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THE FREE KICK – A GREAT OPPORTUNITY FOR GHANA

Our passion for games is unrivalled. If Ghana were to be divided by wars, a football match will be enough to reunite us. It has become the “ordinaire” of many Ghanaians to place bets on football and other games as they while away their weekends in the comfort of their homes, at pubs, at betting stands and sometimes in the casinos.

In recent times, owing to digitalization, the gaming industry has far advanced beyond the borders of Ghana and is not limited to

only games played in the country. There is thus the need for greater regulation in this industry. From the score of hat tricks by Cristiano Ronaldo, Lionel Messi's swift foot work on the pitch, to missing penalty kicks by our very own Asamoah Gyan, our hearts have skipped multiple beats but many have not monetized the passion for these games and their players.

The Gaming Commission of Ghana (the “Commission”), under the Ministry of Interior was set up pursuant to the Gaming

Act, 2006 (Act 721) (the “Act”) to regulate games of chance in the country. The Act mainly provides the legal framework to revise and merge the laws relating to casinos and other gaming activities (online and land based), other than lottery. It also generally provides for ancillary matters concerning the gaming industry.

The Commission regulates gambling and all casino games, sports betting, route operations, promotional gaming, remote gaming, mobile or interactive gaming as

well as all online games in this regard. Gaming is defined by the Act as playing a game with skill, chance or partly with skill and partly of chance for reward or stakes, except lottery. Lottery, in Ghana, is governed by the National Lottery Act, 2006 (Act 722). The Act also makes provisions for licensing, permits and inspection of game houses with five classifications of licenses. The type of gaming determines the class of licence one requires. The classes of licences are as follows:¹

1. Class one licence – for casinos;
2. Class two licence – for sport betting be it land based, online or both;
3. Class three licence – for route operations;
4. Class four licence – for promotional gaming and remote gaming; and
5. Class five licence – for mobile or interactive gaming.

A Worthy Investment

According to Mordor Intelligence, the global gaming market is estimated to be worth US\$256.97 billion by 2025 – a gold mine indeed! The global industry generated US\$116 billion in 2017 and almost US\$135 billion in 2018.² From analysis, it depicted

that the industry will soar at 9.17% from 2020 to 2025.³

Ghana is gradually etching her name as a formidable investment hub. The government fixed in the 2021 budget, GHS72,452 million as revenue and grants for the gaming sector.⁴ The investment terrain in this sector looks promising with such government plans. In 2025, total investment in Ghana is speculated to amount to US\$25.82 billion, an increase, regardless of the COVID effect and the gaming sector will definitely play a role in this.

In 2018, revenue from console games played in gaming stations hit US\$6.3 million and is estimated to increase to US\$9.3 million in 2023 in Ghana.⁵

It is safe to say that an investment in the gaming sector especially, online games in this technological era would be a lucrative one. Technology of smart phones coupled with frequent internet connectivity has made online gaming accessible, convenient and profitable.

The relevance of Africa's youth population to the gaming industry

Regulated gaming encourages healthy competition among the populace. It serves as the best alternative to violent arguments and curbs brawls that may ensue among punters. Gaming in Ghana has taken a digital route, a path that the youth patronize ever so often.

Currently, online gaming is the game-changer in the industry, ironically speaking. For many young adults, it is a perfect source of extra income as they anxiously bet on games using these “money-making screens”. Additionally, land-based gaming centers such as casinos have created a source of income for many people in Ghana; staff and punters, thereby reducing unemployment in the Capital and its environs.

Currently, Ghana's population increases at a steady rate of 2.15% per year.⁶ At the commence of 2022, 36.5% of the population were below the age of fifteen (15) years, 60% between the ages of 15 and 64 years old and 3.6% of the population is 65 years and above.⁷

It is thus clear that Ghana has a youthful age structure.

It has become characteristic of most young adults to indulge in gaming especially gambling and sports betting via online platforms. Additionally, the rife of smart phones coupled with high internet connectivity among the youth eases access to gaming platforms in Ghana, hence, a high demand to game among this age bracket.

To entice new players to the game, online casinos in Ghana provide welcome incentives and bonuses to appeal to players.

The Referee

To reiterate, the Act governs gaming in Ghana and may be preferably called the “referee” of gaming in Ghana. Our laws are investor-friendly and welcome high technological innovations in the industry. The Commission lays out the procedures for applying for a license and conditions

thereof. The establishment of a game of chance be it online or land-based, requires a license from the Commission. The requirements for a licence are that the company must be registered as a limited liability company and must endeavor to be licensed by the Board of the Commission to operate a specified game of chance.⁸ A number of other conditions must also be satisfied to acquire a licence for gaming from the Commission. These include:⁹

1. The company must have an identifiable office;
2. The entity must have a service mark or logo registered with the registrar of companies;
3. The required minimum capital requirement of assets and property must be secure and the person must maintain the amount of cash or cash equivalent as determined by the commission. It is worthy to note that the minimum capital requirement for casinos is pegged at US\$ 2,500,000, for sports betting gaming organizations, US\$2,000,000 and finally, US\$ 1,500,000 for route operation games.

4. The entity must have submitted a tax clearance certificate; and
5. It must be partly or wholly Ghanaian-owned.

In conclusion, Ghanaians have deep roots of passion and joy in sports and gaming. While many have used gaming as an outlet for the stress of modern life, few others have developed businesses out of this passion. The advent of online gaming is the icing on the cake in this era of technology advancement and high internet connectivity. Perhaps, this could be a kick freely given to Ghana as one of the most lucrative sectors looking us in the eyes. This industry may be akin to our tourism sector, giving us as much recognition and revenue as there is; an opportunity never to be missed!

¹ <https://gamingcommission.gov.gh/download.php> (last accessed 20/01/2022)

² <https://thevaultznews.com/economics/economy/ghana-loses-over-gh%C2%A2300-million-annually-to-leakages-in-the-gaming-sector/> (last accessed 20/01/2022)

³ <https://thevaultznews.com/economics/economy/ghana-loses-over-gh%C2%A2300-million-annually-to-leakages-in-the-gaming-sector/> (last accessed 20/01/2022)

⁴ <https://thevaultznews.com/economics/economy/ghana-loses-over-gh%C2%A2300-million-annually-to-leakages-in-the-gaming-sector/> (last accessed 20/01/2022)

⁵ <https://www.statista.com/statistics/1067782/ghana-value-console-games-market/#statisticContainer> (last accessed 20/01/2022)

⁶ <https://worldpopulationreview.com/countries/ghana-population> (last accessed 20/01/2022)

⁷ <https://countrymeters.info/en/Ghana> (last accessed 20/01/2022)

⁸ Gaming Act, 2006 (Act 721), section 14

⁹ Ibid.



SPOTLIGHT ON SURROGACY

Until October, 2020, there were no laws in Ghana acknowledging surrogacy or anything related to it, neither were there any laws protecting or giving credence to the rights of intended parents.

By virtue of the Registration of Births and Deaths Act, 2020 (Act 1027),¹⁰ the silence surrounding the subject of surrogacy in Ghana has finally been broken and a regime has been provided for the registration of assisted reproductive births, including surrogacy, geared towards upholding the parental rights of the intended parents.

Although the law speaks only to the registration of births through surrogacy, it is a step in the right direction towards the development of laws on this particular subject. It is expected that, the draft **Assisted Reproductive Technologies Bill, 2021** when passed, will provide a comprehensive legal framework on surrogacy in Ghana.

Read more about the registration of birth through surrogacy by tapping this link (<https://bpaghana.com/a-new-path-for-surrogacy-in-ghana-what-you-need-to-know/>)

¹⁰ Registration of Births and Deaths Act, 2020 (Act 1027), Section 22



LEGISLATIVE CORNER

It is recorded that a total of thirteen (13) new laws were passed by Ghana's Parliament in the year 2021. These are:

1. Appropriation Act, 2021 (Act 1069).
2. COVID-19 Health Recovery Levy Act, 2021 (Act 1068).
3. Energy Sector Levies (Amendment) Act, 2021 (Act 1064).
4. Ghana Infrastructure Investment Fund (Amendment) Act, 2021 (Act 1063).
5. Penalty And Interest Waiver Act, 2021 (Act 1065).
6. Income Tax (Amendment) Act, 2021 (Act 1066).
7. Financial Sector Recovery Levy Act, 2021 (Act 1067).
8. Insurance Act, 2021 (Act 1061).
9. Securities Industry (Amendment) Act, 2021 (Act 1062).
10. National Centre for Co-ordination of

Early Warning and Response Mechanism Act, 2021 (Act 1070).

11. Income Tax (Amendment) (No. 2) Act, 2021 (Act 1071).
12. Value Added Tax (Amendment) Act, 2021 (Act 1072).
13. Penalty and Interest Waiver (Amendment) Act, 2021 (Act 1073).

An insight into three of these Acts:

Energy Sector Levies (Amendment) Act, 2021 (Act 1064)

This Act amended the Energy Sector Levies Act of 2015 (Act 899). Pursuant to this Act, an Energy Sector Recovery Levy of 20 pesewas is imposed per litre on petrol and diesel and 18 pesewas is imposed per kilogram on liquified petroleum gas. Again, a Sanitation and Pollution Levy of 10 pesewas is imposed on a litre of petrol and diesel.

The Income Tax (Amendment) Act, 2021 (Act 1066)

This Act amends the Sixth Schedule to the Income Tax Act, 2015 (Act 896). It provides for a rebate for selected industrial sectors, namely, the education; accommodation and food; travel and tour; and arts and entertainment sectors. It also suspends quarterly payments for specified self-employed persons, who include dressmakers and tailors as well as owners of commercial vehicles.

Financial Sector Recovery Levy (Act 1067)

This Act was passed to impose a special levy—the Financial Sector Recovery Levy of 5% on the profit before tax of banks in order to raise revenue to support financial sector reforms and provide for related matters.



BUSINESS UPDATE

West Africa's Maiden and Biggest Hydro-Solar System¹¹

The Government of Ghana has completed the first phase of its Hydro-Solar Hybrid power generating system in the reservoir of the Bui hydroelectric dam. It is the first of its kind in Ghana and the largest in West Africa. It includes a 5MW Floating Solar PV System.

According to President Nana Akufo Addo, the facility reiterates Ghana's resolve to diversify the country's energy generation portfolio and to increase the renewable energy component of her energy mix.

US\$40 Million To Be Injected Into Venture Capital Trust Fund¹²

The World Bank has decided to commit US\$40 million into the Venture Capital Trust Fund through the National Development Bank to assist in its operations and also on-lending to the private sector. This 'injection' will boost the capital capacity of the Fund to enable it strengthen its core mandate of providing support for small and medium enterprises.

2,788 Defaulting Companies Delisted

The Registrar-General's Department (RGD) has delisted a total of 2,788 companies

from its Companies Register for failing to comply with the directive to file Annual Returns or risk being delisted from the Companies Register.

Phase two (2) of the delisting exercise begins in February 2022 and all defaulting and dormant companies, whose names do not appear on the first batch of deleted companies must do well to file their Annual Returns by June 30, 2022 to avoid being removed from the Companies Register. Again, commencing from August 1, 2022, the penalty for late filing of Annual Returns would be increased from GHS450.00 to GHS500.00.

The Pan-African Payments Settlement System (PAPSS)¹⁴

The Vice President, Dr Mahamudu Bawumia has launched the Pan-African Payment and Settlement System (PAPSS). PAPSS is a cross-border, financial market infrastructure which instantly connects payment transactions across the African continent, thus eliminating the need to route such payments through third party banks usually located outside Africa and also reducing the use of foreign currencies. It introduces two critical changes to Africa's

trade finance; it minimises the use of hard currency in trade payments, and also helps to domesticate payments and settlements within Africa. The System seeks to simplify the historical complexities and costs of making payments across Africa's borders, providing operational efficiencies that open up vast economic opportunities.

Ghana Card to become the One-stop card/ Universal Card¹⁵

From July 1, 2022, the Ghana Card will be the only recognized identification in banks

and other regulated financial institutions. This move is to ensure that all financial transactions performed by an individual within Ghana are linked to one identity and information, and unique codes for the transactions are shared with the Bank of Ghana to facilitate the identification of beneficiaries for track and trace purposes.

¹¹ <https://www.myjoyonline.com/first-phase-of-biggest-hydro-solar-system-in-west-africa-completed-akufo-addo/> last accessed 14/01/2022

¹² <https://www.myjoyonline.com/world-bank-to-inject-40m-dollars-into-venture-capital-trust-fund/> last accessed 19/01/2022

¹³ <https://www.graphic.com.gh/business/business-news/registrars-general-s-delists-2-788-companies.html> last accessed 14/01/2022

¹⁴ <https://presidency.gov.gh/index.php/briefing-room/news-style-2/2120-vp-bawumia-launches-pan-african-payments-system-papss> last accessed 14/01/2022

¹⁵ <https://citinewsroom.com/2022/01/only-ghana-card-can-be-used-for-financial-transactions-from-july-1-bof/> last accessed 19/01/2022



WHO's WHO?¹⁶



His Lordship Justice Sir Dominic Dennis Adjei has been appointed to serve on the Advisory Committee of the International Criminal Court (ICC). The Committee is clothed with the responsibility of nominating and recruiting judges for the ICC.

He is the first Ghanaian to be so appointed. He is a Justice of the Court of Appeal and also a Senior Lecturer at the Ghana School of Law.

¹⁶ <https://www.mvionline.com/justice-dominic-dennis-adjei-appointed-to-icc/> last accessed 13/01/2022

FIRM NEWS



Managing Partner Speaks At Annual Local Content Conference

In December, 2021, the Petroleum Commission organized its Annual local content conference dubbed "Optimizing Technology Transfer in Ghana's Upstream Petroleum Industry". Our Managing Partner, Mrs. Adelaide Benneh Prempeh was one of the guest speakers. She spoke on the theme "Assessing the Gap between laws enacted and practice of Technology Transfer in Ghana's Oil and Gas Industry."

Key takeaways from the presentation worth highlighting include the following:

- a. There is a link between most challenges in development and underdevelopment for developing countries and Technology Transfer (TT).
- b. The Ghana Investment Promotion Centre (GIPC) established pursuant to the GIPC Act, 2013 (Act 865) is responsible for overseeing Technology Transfer as well as regulating the registration of Technology Transfer Agreements (TTAs).
- c. All TTAs must be registered with the GIPC.
- d. Attention should be paid to the Technology Transfer Regulations, 1992 (L.I 1547) which provides more guidelines on the registration

of TTAs.

e. A careful review and study of Ghana's laws on TT in Ghana's oil and gas industry reveals that several gaps exist in these laws, notable among them are: lack of a cohesive national policy on TT; lack of a tailored reporting system to ensure efficient local content reporting; financial restraints of indigenous companies; and enforcement of TT requirements.

f. To bridge these gaps, it is recommended that a coherent national policy on TT be drafted and implemented; and incentives should be provided to attract TT and to promote indigenous improvement.

Access the full presentation here:

<https://www.bpaghana.com/petroleum-commission-local-content-conference-2021/>



Managing Partner Inducted as an Insolvency Practitioner

Mrs. Adelaide Benneh Prempeh has been inducted as an Insolvency Practitioner in Ghana. She is part of the first batch of Insolvency Practitioners to be licensed pursuant to the Corporate Restructuring and Insolvency Act, 2020 (Act 1015).

She is now duly recognized and licensed by the Office of the Registrar of Companies by virtue of the Corporate Insolvency & Restructuring Act 2020 (Act 1015), to act for and on behalf of companies in distress.

Mrs. Benneh Prempeh is also a Notary Public, authorized to authenticate and certify legal documents for overseas use.



Two Legal Associates now Certified in Intellectual Property

Fawzya Medhat Khalil and Abisola Ogunbadejo, two of B&P's Legal Associates, successfully completed a course in CopyrightX, a course certified by HarvardX, Harvard Law School.

By this achievement, they have positioned themselves strategically to provide solutions to address the pressing needs of clients in the area of Intellectual property.

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B & P ASSOCIATES is ranked as a Legal 500 Europe, Middle East & Africa (EMEA) Leading Law firm. We are a Corporate and Commercial legal practice and consultancy, with an excellent reputation, based in heart of Accra. The Team is highly regarded for its cross-border legal expertise, responsiveness and commitment. We provide business-oriented legal advice across a range of sectors, to both local and international clients. For more information, visit us at www.bpaghana.com to learn more about what we do.

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