Annang**  
Digital Community Lead, FSB Law Consult  
*Layout Editor*



**Lebene Gbebleou-Sleem**  
Office Manager, FSB Law Consult  
*Contributor*



**FSB LAW CONSULT**

Legal Practitioners | Notaries Public

**No. BAC 34/3B**  
11th Street  
Baatsona, Spintex Road  
Accra

+ (233) 30 281 8433

+ (233) 50 798 0400

info@fsblawconsult.com

fsblawconsult.com



### Our Areas of Practice:

- Commercial Litigation
- Arbitration
- Labour/Employment Law
- Family Law  
(Wills, Probate & Divorce)
- Property/Real Estate Law
- Technology law  
(Data Protection, Privacy, E-commerce)

FSB Law Consult's lawyers are based in Accra, but act for clients nationwide.