



CHAPTER 1

1.0 ESTABLISHMENT OF ELECTORAL COMMISSION

Articles 43, 44 and 45 (1992 Constitution)

1.1 *Article 43. (1992 Constitution)*

ELECTORAL COMMISSION

43. (1) There shall be an Electoral Commission which shall consist of –

- (a) a Chairman;
- (b) two Deputy Chairmen; and
- (c) four other members.

(2) The members of the Commission shall be appointed by President, under article 70 of the 1992 constitution.

1.2 *Article 44. (1992 Constitution)*

QUALIFICATIONS, TERMS AND CONDITIONS OF SERVICE OF MEMBERS OF ELECTORAL COMMISSION

44. (1) A person is not qualified to be appointed a member of the Electoral Commission, unless he is qualified to be elected a member of Parliament.

(2) The Chairman of the Electoral Commission shall have the same terms and conditions of service, as a Justice of the Court of Appeal.

(3) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service, as are applicable to a Justice of the High Court.

(4) The Chairman and the two Deputy Chairmen of the Commission shall not, while they hold office of the Commission, hold any other public office.

(5) The other four members of the Commission shall be paid such allowances, as Parliament may determine.

(6) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoints a qualified person to fill the vacancy.

1.3 *Article 45. (1992 Constitution)*

FUNCTIONS OF ELECTORAL COMMISSION

45. The Electoral Commission shall have the following functions:

- (a) to compile the register of voters and revise it at such periods, as may be determined by law;
- (b) to demarcate the electoral boundaries for national and local government elections;
- (c) to conduct and supervise all public elections and referenda;
- (d) to educate the people on the electoral process and its purpose;
- (e) to undertake programmes for the expansion of the registration of voters; and
- (f) to perform such other functions as may be prescribed by law.

1.4 Article 46. (1992 Constitution)

INDEPENDENCE OF THE COMMISSION

46. Except as provided in this Constitution, or in any other law not inconsistent with this Constitution, in the performance of its functions, the Electoral Commission, shall not be subject to the direction or control of any person, or authority.

1.5 Act 451 – The Electoral Commission Act, 1993

Establishment of the Electoral Commission.

1. There is established by this Act an Electoral Commission which shall consist of –
 - (a) a Chairman
 - (b) two deputy chairmen; and
 - (c) four other members.

2. The functions of the Electoral Commission are –
 - (a) to compile the register of voters and revise it at such periods, as may be determined by law;
 - (b) to demarcate the electoral boundaries for both national and local government elections;
 - (c) to conduct and supervise all public elections and referenda;
 - (d) to undertake the preparation of identity cards;
 - (e) to educate the people on the electoral process and its purpose;
 - (f) to undertake programmes for the expansion of voters registration;
 - (g) to store properly, election material; and
 - (h) to perform such other functions as may be prescribed by law.

Independence of the Commission.

3. Except as provided in the Constitution or in any other law not inconsistent with the Constitution, in the performance of its functions, the Electoral Commission shall not be subject to the direction or control of any person or authority.

Qualification and Appointment of members of the Commission.

4. (1) A person is not qualified to be appointed a member of the Commission unless he is qualified to be elected as a Member of Parliament.

(2) The President shall, acting on the advice of the Council of State, appoint the Chairman, Deputy Chairmen and the other members of the Commission.

Conditions of service of members.

5. (1) The Chairman of the Commission shall have the same terms and conditions of service, as a Justice of the Court of Appeal.

(2) The two Deputy Chairmen of the Commission shall have the same terms and conditions of service, as are applicable to a Justice of the High Court.

(3) The Chairman and the two Deputy Chairmen of the Commission shall not, while they hold office of the Commission, hold any other public office.

(4) The other four members of the Commission shall be paid such allowances, as Parliament may determine.

(5) If a member is absent or dies, the Commission shall continue its work until the President, acting on the advice of the Council of State, appoints a qualified person to fill the vacancy.

Meetings of the Commission.

6. (1) The Commission shall meet at such times and such places as the Chairman shall determine, but shall meet at least once, in every two months.

(2) The Chairman shall preside over every meeting of the Commission at which he is present and in his absence, one of the Deputy Chairmen shall preside.

(3) The quorum at every meeting of the Commission shall be four, and shall include the Chairman or one of the Deputy Chairmen.

(4) There shall be given to members, a notice of four clear days, for every meeting called by the Commission.

(5) Decisions at meetings of the Commission shall be that of the majority of the members present and voting and in the event of equality of votes, the person presiding at the meeting shall have a second or casting vote.

(6) Subject to the provisions of this Act, the Commission shall regulate the procedure for the conduct of its meetings.

Committees of the Commission.

7. (1) The Commission may appoint such committees as it considers necessary for the discharge of its functions. A committee appointed by the Commission may include non-members of the Commission, but shall be chaired by a member of the Commission.

Appointment of staff of the Commission.

8. The Commission shall appoint such officers and other employees as it may require, for the effective implementation of its functions.
- (2) The appointment of officers and other employees of the Commission shall be made by the Commission, acting in consultation with the Public Services Commission.

Regional and District representatives of the Commission.

9. (1) There shall be in every Region and District of Ghana, a representative of the Commission.
- (2) Regional and District representatives of the Commission shall perform such functions, as shall be assigned to them by the Commission.

Expenditure of Commission charged on Consolidated Fund.

10. The administrative expenses of the Commission including salaries, allowances and persons payable to, or in respect of persons serving with the Commission, shall be charged on the Consolidated Fund.

Accounts and audit.

11. The Commission shall keep proper books of account and proper records in relation to them, and the account books and records of the Commission shall be in a form approved by the Auditor-General.
 - (2) The books and accounts of the Commission shall be audited annually by the Auditor-General, or by an auditor appointed by him.

Regulations.

12. (1) The Commission shall by Constitutional instrument, make regulations for the effective performance of its functions under this Act or any other law, and in particular for –
 - (a) the registration of voters for public elections and referenda;
 - (b) the conduct and supervision of public elections and referenda, including provision for voting by proxy;
 - (c) the issue of identity cards; and
 - (d) other matters connected with the foregoing.
- (2) Regulations made under subsection (1) of this section may prescribe for the contravention of any provision of the regulations, a fine not exceeding ₦500,000.00, or a term of imprisonment not exceeding six months, or both.

Offence.

13. Any person who wilfully obstruct the Commission or otherwise interferes with the Commission in the discharge of its functions under this Act, commits an offence and is liable on conviction to a fine not exceeding ₦500,000.00, or to a term of imprisonment not exceeding six months, or both.

Interpretation.

14. In this Act, unless the context otherwise requires –
“Commission” means the Electoral Commission.

Repeal and savings.

15. (1) The Interim National Electoral Commission Law, 1992 (P.N.D.C.L.271), is repealed by this section.
- (2) Notwithstanding the repeal under subsection (1) of this section, any regulation, orders or notices made or issued under the repealed Law, or any other law, and in force immediately before the coming into force of this Act, shall until revoked, amended or cancelled, continue in force, as if they were made or issued under this Act.
- (3) The register of voters for public elections and referenda in existence immediately before the coming into force of this Act, shall until revised, have effect on the coming into force of this Act, as if it was compiled under this Act.

CHAPTER 2

2.0 THE POLITICAL PARTIES LAWS

2.1 THE POLITICAL PARTIES LAW, ACT 574, 2000

PART I – FOUNDING AND REGISTRATION OF POLITICAL PARTIES

Founding of Political parties.

1. (1) Political parties may be founded to further purposes which are not contrary to the Constitution and the laws of the Republic.
- (2) Subject to the Constitution and this Act, every citizen of voting age has the right to form, or join a political party.
- (3) A political party may, subject to the Constitution and this Act, participate in shaping the political will of the people, disseminate information on political ideas, social and economic programmes of a national character, and sponsor candidates for public elections other than elections to District Assemblies, or lower local government units.

Participation in politics.

2. (1) Subject to the Constitution, every citizen of voting age has the right to participate in political activity intended to influence the composition and policies of the government.
- (2) No member of any organization, or interest group, shall be required to join any particular political party by virtue of his membership of the organization or group.
- (3) Any person who
 - (a) suppresses or attempts to suppress the lawful political activity of another person, contrary to subsection (1); or
 - (b) requires any person to join any particular political party, contrary to subsection (2),commits an offence and shall on summary conviction, be liable to a minimum fine of two million cedis or to imprisonment for a term not exceeding five years, or to both.

Prohibition of ethnic or religious parties.

3. (1) No political party shall be formed
 - (a) on ethnic, gender, religious, regional, professional or other sectional divisions; or

(b) which uses words, slogans or symbols which could arouse ethnic, gender, religious, regional, professional or other sectional divisions.

(2) For the purpose of subsection (1), a political party is formed on ethnic, gender, religious, regional, professional or other sectional divisions, its membership or leadership is restricted to members of any particular community, region, ethnic group, gender, religious faith or profession, or if its structure and mode of operation are not national in character.

Registration of political parties.

4. (1) A political party shall be registered in accordance with this Act, and shall pay in respect of the registration such fees as the Electoral Commission shall by constitutional instrument determine.

(2) A fee paid under subsection (1) is not refundable.

(3) A political party shall upon registration under this Act, be a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name, and shall have the power to acquire, hold, manage or dispose of movable or immovable property, and enter into any contract or other transaction, as any legal person.

Commission to register political parties.

5. The Commission, shall register all political parties, in accordance with this Act.

Prohibition of canvassing unless the party is registered.

6. No person shall for a public election

(a) canvass for votes; or

(b) put forward a person for election,

on behalf of, or in the name of any organization, unless the organization is registered as a political party under this Act.

Qualification of founding and executive members of political parties

7. (1) Subject to this Act, a political party shall have such executive and other officers, as the founding members shall determine.
- (2) A political party shall not have as a founding member, a leader or a member of its executive, a person who
 - (a) is not qualified to be elected as a member of Parliament; or
 - (b) is not qualified to hold any public office.
- (3) Only a citizen may be appointed to an office or be a founding, ordinary or other member of a political party.

Method of registration of a political party.

8. (1) An application to register a political party shall be made to the Commission, and shall be accompanied with
 - (a) a copy of the constitution and the rules or regulations, if any, of the political party, duly signed by the interim national chairman, or leader, and by the interim national or general secretary, of the party;
 - (b) the written names and addresses of its national officers;
 - (c) a full description of the identifying symbols, slogans, and colours, if any, of the political party;
 - (d) the registration fee specified in subsection (1) of section 4; and
 - (e) such other particulars as the Commission may reasonably require.
- (2) The Commission shall, not later than seven days after the receipt of the application, issue to the political party, a provisional certificate of registration and shall cause a notice of the application to be published in the Gazette after receipt, inviting objections from any person, concerning the name, aim, objectives, constitution, rules, symbols, slogans and colours of the party.

- (3) The Commission may in addition to inviting objections to the application under subsection (2), cause independent inquiries to be made, so as to ascertain the truth or correctness of the particulars submitted with the application, for registration.
- (4) On expiration of thirty days after the date of the publication of the Gazette notice, the Commission shall, if satisfied that the relevant provisions of this Act on registration have been complied with, register the political party.
- (5) Where within the thirty-day period, an objection has been brought to the notice of the Commission, it shall not register the political party until the objection has been disposed of, to the satisfaction of the Commission.
- (6) Where the Commission upholds the objection or if enquiries made under subsection (3) disclose that any of the particulars submitted with the application for registration are false, the Commission may refuse to register the party and cancel the provisional certificate issued to that party, under subsection (2).

Conditions for registration.

9. The Commission shall not register a political party under this Act unless
 - (a) the internal organization of the party conforms with democratic principles and its actions and purposes are not contrary to or inconsistent with the Constitution;
 - (b) the party has on its national executive committee, one member from each region;
 - (c) the party has branches in all the regions and is, in addition, organized in not less than two-thirds of the districts in each region;
 - (d) there is in each district, at least one founding member of the party who is ordinarily resident in the district, or is a registered voter in the district;
 - (e) the party's name, emblem, colours, motto or any other symbol has not ethnic, gender, regional, religious or other sectional connotation or gives the appearance that its activities are confined only to part of the country and
 - (f) the party is not in breach of any of the provisions of this Act.

Prohibition of certain identifying symbols.

10. No prospective political party shall submit to the Commission for the purpose of registration under this Act, any identifying symbol, slogan, colours or name which is the same as the symbol, slogan, colours or name

(a) of any other registered political party; or

(b) of the Republic; or

which so closely resembles the symbol, slogan, colours or name of a registered political party or the Republic, as to be likely to deceive or confuse members of the public.

Final certificate of registration.

11. The Commission shall upon registration of a political party, issue to that party a final certificate of registration.

Appeal on refusal of registration.

12. (1) A political party whose application for registration is refused by the Commission under this Act, may at any time apply to the Commission for the reconsideration of its decision not to register the political party.

(2) If, within seven days after an application has been made to it under subsection (1), the Commission, refuses or fails to register the political party, the party may appeal to the Court of Appeal, against the decision of the Commission.

(3) The appeal shall be on notice to the Commission and such other persons as the Court of Appeal may direct.

PART II – OPERATION OF POLITICAL PARTIES

Declaration of assets and expenditure by political parties.

13. (1) Every political party shall, within ninety days after the issue to it of a final certificate of registration under section 11 or such longer period as the Commission may allow, submit to the Commission, a written declaration giving details of all its assets and expenditure, including contributions or donation in cash or in kind, made to the initial assets of the political party.

- (2) A declaration submitted to the Commission under subsection (1), shall state the sources of funds and other assets of the political party.
- (3) The declaration shall also contain such other particulars as the Commission may in writing, direct.
- (4) The declaration shall be supported by a statutory declaration made by the national treasurer and the national or general secretary of the political party.
- (5) The Commission shall, within thirty days after receipt of the declaration required under subsection (1), cause it to be published in the Gazette.
- (6) Without prejudice to any other penalty prescribed by this Act or any other enactment, where a political party
 - (a) refuses or neglects to comply with this section; or
 - (b) submits a declaration which is false in any material particular, the Commission may cancel the registration of that political party.

Declaration of assets, liabilities and expenditure in relation to elections.

14. (1) A political party shall, within twenty-one days before a general election, submit to the Commission, a statement of its assets and liabilities, in such form as the Commission may direct.
- (2) A political party shall, within six months after a general or by-election in which it has participated, submit to the Commission, a detailed statement in such form as the Commission may direct, of all expenditure incurred for that election.
- (3) A statement required to be submitted under this section, shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.
- (4) Without prejudice to any other penalty provided in this Act or any other enactment, where a political party
 - (a) refuses or neglects to comply with this section; or

- (b) submits a statement which is false in any material particular, the Commission may cancel the registration of the political party.

Provision of particulars of national, head or regional, district and constituency offices and officers.

- 15. (1) Within ninety days after the issue to it of a final certificate of registration, a political party shall furnish the Commission with details of the existence and location of its national, regional, district and constituency offices.
- (2) A political party shall also within the period specified in subsection (1), submit to the Commission
 - (a) the names, titles and addresses of its officers at the national, regional, district and constituency levels and also at such other levels of organization as the Commission may direct; and
 - (b) the name and address of the auditors of the political party.
- (3) Where a political party
 - (a) refuses or neglects to comply with this section; or
 - (b) makes a statement in a matter submitted to the Commission under this section which is false; or
 - (c) has refused, neglected or failed to establish or maintain a national office, or to establish or maintain a regional office in every region, the Commission may cancel the registration of that political party.

Appeal against cancellation of registration.

- 16. A political party whose registration is cancelled by the Commission under sections 13, 14 or 15, may appeal to the Court of Appeal against the cancellation.

Selection of executive officers.

17. (1) Every political party shall elect such persons as may be determined by the members of the party, as executive officers of the party.
- (2) The election of the national, regional and constituency executive officers of every political party, shall be conducted under the supervision of the Commission.
- (3) Pending the election of executive officers of a political party, an application for registration of the political party shall be submitted to the Commission by such interim executive officers, as the members of the party shall determine.

Notification of changes or alterations.

18. (1) Where a political party registered under this Act changes or alters
- (a) its constitution
 - (b) its rules or regulations, if any;
 - (c) the title or address of any person or office submitted to the commission under section 15 of this Act; or
 - (d) its identifying symbol, slogan, colour or name,

it shall notify the Commission of the change or alteration and the Commission shall within fourteen days from the date of receipt of the notification cause to be published in the Gazette, the change or alteration.

- (2) Every change or alteration shall come into effect, if no objection is made to the change or alteration, seven days after publication by the Commission of the notice under subsection (1).

Merger of registered political parties.

19. Where two or more registered political parties come together and merge as one party,
- (a) the registration of each party existing immediately before the effective date of the merger shall lapse; and
 - (b) the new party shall require registration for the purposes of this Act.

Political parties in alliance.

20. (1) Where two or more registered political parties form an alliance of their parties, the following provisions shall apply.
- (a) each party shall remain as a separate registered party for the purposes of this Act;
 - (b) each party shall furnish the Commission within such period as the Commission shall direct, a copy of the terms of the agreement of the alliance;
 - (c) in any public elections, each candidate shall be identified by his portrait and the symbol of his party, on the ballot paper;
 - (d) where the parties nominate separate candidates to contest an election in the same constituency, each candidate shall be identified separately on the ballot paper and in relation to his party only; and
 - (e) fees payable under this Act or any regulations made under this Act by or in respect of a candidate for elections, shall be paid separately by or for each candidate as standing for the elections, in the name of his own party, the alliance notwithstanding.

Returns and accounts of political parties.

21. (1) A political party shall, within six months from 31st December of each year, file with the Commission.
- (a) return in the form specified by the Commission indicating:
 - (i) the state of its accounts
 - (ii) the sources of its funds
 - (iii) membership dues paid
 - (iv) contributions or donations in cash or kind
 - (v) the property of the party and time of acquisition
 - (vi) such other particulars as the Commission may reasonably require, and
 - (b) audited accounts of the party for the year.

- (2) Any person may, on payment of a fee determined by the Commission, inspect or obtain copies of the returns and audited accounts of a political party filed with the Commission, under this section.
- (3) Notwithstanding the provisions of this section, the Commission may at any time upon reasonable grounds order the accounts of a political party to be audited by an auditor appointed by the Commission, whose fees and expenses shall be paid by the Commission and also request the political party to file with the Commission the audited accounts at a time to be specified by the Commission.

Duty of political parties to provide information to Commission.

22. (1) The Commission may by writing upon state grounds, request an executive officer of a political party to furnish for inspection by the Commission, records of the party or such other information as is reasonably required by the Commission, to enable it ensure that the provisions of this Act are complied with.
- (2) A political party or an executive officer of a political party shall comply with a request made to it or to him by the Commission under subsection (1).

PART III – FUNDING OF POLITICAL PARTIES

Contributions by citizens.

23. (1) Only a citizen may contribute in cash or in kind, to the funds of a political party.
- (2) A firm, partnership, or enterprise owned by a citizen, or a company registered under the laws of the Republic, at least seventy-five percent of whose capital is owned by a citizen, is for the purposes of this Act, a citizen.

No contributions by non-citizens.

24. A non-citizen shall not directly or indirectly make a contribution or donation or loan, whether in cash or in kind, to the funds held by or for the benefit of a political party, and no political party or person acting for or on behalf of a political party, shall demand or accept a contribution, donation or loan from a non-citizen.

Contraventions of this Part.

25. (1) Where any person contravenes section 23 or 24, in addition to any penalty that may be imposed under this Act, any amount, whether in cash or in kind, paid in contravention of the section, shall be forfeited to the State and the amount shall be recovered from the political party as debt owed to the State. The political party or person in whose custody the amount is for the time being held, shall pay it to the State.

(2) A non-citizen found guilty of contravention of section 24, shall be deemed to be a prohibited immigrant, and liable to deportation under the Aliens Act, 1963 (Act 160).

(3) The provisions of sections 23 and 24 do not preclude a government of any country or a non-governmental organization, from providing assistance in cash or in kind, to the Commission for use by the Commission for the collective benefit of registered political parties.

PART IV – GENERAL AND MISCELLANEOUS PROVISIONS

26. (1) A chief or any other person who is not eligible to be elected to Parliament, does not qualify to

- (a) be a founding member, a leader or a member of the executive of a political party; or
- (b) hold office in a political party.

(2) A chief or a public officer shall not engage in canvassing in support of or against a political party or a candidate standing for a public election.

Cancellation of registration and its effect.

27. (1) Without prejudice to the penalty provided for under section 31, where a political party contravenes any of the provisions of this Act and is convicted, the High Court may order the Commission to cancel the registration of that political party.

- (2) Where the registration of a political party is cancelled under subsection (1), no person shall
- (a) summon a meeting of members or officers of the political party;
 - (b) attend a meeting in the capacity of a member or officer of the political party;
 - (c) publish a notice or advertisement relating to a meeting of the party;
 - (d) invite persons to support the political party;
 - (e) make a contribution or loan to funds held by, or for the benefit of the political party, or accept a contribution or loan; or
 - (f) give a guarantee. in respect of such funds.

Political meeting.

28. A political party that intends to hold a public meeting shall comply with the provisions on the holding of special events as provided under the public Order Act 1994. (Act 491).

Gazette notices.

29. Where a provision of this Act requires the Commission to publish anything in the Gazette, it may in addition to, or in exceptional circumstances in lieu of the publication, cause it to be published in the national daily newspapers and on the radio and television, and the provisions of this Act shall have effect accordingly.

Penalty.

30. (1) Any person who contravenes a provision of this Act, commits an offence.

(2) Any person who in furnishing particulars or information required to be furnished by a political party or by him under this Act, makes a statement which he knows to be false or which he has no reason to believe to be true, or makes a false statement, reckless, whether it is true or not, commits an offence.

(3) An offence under this Act, unless otherwise specifically provided for, shall be punishable with a fine not exceeding ten million cedis, or a term of imprisonment not exceeding two years, or both.

(4) Where an offence under this Act is committed by a political party, every executive officer of that party shall also be guilty of that offence.

(5) Where an offence under this Act is committed by a body of persons other than a political party, then

- (a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be guilty of the offence; and
- (b) in the case of a partnership, every partner shall also be guilty of the offence.

(6) No person shall be guilty of an offence by virtue of subsection (4) or (5), if he proves to the satisfaction of the court that the act in respect of which he is charged was committed by a person other than himself, and was without his consent or connivance and that he exercised all diligence to prevent the commission of that act as he ought to have exercised, having regard to all the circumstances.

Winding up political parties.

31. On an application made by the Commission, the High Court may make such orders as appears to the Court just and equitable, for the winding up and dissolution and disposition of the property, assets, rights and liabilities of a political party whose registration has been cancelled.

Regulations.

32. (1) The Commission may by constitutional instrument, make such regulations as may appear to it to be expedient for giving full effect to the provisions of this Act.

(2) The signature of the chairman of the Commission, or in his absence of a Deputy Chairman, shall be sufficient to authenticate any act or action by the Commission.

Interpretation.

33. In this Act, unless the context otherwise requires –

“Commission” means the Electoral Commission;

“district” means the area of authority of a District Assembly;

“executive officers of a political party” means the national chairman, the leader, the general secretary or equivalent designation, the national treasurer and the other members of the national executive committee of the political party;

“founding members of a political party” means the persons who are specified in the written declaration, under section 13, to have contributed or offered to contribute either in cash or in kind to the initial assets of the party;

“political party” means a free association or organization of persons, one of whose objects may be to bring about the election of its candidates to public office, or to strive for power by the electoral process, and by this means to control or influence the actions of government;

“registered” means registered under this Act;

“symbol” includes motto.

Repeal and savings.

34. (1) The Political Parties Law, 1992 (PNDCL.281), and the Political Parties (Amendment) Law, 1992 (P.N.D.C.L.283) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1), any regulation or registration made and any certificate issued under the repealed enactment, shall continue to be valid as if made under the corresponding provision of this Act.

(3) The repeal of the enactments specified in subsection (1), does not vest in any person or body, a right to lay claim to any assets of a political party proscribed under the repealed enactments.

**2.2 PUBLIC AND POLITICAL PARTY OFFICE HOLDERS
(DECLARATION OF ASSETS AND ELIGIBILITY) LAW, 1992 P.N.D.C.L. 280**

PART I – DECLARATION OF ASSETS

Specified public and other office holders to declare assets.

1. (1) A person is not eligible –

(a) to be elected or appointed to any of the public offices specified in the First Schedule to this Law; or

(b) to be elected or appointed a principal office holder of a political party,

unless he has completed and submitted a written declaration of all property or assets owned by him, directly or indirectly, on a questionnaire provided for the purpose by the Auditor-General, or the Interim National Electoral Commission.

- (2) The written declaration referred to in subsection (1) of this section shall be submitted –
 - (a) in respect of a public office specified in the First Schedule, to the Auditor-General; or
 - (b) in the case of a principal office holder of a political party, to the Interim National Electoral Commission within thirty days of the election to the office.
- (3) The Auditor-General or the Interim National Electoral Commission as appropriate, shall cause to be published in the Gazette, the declaration submitted under subsection (2) of this section, within fourteen days of its receipt.
- (4) The Chairman and members of the Interim National Electoral Commission and the Auditor-General, shall make written declarations of their property or assets, to the Council.

Assets declaration to be periodically reviewed.

2. (1) A person required to declare his property or assets under section 1 of this Law, shall be further required to declare his assets and liabilities in the same manner as under section 1 –
 - (a) at the end of every two years; and
 - (b) at the end of his term of office.
- (2) Assets declared under this section shall be published in the Gazette within fourteen days of submission.

P.N.D.C. appointees to declare assets.

3. (1) A person who has held an office specified in the Second Schedule to this Law at any time since the 31st day of December 1981, shall declare his property or assets in respect of the period he held office, including the date on which he ceases to hold office, to the Auditor-General.

(2) Where a person to whom subsection (1) applies ceases to hold office before the 7th day of January 1993, or has ceased to hold office, the declaration shall be made in respect of the period he held office, including the date on which he ceased to hold office.

(3) Assets declared under this section shall be published by the Auditor-General, within fourteen days of submission.

(4) Any person who wilfully fails to declare his assets in contravention of subsection (1) or (2) of this section, commits an offence, and is liable on conviction, to a fine not exceeding ₦1,000,000.00, or to imprisonment not exceeding two years, or to both.

PART II – INELIGIBILITY TO HOLD PUBLIC OFFICE

Certain persons ineligible to hold public office.

4. (1) A person shall not be eligible to be elected to, or appointed to any of the public offices specified in the First Schedule to this Law, or to be elected or appointed as a principal office holder of a political party, if he is a person in respect of whom a Commission or Committee of Enquiry, the National Investigations Committee or the Office of the Revenue Commissioner, in this Law referred to as a “competent authority” has found that he, while holding a public office –

- (a) acquired any assets unlawfully; or
- (b) defrauded the State; or
- (c) misused or abused his office; or
- (d) prejudicial to the interest of the State; or
- (e) wilfully acted in a matter which a reasonable person in his position, having regard to all the circumstances, ought to have known to be prejudicial to the interests of the State.

(2) In this section, the expression “public office”, in relation to which the finding must have been made, means –

- (a) an office of State or Government or in any capacity whatsoever the remuneration or emoluments attached, to which are paid from funds provided by the Government or Parliament;
- (b) an office in any statutory corporation or board, established by, or under any enactment;
- (c) an office in a company in which the Government, or a statutory corporation, has shares; and
- (d) the office of Member of Parliament and Member of a District Assembly, or other local authority, established by law.

- (3) The ineligibility under subsection (1) of this section, applies to any person who has been found by a competent authority to have wilfully evaded the payment of taxes, or other state revenue.
- (4) Subject to subsection (5) of this section, a person shall not be taken to be ineligible to hold public office under subsections (1) and (2) of this section if –
 - (a) ten years or more have passed since the date of the publication of the report of the competent authority; or
 - (b) he/she has been pardoned.
- (5) The dispensation granted under subsection (4) of this section shall not apply to a person seeking office as President or Vice President under the Constitution, or under the law on presidential elections in force, immediately before the coming into force of the Constitution.

Time when ineligibility commences.

5. The ineligibility prescribed by section 4 of this Law, shall commence on the date of publication to the general public by the Government of the findings of the competent authority in question, together with the White Paper on it, or from the date when the finding made by the competent authority was brought to the notice of the person against whom the finding was made, whichever is earlier.

Status of finding vis-à-vis Government White Paper.

6. Where the findings of a competent authority are not accepted by the Government in the published White Paper, or where the findings of the competent authority are not approved by Government, they shall not be enforceable.

Ineligibility to include convicted persons.

7. (1) For the avoidance of doubt, it is hereby declared that a person is not eligible to be elected to, or appointed to any of the public offices specified in the First Schedule to this Law, or to be appointed or elected as a principal office holder of any political party, if he has been

convicted and sentenced to death, or imprisonment for an offence involving fraud, dishonesty, violence, or has been convicted of an offence relating to, or connected with public elections, under any enactment in force in Ghana at any time.

(2) Subject to subsection (3) of this section, a person shall not be taken to be ineligible to hold public office under subsection (1) of this section, if –

- (a) ten years or more have passed, since the end of the sentence; or
- (b) he/she has been pardoned.

(3) The dispensation granted under subsection (2) of this section shall not apply to a person seeking office as President, or Vice President under the Constitution, or under the law on Presidential elections in force immediately before the coming into force of the Constitution.

PART III – GENERAL PROVISIONS

Complaints against declared assets.

8. (1) An allegation that a person has made a false declaration in his assets published under this Law, may be lodged with the Ombudsman.

(2) The Ombudsman shall, on receipt of a complaint under subsection (1), cause the matter to be investigated and shall, where he finds a false declaration has been wilfully made by the person appointed to a public office specified in the First Schedule to this Law, or to be elected or appointed as a principal office holder of a political party, and may take such further action as he considers appropriate in respect of the results of the investigation.

Repeals.

9. The following enactments are hereby repealed –

- (a) the Elections and Public Offices (Disqualification) Decree, 1979 (S.M.C.D.224); and
- (b) the Standing Investigation of Assets and Other Matters Commission Decree, 1979 (S.M.C.D.225).

Interpretation.

10. In this Law, unless the context otherwise requires –

“assets” includes liabilities and includes also the assets and liabilities of a spouse;

“Commission” means the Interim National Electoral Commission, established under the Interim National Electoral Commission Law, 1991 (P.N.D.C.L. 271);

“Constitution” means the Constitution approved at the Referendum held on 28th April 1992;

“Council” means the Provisional National Defence Council;

“principal office holder of a political party” means the national chairman, the leader, general secretary or equivalent designation, the national treasurer of the party, and the other members of the national executive of the political party.

2.3 ARTICLE 55 (CHAPTER 7; 1992 CONSTITUTION OF GHANA)

- (7) For purposes of registration, a prospective political party shall furnish the Electoral Commission with a copy of its Constitution and the names and addresses of its national officers, and shall satisfy the Commission that –
- (a) there is ordinarily resident, or registered as a voter, in each district of Ghana, at least, one founding member of the party;
 - (b) the party has branches in all the regions of Ghana and is, in addition, organized in not less than two-thirds of the districts in each region; and
 - (c) the party’s name, emblem, colours, motto, or any other symbol, has no ethnic, regional, religious or other sectional connotation, or gives the appearance that its activities are confined only to a part of Ghana.

CHAPTER 3

3.0 LOCAL GOVERNMENT ELECTION LAWS

3.1 ACT 462 – THE LOCAL GOVERNMENT ACT, 1993

Creation of districts.

1. (1) The districts in existence immediately before the coming into force of the 1992 Constitution shall continue as districts for the purposes of this Act.
- (2) The President may, by executive instrument –
 - (a) declare any area within Ghana to be a district;
 - (b) assign a name to the district.
- (3) The President shall, in the exercise of his powers under sub-section (2), (a) direct the Electoral Commission to make such recommendations as it considers appropriate for the purpose.
- (4) The Electoral Commission shall before making recommendations to the President under sub-section (3) consider factors including –
 - (a) in the case of –
 - (i) a district, that there is a minimum population of seventy-five thousand people;
 - (ii) a municipality, that the geographical area consists of a single compact settlement, and that there is a minimum of ninety-five thousand people;
 - (iii) a metropolis, that there is a minimum of two hundred and fifty thousand people; and
 - (b) the geographical contiguity and economic viability of the area.
- (5) In this section “economic viability” means the ability of an area to provide the basic infrastructural and other developmental needs, from the monetary and other resources generated in the area.

Responsibility of Electoral Commission.

2. The Electoral Commission shall at the request of the President, review areas of authority of unit committees, town, area, zonal, urban and sub-metropolitan district councils and districts, municipal and metropolitan assemblies and make such recommendations, as it considers appropriate, to the President.

Establishment of District Assemblies, etc.

3. (1) The Minister shall, by legislative instrument, establish an Assembly for each district, municipality and metropolis and the Assembly shall constitute the highest political authority in the district.
- (2) The instrument establishing a District Assembly, shall specify –
- (a) the name of the Assembly and the area of authority of the Assembly;
 - (b) the number of persons to be elected to the Assembly and the number of persons to be appointed to the Assembly by the President;
 - (c) the jurisdiction, functions, powers and responsibilities of the Assembly;
 - (d) the place where the principal offices of the Assembly are to be situated; and
 - (e) such other matters as are required by this Act to be included in the instrument, or are consequential or ancillary to it.
- (3) The Minister may by legislative instrument, and with the prior approval of the Cabinet, establish –
- (a) Sub–Metropolitan District Councils;
 - (b) Urban or Zonal Councils;
 - (c) Town or Area Councils; and
 - (d) Unit Committees,
- within the area of authority of the District Assembly.
- (4) The instrument referred to in subsection (3) of this section shall specify –
- (a) the jurisdiction, membership, functions, powers and responsibilities of the Sub–Metropolitan District Council, Urban or Zonal Council, Town or Area Council or Unit Committee; and
 - (b) such other matters connected with the Sub–Metropolitan District Council, Urban or Zonal Council, Town or Area Council or Unit Committee, as may be considered necessary.

Incorporation of District Assemblies.

4. (1) Each District Assembly shall be a body corporate with perpetual succession and a common seal and may sue and be sued, in its own name.

(2) A District Assembly shall have power for the discharge of any of its functions to acquire and hold movable or immovable property, to dispose of such property and to enter into any contract or other transactions.

Composition of District Assemblies.

5. (1) A District Assembly shall consist of the following members –

- (a) the District Chief Executive;
- (b) one person from each electoral area within the District elected by universal adult suffrage in accordance with regulations made for the purpose, by the Electoral Commission;
- (c) the member or members of Parliament from the constituencies that fall within the area of authority of the District Assembly, except that such member or members shall have no voting rights; and
- (d) other persons not exceeding 30 percent of the total membership of the Assembly appointed by the President, in consultation with the traditional authorities, and other interest groups in the district.

(2) The members appointed under paragraph (d) of subsection (1) of this section, may be re-appointed.

(3) Elections to the District Assemblies shall be held once every four years, except that such elections and elections to Parliament shall be held at least six months apart.

(4) A District Assembly may conduct its business in English and in any Ghanaian Language, common to the communities in the District.

(5) The emoluments of the members of the District Assembly shall unless otherwise provided in this Act, be determined by the District Assembly and shall be paid out of the resources of the Assembly.

Qualifications and disqualifications of members of District Assemblies.

6. (1) A person qualifies to be elected or appointed to a District Assembly if he –

- (a) is a citizen of Ghana, of not less than 18 years of age;

- (b) is a registered voter;
 - (c) is ordinarily resident in the District in which he seeks election; and
 - (d) has paid all his taxes and rates or made arrangements satisfactory to the appropriate authority for the payment of his taxes and rates.
- (2) For the purposes of paragraph (c) of subsection (1) of this section, a person shall be deemed to be ordinarily resident in a district, if within the four years prior to the holding of the election, or his appointment to the District Assembly, he has lived in the district for an aggregate period of not less than twelve months.
- (3) A person shall not qualify to be elected, or appointed to a District Assembly if he –
- (a) is of unsound mind;
 - (b) has been sentenced to death, or imprisonment for an offence involving fraud, dishonesty, or violence, or has been convicted of an offence relating to, or connected with elections under any enactment in force in Ghana at the time;
 - (c) is a person against whom adverse findings have been made by a competent authority and accepted by Government, or in respect of whom an offer of reparation has been made and accepted by the Government;
 - (d) being a professional person, he is disqualified from practising his profession on grounds of malpractice, fraud or dishonesty by the competent professional body;
or
 - (e) is a person exempted from payment of basic rate under paragraph (a) of subsection (2) of section 99 of this Act.
- (3) Subsections (1) (c) and (2) of this section, shall not apply to the District Chief Executive.
- (4) Subject to subsection (3) of this section, no person shall be disqualified from being elected or appointed to a District Assembly by reason only of his status, position, profession, religion, creed, ethnic origin, race, occupation, traditional standing, gender or physical disability.
- (5) Notwithstanding paragraph (b) or (c) of subsection (3) of this section, a person shall qualify to be elected or appointed to a District Assembly, if ten years have elapsed since the end of the sentence, or the acceptance of the adverse findings, the offer of reparation or if he has been pardoned.

(6) No person shall at any one time be a member of more than one District Assembly.

Mode of seeking election to Assembly.

7. (1) A candidate seeking election to a District Assembly, or to any lower local government unit shall present himself to the electorate as an individual, and shall not use any symbol associated with a political party.
- (2) A political party shall not endorse, sponsor, offer a platform to, or in any way campaign for or against a candidate seeking election to a District Assembly, or any lower local government unit.
- (3) A candidate who contravenes subsection (1) of this section, commits an offence and on conviction, shall have his nomination cancelled by the Electoral Commission.
- (4) A political party which contravenes subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding five million cedis..

Cessation of office of members of District Assemblies.

8. (1) Subject to subsection (2) of this section, a person shall cease to be a member of a District Assembly –
- (a) upon his death;
 - (b) upon revocation of his original mandate, but he shall be disqualified from standing as a candidate for only two terms immediately following the revocation;
 - (c) if by writing addressed to the Presiding Member of the District Assembly, he resigns as a member;
 - (d) if he becomes disqualified under any of the circumstances specified in subsection (3) of section 6 of this Act;
 - (e) if he fails to disclose any financial interest he may have in a contract which is before the Assembly for consideration; or
 - (f) if he absents himself from more than three consecutive ordinary meetings of the Assembly, without the written permission of the Presiding Member of the Assembly.
- (2) The Assembly shall, upon a complaint made to it that a member of the Assembly is disqualified under sub-paragraph (d), (e) or (f) of subsection (1) of this section, appoint an *ad-hoc* sub-committee to investigate the complaint.
- (3) The *ad-hoc* sub-committee shall consist of such members of the Assembly as it may determine.

- (4) The ad-hoc sub-committee shall submit a report on its findings to the Assembly.
- (5) Where the Assembly, after studying the report is satisfied that a member is affected by sub-paragraph (d), (e) or (f), it shall by resolution, decide that the member shall cease to be a member of the Assembly.
- (6) A member of the Assembly who is aggrieved by a decision of the Assembly that he should cease to be a member of that Assembly, may have recourse to a court of law.

Revocation of mandate of member of District Assembly.

9. (1) Subject to this section, the mandate of an elected member of a District Assembly may be revoked by the electorate.
- (2) For the purpose of revoking the mandate of an elected member of a District Assembly, twenty-five per cent or more of the registered voters in the electoral area may petition the Electoral Commission for the member's recall from the Assembly.
- (3) On receipt of the petition referred to in subsection (2) of this section, the Electoral Commission shall organize a referendum to decide the issue, whether or not such member must be recalled.
- (4) The issue at the referendum shall be decided, if at least –
 - (a) forty per cent of the registered voters in the electoral area vote on the issue;
 - and
 - (b) 60 per cent of the votes cast are in favour of the recall of the member.
- (5) Where an elected member of a District Assembly is recalled, a by-election shall be held to elect another person to replace him; except that where the recall is done within six months before the end of the tenure of office of the elected member, no by-election shall be held.
- (6) The appointment of an appointed member of a District Assembly may be revoked by the President –
 - (a) in the exercise of his discretion;

- (b) upon the recommendation of three-fourths of the members of the District Assembly, on grounds that the member has –
 - (i) systematically neglected his duties; or
 - (ii) committee acts incompatible with his office as a member of the District Assembly, for which sufficient evidence is available; or
 - (c) upon a complaint made of wrong doing, or improper conduct which is established to be true after investigation by an ad-hoc committee of the District Assembly.
- (7) Where the appointment of an appointed member of a District Assembly is revoked, another person may be appointed in his place.
- (2) Where a person is appointed under subsection (7) of this section, he shall serve the remainder of the term of the member whose appointment has been revoked, and may be re-appointed.

Functions of District Assemblies.

10. (1) Subject to this Act, a District Assembly shall exercise political and administrative authority in the District, provide guidance, give direction to, and supervise all other administrative authorities in the district.
- (2) For the purpose of subsection (1) of this section, a District Assembly shall exercise deliberative, legislative and executive functions.
- (3) Without prejudice to subsections (1) and (2) of this section, a District Assembly shall –
- (a) be responsible for the overall development of the district and shall ensure the preparation and submission, through the Regional Co-ordinating Council –
 - i. of development plans of the district to the Commission for approval; and
 - ii. of the budget of the district related to the approved plans to the Minister for Finance for approval;
 - (b) formulate and execute plans, programmes and strategies for the effective mobilization of the resources necessary for the overall development of the district;
 - (c) promote and support productive activity and social development in the district and remove any obstacles to initiative and development;
 - (d) initiate programmes for the development of basic infrastructure and provide municipal works and services in the district;

- (e) be responsible for the development, improvement and management of human settlements and the environment in the district;
 - (f) in co-operation with the appropriate national and local security agencies, be responsible for the maintenance of security and public safety in the district;
 - (g) ensure ready access to courts in the district for the promotion of justice;
 - (h) initiate, sponsor or carry out such studies as may be necessary, for the discharge of any of the functions conferred by this Act, or any other enactment; and
 - (i) perform such other functions as may be provided, under any other enactment.
- (4) Subject to this Act and to Government policy, it shall be the responsibility of a District Assembly to take such steps and measures as are necessary and expedient to –
- (a) execute approved development plans for the district;
 - (b) guide, encourage and support sub-district local government bodies, public agencies and local communities, to perform their roles in the execution of approved development plans;
 - (c) initiate and encourage joint participation with other persons or bodies, to execute approved development plans;
 - (d) promote or encourage other persons or bodies to undertake projects under approved development plans; and
 - (e) monitor the execution of projects under approved development plans and assess and evaluate their impact on the people's development, the local, district and national economy.
- (5) A District Assembly shall co-ordinate, integrate and harmonize the execution of programmes and projects under approved development plans for the district and other development programmes, promoted or carried out by Ministries, Departments, public corporations and other statutory bodies and non-governmental organizations in the district.
- (6) Without prejudice to subsection (5) of this section, a District Assembly shall in the discharge of its functions –
- (a) be subject to the general guidance and direction of the President on matters of national policy; and
 - (b) act in co-operation with the appropriate public corporation, statutory body or non-governmental organization.
- (7) It shall be the duty of such public corporation, statutory body or organization to co-operate with a District Assembly.
- (8) In the event of a conflict between a District Assembly and an agency of the central Government, public corporation, statutory body, non-governmental organization or

individual over the application of subsection (5) or (6) of this section, the matter shall be referred by either of the parties, or both, to the Regional Co-ordinating Council, for resolution.

District Assemblies to approve budgets.

11. Subject to section 10 (3) (a) of this Act, a District Assembly shall be responsible for the preparation and approval of its annual budget.

Planning and other functions of District Assemblies.

12. (1) District Assemblies, as planning authorities, shall perform planning functions assigned to them under any enactment for the time being in force.

(2) The instrument establishing a particular District Assembly may confer additional functions upon the Assembly, and may provide for the relationship between that Assembly and the Regional Co-ordinating Council.

13. (1) A District Assembly shall, within its district, be the authority for carrying and executing the provisions of –

- (a) the Registration of Births and Deaths Act, 1965 (Act 301);
- (b) the Auction Sales Law, 1989 (P.N.D.C.L. 230);
- (c) sections 296 and 300 of the Criminal Code, 1960 (act 29);
- (d) the Liquor Licensing Act, 1970 (Act 331);
- (e) Control and Prevention of Bushfires Law, 1990 (P.N.D.L. 229);
- (f) National Weekly Lotto (Amendment) Law, 1989 (P.N.D.C.L. 223); and
- (g) Trees and Timber (Chain Saw Operators) Regulations, 1991 (L.I. 1518).

(2) For the purposes of subsection (1) of this section, the District Assembly shall have, within the district, all the powers, rights, duties, capacities, liabilities and obligations of a person or authority mentioned in the enactment, except the powers of a court, or the Commissioner for Customs, Excise and Preventive Service.

(3) For the purpose of Section 296 of the Criminal Code, 1960 (Act 29) as applied by this section, the reference to the Engineer-in-Chief of Public Works shall include an Engineer appointed in writing, by the District Assembly.

- (4) For the purpose of section 300 of the Criminal Code, 1960 (Act 29) as applied by this section, the District Finance Officer or other similar officer of the Assembly howsoever called shall be deemed to be the Comptroller and Accountant-General, or his representative.
- (5) For the purposes of the Liquor Licensing Act, 1970 (Act 331) as applied by this section, the District Finance Officer or such other officer of the Assembly shall be the Licensing Authority.
- (6) Nothing contained in this section shall operate to derogate from the statutory or other functions of the police, whether exercisable under the enactments mentioned in this section or otherwise, and accordingly, any person or authority exercising any function by virtue of this section being a function which by virtue of this subsection, or any other enactment, is also exercisable by the police, shall in the exercise of that function, act in consultation with the police.

Health Officers of District Assemblies.

14. Any person who discharges the duties of a Medical Officer or Sanitary Inspector under the Infectious Diseases Ordinance, (Cap 78) for any area, shall be an officer of the Assembly of that area, for the purpose of giving effect to and enforcing by-laws relating to public health, made by the District Assembly.

District Assemblies to delegate functions.

15. (1) Subject to this Act, a District Assembly may, as appropriate, delegate any of its functions to such sub-Metropolitan District Council, Town, Area, Zonal or Urban Council, or Unit Committee, or such other body, or person, as it may determine.
- (2) Nothing in subsection (1) of this section permits the delegation to any Sub-Metropolitan District Council, Town, Area, Zonal or Urban Council, Unit Committee, body or person, the power of a District Assembly, to legislate, levy rates or borrow money.

Duties of members of Assembly.

16. (1) A member of a District Assembly shall, as appropriate –

- (a) maintain close contact with his electoral area, consult his people on issues to be discussed in the District Assembly and collate their views, opinions, and proposals;
 - (b) present the views, opinions and proposals to the District Assembly;
 - (c) attend meetings of the District Assembly and meetings of sub-committees of which he is a member;
 - (d) meet his electorate, before each meeting of the Assembly;
 - (e) report to his electorate, the general decisions of the Assembly and its Executive Committee and the actions he has taken to solve problems raised by residents in his electoral area;
 - (f) draw attention in general debate to national policies which are relevant to the subject under discussion;
 - (g) actively participate in the work of the sub-committees of the Executive Committee;
 - (h) bring to bear on any discussion in the Assembly the benefit of his skill, profession, experience or specialized knowledge.
 - (i) maintain frequent liaison with organized productive economic groupings and other persons in the District; and
 - (j) take part in communal and development activities in the district.
- (2) A member of a District Assembly shall, in the discharge of his duties under this Act, have due regard to the national interest and the interest of the people in the district.

Presiding Member of District Assembly.

17. (1) There shall be a Presiding Member of each District Assembly, who shall be elected by the Assembly, from among its members.
- (2) The Presiding Member shall be neither the District Chief Executive, nor a member of Parliament.
- (3) The Presiding Member shall be elected, by at least, two-thirds majority of all the members of the Assembly.
- (4) Subject to subsection (6), the Presiding Member shall hold office for a term of two years, and shall be eligible for re-election.
- (5) The Presiding Member shall convene and preside over the meetings of the Assembly and perform such other functions, as may be prescribed by law.
- (6) The Presiding Members shall cease to hold office whenever the Assembly by a majority of at least two-thirds of all the members of the Assembly, vote to remove him from office.

- (7) The emolument of a Presiding Member of a District Assembly shall be determined by the District Assembly, and paid out of the Assembly's own resources.

Meetings of District Assemblies.

18. (1) A District Assembly shall meet, at least, three times in a year.
- (2) Matters for decision by the Assembly, shall be determined by the votes of the majority.
- (3) In the event of equality of votes, the Presiding Member shall have a casting vote.
- (4) The validity of proceedings of a District Assembly, shall not be affected by a vacancy among its members, or by a defect in the appointment, or qualification of a member.
- (5) A District Assembly may at any time, summon any public office in the district, to attend any of its meetings to provide any information or assistance, as the Assembly may require.

Executive Committee of District Assemblies.

- (1) There shall be established an Executive Committee of a District Assembly, which shall be responsible for the performance of the executive and administrative functions of the District Assembly.
- (2) An Executive Committee shall consist of not more than one-third of the total number of the members of the Assembly elected by the members from among themselves; except that the Presiding Member of the Assembly, shall not be a member of the Executive Committee.

District Chief Executive.

20. (1) There shall be a District Chief Executive for each district, who shall be appointed by the President with the prior approval of not less than two-thirds majority of the members of the District Assembly present, and voting at the meeting;
- (2) The District Chief Executive, shall be the chairman of the Executive Committee of the District Assembly.
- (3) The District Chief Executive shall –

- (a) preside at meetings of the Executive Committee of the District Assembly and in his absence, a member of the Executive Committee, elected by the members present from among themselves, shall preside;
 - (b) be responsible for the day-to-day performance of the executive and administrative functions of the Assembly;
 - (c) be responsible for the supervision of the departments of the Assembly; and
 - (d) be the chief representative of the central Government in the district.
- (4) The office of the District Chief Executive shall become vacant if –
- (a) a vote of no confidence, supported by the votes of not less than two-thirds of all the members of the District Assembly, is passed against him; or
 - (b) he is removed from office by the President; or
 - (c) he resigns, or dies.
- (5) Subject to subsection (4) of this section, the term of office of a District Chief Executive shall be four years.
- (6) A person shall not hold office as a District Chief Executive, for more than two terms in succession.
- (7) The emoluments of a District Chief Executive, shall be charged on the Consolidated Fund and shall be determined by a committee, under article 71 of the Constitution.

Functions of the Executive Committee.

21. (1) Subject to this Act, the Executive Committee of a District Assembly, shall exercise the executive and co-ordinating functions of the District Assembly.
- (2) Without prejudice to subsection (1) of this section, an Executive Committee shall –
- (a) co-ordinate plans and programmes of the sub-committees and submit these as comprehensive plans of action, to the District Assembly;
 - (b) implement resolutions of the District Assembly;
 - (c) oversee the administration of the district, in collaboration with the office of the District Chief Executive;
 - (d) recommend, where it considers necessary, in the case of departments outside the supervision of the Assembly which are in the district, to the appropriate government Ministry, Department or Agency, the appointment and replacement on stated grounds of officers within the area of authority, of the District Assembly;
 - (e) develop and execute approved plans of the unit, area and town and sub-metropolitan districts, as the case may be, within the area of authority of the District Assembly;

- (f) recommend to the District Assembly –
 - (i) the economic, social, spatial and human settlement policies, relating to the development of the district;
 - (ii) harmonization of the development politics of the district, with national development politics;
 - (iii) the integration and co-ordination of the processes of planning, programming, budgeting and implementation;
 - (iv) initiation and implementation of development programmes and projects at the district level; and
 - (v) the monitoring and evaluation of all policies, programmes and projects.

- (3) An Executive Committee shall, in-between sessions of a District Assembly, carry out the functions of the District Assembly, other than the Assembly's legislative functions.

Meetings of Executive Committee.

- (1) An Executive Committee may co-opt any person to attend any of its meetings, but a person so co-opted, shall not have a right to vote.
- (2) An Executive Committee may conduct its business in English and in any Ghanaian Language common to the communities in the district.
- (3) The validity of the proceedings of the Executive Committee shall not be affected by a vacancy among its members, or by a defect in the appointment, or qualification of a member.
- (4) Subject to the provisions of this section, an Executive Committee, shall regulate the procedures for its meetings, in accordance with the standing orders of the Assembly.

Dissolution of Executive Committee.

- 23. (1) Where a District Assembly is satisfied that an Executive Committee is not performing efficiently the functions assigned to it under this Act, the Assembly may by a resolution of two-thirds of the members, dissolve the Executive Committee and elect another.
- (2) For the purposes of subsection (1) of this section, an Executive Committee shall be deemed not to have performed its functions efficiently, if its actions or omissions –

- (a) bring or are likely to bring the District Assembly into disrepute, ridicule, hatred or contempt; or
- (b) are prejudicial or inimical to the economic, social or political development of the District, or to the national interest.

(3) The dissolution of an Executive Committee of an Assembly, shall not operate as a result of the revocation of the appointment of the District Chief Executive.

Sub-committees of Executive Committee.

24. (1) Each Executive Committee shall have the following sub-committees -

- (a) Development Planning sub-committee;
- (b) Social Services sub-committee;
- (c) Works sub-committee;
- (d) Justice and Security sub-committee;
- (e) Finance and Administration sub-committee; and
- (f) Such other sub-committees, as the District Assembly may determine.

(2) Each sub-committee shall consist of such members of the District Assembly as shall be determined by the Assembly; except that each member of the District Assembly other than the Presiding Member, shall serve on at least one sub-committee, during that member's tenure of office.

(3) Heads of Departments of the District Assembly, shall attend the meetings of the sub-committees and shall advise them on the execution of their functions, but shall not have a right to vote.

(4) A sub-committee shall regulate the procedure for its meeting, in accordance with the standing orders of the Assembly.

(5) A sub-committee shall regulate the procedure for its meeting, in accordance with the standing orders of the Assembly.

(6) A District Assembly may by resolution, dissolve and reconstitute any sub-committee which in its opinion is not performing its functions efficiently.

Functions of sub-committees.

- 25 (1) Every sub-committee shall be responsible for collating and deliberating on issues relevant to it, as the District Assembly may direct, for the purpose of assisting the District Assembly in its deliberative, executive and legislative functions.
- (2) A sub-committee shall submit its recommendations, to the Executive Committee of the Assembly.

Instrument of establishment of Metropolitan Assemblies.

26. (1) The provisions of sections 21 to 25 of this Act shall not apply to Metropolitan Assemblies,
- (2) Legislative instrument establishing a Metropolitan Assembly shall specify appropriate and relevant provisions of this Act, applicable to it.

Establishment of Public Relations and Complaints Committee.

27. (1) Every District Assembly shall have a Public Relations and Complaints Committee, the chairman of which shall be the Presiding Member of the Assembly.
- (2) A Public Relations and Complaints Committee shall –
receive complaints made against the conduct of members and staff of the Assembly from the Public, and make recommendations to the Assembly; and perform any other function that the Assembly may determine.

District Chief Executive to address Assembly.

- 28 (1) The District Chief Executive may address the District Assembly in session, on policies determined by the President.
- (2) The District Chief Executive shall –
1. present a report on the performance of the functions of the Executive Committee to the District Assembly, at the beginning of each session; and
 2. submit the recommendations of the District Assembly on matters of national concern to the President, the Minister and the Regional Coordinating Council, at the end of each session.

Other appointees of President to address Assembly.

29. Without prejudice to subsection (2) of section 28 of this Act, Ministers of state and other appointees of the President may address the District Assembly, at their own request or at the invitation of the Assembly or on the directives of the President, on matters relating to their sectors or functions.

District Assemblies to provide transport services.

30. (1) Notwithstanding the provisions of any enactment to the contrary, the Minister may authorize a District Assembly to provide omnibus transport services.

(2) The Minister shall, before giving the authorization, satisfy himself that the provision of the omnibus transport services will be economically viable.

Provision of offices, etc. by District Assemblies.

31. A District Assembly may –

- (a) build, acquire, provide, hire and furnish buildings within its administrative area;
- (b) combine with any other District Assembly for the purpose of building, acquiring, providing, hiring and furnishing any building within or outside its administrative area; or
- (c) contribute towards the expense incurred by any other District Assembly in building, acquiring, providing, hiring and furnishing any building within or outside the administrative area, to be used for the purpose of transacting the business of the District Assembly and for public meetings and assemblies.

Joint committees of District Assemblies.

32. (1) A District Assembly may in agreement with any one or more District Assemblies, appoint a joint committee for any project in which they are jointly interested, and may delegate to the committee any functions of the District Assembly, relating to the project for which the committee is appointed.

(2) A joint committee, appointed under this section, may be authorized to co-opt additional members.

(8) Nothing in subsection (1) of this section permits the delegation to any such joint committee the power of a District Assembly to approve by-laws, draw up annual estimates, levy rates, or borrow money.

(9) Subject to this Act, a District Assembly, appointing or agreeing with another Assembly in appointing a committee, may make, vary or revoke any of its regulations relating to the quorum, proceedings and place of meetings.

- (10) Subject to any such regulations, the quorum, proceedings and place of meeting, shall be such as the committee or joint committee, may determine.
- (11) Every committee appointed under this section shall unless otherwise directed, report its proceedings to the District Assembly, or Assemblies concerned, through the Executive Committee and decisions of the Executive Committee, shall be subject to the approval of the District Assembly or Assemblies.

Joint commercial activity.

33. Subject to the approval of the Minister, a District Assembly may join any other District Assembly in the carrying out of any commercial activity that falls within the scope of their respective functions, and may determine as between themselves, the allocation of the cost or benefits in respect of that activity.

Power to charge fees.

34. Subject to such guidelines in respect of the charging of fees as may be prescribed by the Minister by legislative instrument, a District Assembly may charge fees for any service or facility provided by the Assembly, or for any licence or permit issued by, or on behalf of the Assembly.

Writing off of irrecoverable arrears of revenue.

- 35 (1) Subject to subsection (2) of this section, a District Assembly may write off as irrecoverable debt, in any one year, any sum due or payable to the District Assembly, from or by any person for any sufficient cause, where the sum due and payable to the Assembly does not exceed ₵100,000.00.
- (2) A District Assembly shall inform the Minister in writing of the total sum written off, and the reasons for doing so.

District Co-ordinating Director..

36. (1) There shall be a District Co-ordinating Director for each District in Ghana who shall be the Secretary to the Assembly, and the head of the District Co-ordinating Directorate.
- (2) The District Co-ordinating Director, shall be a member of the Local Government Service.

Local Government Service.

37. (1) There shall be established by Act of Parliament, a Local Government Service, which shall form part of the public services of Ghana.
- (2) A District Assembly shall have such staff as may be necessary, for the proper and efficient performance of its functions.

District Assemblies to establish departments.

38. (1) Each District Assembly shall in the discharge of its functions, establish the departments specified in the First Schedule to this Act, in relation to that Assembly.
- (2) The Minister may, with the prior approval of the President, amend the First Schedule to this Act.
- (3) Each District Assembly shall be responsible for the preparation, administration and control of budgetary allocations of the departments, specified in the First Schedule to this Act.

District Tender Boards.

39. (1) Every District Assembly shall have a District Tender Board which shall advise the Assembly on the award of contracts in the District that –
- (a) are to be financed exclusively from the resources of the Assembly; or
- (b) have been approved by Government, and are not in excess of such limits as shall be determined, by the Minister for Finance.
- (2) The District Tender Board shall comprise of such persons, as the Minister shall by legislative instrument determine.
- (3) A person appointed as a member of a District Tender Board, shall within three months after the appointment, declare his assets to the Auditor-General.
- (4) The Minister shall by legislative instrument prescribe the procedure for the business of District Tender Boards.

Assemblies' power to insure.

40. A District Assembly may –

- (a) insure all or any of its property against risks of any kind; and
- (b) insure a third party against injury or damage, resulting from any act or omission by a member of staff of the Assembly, in the performance of his duties.

Ancillary powers of District Assemblies.

41. (1) A District Assembly may –

- (a) for a purpose reasonably connected with its functions, cause the entry into any land, premises or place, at a reasonable hour, by a person authorized in writing by the District Chief Executive;
- (b) request any person, in writing, to furnish to it, information reasonably necessary for the discharge of its functions;
- (c) give such directions to any person, as may be reasonably necessary, for the discharge of its functions.

(2) A person who –

- (a) wilfully obstructs an office of a District Assembly in the carrying out of the functions of the District Assembly, specified in subsection (1) of this section;
- (b) fails without reasonable excuse (proof of which shall be on him) to furnish information requested from him, under this section; or
- (c) gives information in response to a request made under this section which he knows to be false, or which he has no reasonable ground to believe to be true,

commits an offence, and shall on conviction, be liable to a fine not exceeding ₪200,000.00 or to imprisonment for a term not exceeding six months or to both, and in the case of a continuing offence, to a further fine not exceeding ₪2,000.00 for each day on which the offence continues.

Investigation by President.

42. The President may cause to be investigated, the performance of any function by a District Assembly, under this or any other enactment, or any other matter which is likely to affect the discipline of the District Assembly, and give directions as appropriate.

Power to enforce functions of Assemblies.

43. (1) In the exercise of his powers under section 42 of this Act, the President may, where it is necessary in the public interest, by executive instrument, declare a District Assembly to be in default and may by the same or another executive instrument –

- (a) direct the District Assembly for the purpose of removing the default, to perform such functions in such manner, and within such time or times, as may be specified in the executive instrument; or
- (b) transfer to a person or body as he may think fit, such functions of the District Assembly in default, as may be specified in the executive instrument to be performed on behalf of, and in the name of the defaulting District Assembly.

(2) Where an instrument has been made under paragraph (b) of subsection (1) of this section, the President may by the same or another instrument, dissolve or suspend the District Assembly concerned, for such time as he may think fit, or prohibit it from the performance of such functions of the District Assembly, as may be specified in the executive instrument.

Expenses in respect of transferred functions.

44. Where any functions of a District Assembly are transferred to any person or body under section 43 of this Act, the expenses incurred by the person or body in discharging those functions, shall be a debt due from the District Assembly concerned, to the person or body as the case may be.

Assemblies to make contributions to Association.

45. (1) Every District Assembly shall make such contribution to the National Association of Local Authorities of Ghana, as the Association may from time to time, determine.
- (2) The contribution made under sub-section (1) shall be in respect of any expenditure incurred by the Association, in undertaking its business, and the holding of its meetings.

PART II – PLANNING FUNCTIONS OF DISTRICT ASSEMBLIES

Establishment of District Planning Authority and its functions.

46. (1) For the purposes of national development planning, each District Assembly is by this Act, established as the Planning Authority for its area of authority.
- (2) The District Assembly, the Planning Authority for the district, shall perform any planning functions conferred on it by any enactment for the time being, in force.

- (3) For the purpose of subsection (2) of this section, there shall be established for each District Assembly, a District Planning Co-ordinating Unit.
- (4) A District Planning Co-ordinating Unit shall comprise such professional staff as the District Planning Authority, shall in consultation with the Commission, direct.

District development plans.

47. (1) The National Development Planning Commission, shall prescribe the format of district development plans.
- (2) Subject to subsection (1) of this section, all proposed district development plans, shall be submitted through the Regional Co-ordinating Council to the National Development Planning Commission, for approval.
- (3) A District Assembly may, with the prior written approval of the Commission, make modifications to an approved district development plan.

Compliance with district development plans.

48. An approved district development plan shall be complied with by any person, body or organ in the district responsible for, or connected with the implementation of the plans.

Permit to carry out physical development.

49. (1) No physical development shall be carried out in a district without prior approval in the form of written permit, granted by the District Planning Authority.
- (2) The procedure and manner for securing a permit under subsection (1) of this section shall be prescribed by regulations.
- (3) Subject to sub-section (4) of this section, a District Planning Authority may, prior to the adoption of an approved district development plan for the District, approve an application for physical development in the district.
- (4) In determining an application for a permit to develop prior to the adoption of an approved district development plan, the District Planning Authority shall consult such public agencies and local communities, as may be prescribed by regulations.

Development charges.

50. (1) A development charge may be levied in respect of an planning permit granted for the carrying out of physical development, except that there shall be no charge in respect of a permit for the change of use of an existing building.
- (2) Development charges shall be utilized for the provision of infrastructure and services.
- (3) Development charges shall be rated by, payable to, and collected by the District Planning Authority to the exclusion of any other body, except in the case of land estates, where other specific bodies take responsibility for providing infrastructure and services.

Development permit to be conditional or unconditional.

51. (1) A District Planning Authority may grant a permit for development conditionally, or unconditionally, or may refuse to grant the permit, except that where a permit is refused or granted conditionally, reasons shall be given in writing in each case.
- (2) A District Planning Authority may revoke a permit to develop, or impose additional conditions to a permit already granted, except that any revocation or modification shall be subject to the payment, on receipt of a claim, of such compensation, as the District Planning Authority may determine.
- (3) Subject to this Act, and any action, programme or project plan or unless the proposed activity obstructs or interferes with community right of space, the following activities shall not require prior permit from a District Planning Authority –
- (a) subsistence farming;
 - (b) farming and other activities carried on in any settlement of a population of not more than 5,000; and
 - (c) small-scale vegetable and flower gardening.
- (4) Nothing in this section shall preclude the members of the immediate local community from regulating any of the activities specified in sub-section (3) of this section, in their community.
- (5) Regulations may prescribe other activities that may be carried out, without permit.

Enforcement in respect of unauthorized development.

52. (1) Where –

- (a) physical development has been or is being carried out without a permit, contrary to this Act; or
 - (b) conditions incorporated in a permit are not complied with, a District Planning Authority may give written notice in such form as may be prescribed by regulations, to the owner of the land requiring him on or before a date specified in the notice, to show case in writing, addressed to the District Planning Authority, why the unauthorized development should not be prohibited, altered, abated, removed or demolished.
- (2) If the owner of the land fails to show sufficient cause why the development should not be prohibited, altered, abated, removed or demolished, the District Planning Authority may carry out the prohibition, abatement, alteration, removal, ordemolition and recover any expenses incurred from the owner of the land, as it it were a debt due to the District Planning Authority.
- (3) Nothing in this section shall preclude a District Planning Authority from issuing an enforcement notice demanding the immediate stoppage of the execution of any work carried out contrary to this Act, or to the terms of an approved development plan.
- (4) Any person who fails to comply with a notice issued under subsection (3) of this section, commits an offence and is liable on conviction, to a fine not exceeding ₦200,000.00, or to a term of imprisonment not exceeding six months, or to both and in the case of a continuing offence, to a further fine not exceeding ₦2,000.00 for each day that the contravention continues, after written notice has been served on the offender.

Enforcement in respect of execution of district plans.

53. (1) A District Planning Authority may, for the purpose of enforcing an approved development plan –
- (a) prohibit, abate, remove, pull down or alter so as to bring into conformity with the provisions of the approved plan, any physical development which does not conform to those provisions, or the abatement, removal, demolition or alteration of which is necessary for the implementation of an approved plan;
 - (b) prohibit the use of any land or building for a purpose, or in a manner contrary to any provisions of an approved plan; or
 - (c) execute any work which is the duty of any person to execute under an approved plan, where delay in the execution of the work has occurred and the efficient operation of the work has occurred and the efficient operation of the approved plan has been or will be thereby prejudiced.

- (2) Before taking action under this section, the District Planning Authority shall serve notice in a form prescribed by regulations on the owner of the land in respect of which the action is proposed to be taken, and on any other person who in its opinion, may be affected by it, specifying the nature of, and the grounds upon which it proposes to take the action.

Enforcement against nuisance.

54. (1) Where substantial injury to the environment, amenity, public health or the economy is caused by any nuisance, or is likely to result from the action or inaction of any person, a District Planning Authority may serve notice in a form prescribed in regulations, on the person, requiring him to abate the nuisance within such time as may be specified in the notice.
- (2) A notice served under sub-section (1) of this section, shall specify the nuisance and the steps required to be taken to abate the nuisance.
- (3) Where a notice issued under this section is not complied with, a District Planning authority may carry out the abatement and recover the costs from the person causing the nuisance, or the owner of the land where the nuisance is occurring, as if it were a debt due from the person to the District Planning Authority.

Enforcement against unauthorized development in respect of community right of space.

55. A District Planning Authority may, without prior notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of any unauthorized development carried out or being carried out that encroaches, or will encroach upon a community right of space, or interferes or will interfere with the use of such space.

Claims for compensation.

56. (1) Subject to this Act, a person –
 - (a) whose property is adversely affected by the coming into operation, or the execution of an approved development plan; or
 - (b) who for the purpose of complying with an approved development plan, incurs expenditure to his detriment –
 - (i) by a subsequent revocation or modification of the plan; or

(ii) by a subsequent revocation or variation of a development permit granted him by a District Planning Authority; or

(c) who is aggrieved by any decision, action or policy relating to an approved development plan or the enforcement of it,

may, within six months after the date of the approval of the plan or of the revocation or variation of a permit or of the taking of the decision or action complained of, lodge a claim for redress or compensation with the District Planning Authority.

Appeals.

57. (1) Any person aggrieved by a decision or action of a District Planning Authority under this Part, may within six months after receipt of the notice of the decision, or action, appeal to the Regional Minister, who may refer the appeal to the Appeals Advisory Board established under section 58 of this Act.
- (2) The decision of the Regional Minister under sub-section (2) of this section, shall be final as to matters of fact and good planning.

Appeals Advisory Boards.

- 58.(1) There shall be appointed by the Regional Minister such Appeals Advisory Boards, as the Regional Minister may determine.
- (2) An Appeals Advisory Board, appointed by the Regional Minister, shall comprise the following –
- (a) a lawyer;
 - (b) one person with expert knowledge of the subject matter of the appeal; and
 - (c) one person with local knowledge of the subject matter of the appeal.
- (3) The membership of an Appeals Advisory Board, shall terminate on the determination of any appeal referred to the Board for advice.

Functions of Appeals Advisory Board.

59. (1) The Appeals Advisory Board shall advise the Minister on the relief or redress sought in the appeal, or on the amount of compensation payable in respect of any appeal referred to it by the Minister.

- (2) Recommendations for settlement of claims of compensation in respect of land and immovable property, shall be made in consultation with the body for the time being charged with valuation of public land.

Recovery of betterment.

60. (1) Where the provision of a plan or the execution of public works, or a decision or action of a District Planning Authority increases the value of any land within the district, the District Planning Authority shall on the advice of the body for the time being charged with valuation of public land, recover from any person whose land is increased in value, where that person sells or otherwise disposes of the land, a determinable percentage of the amount of the increase.
- (2) Financial gains on urban land transactions, shall be liable to betterment charges.
- (3) Any sum recoverable under this section, may be set off against a claim of compensation.
- (4) Recovered amounts under this section, shall be utilized for the provision of infrastructure and utility services.

Non-conforming land allocations and transactions.

61. (1) An allocation of land shall be null and void, if the purpose or use for which the allocation is made is contrary to the provisions of an approved development plan; and in particular, no landowner shall sub-divide or allocate any land for use, development or occupation in a town or city or the suburb of it or in any area where there is an approved planning scheme prepared under an enactment in force, except with the concurrence of the District Planning Authority, or a sub-district body acting on behalf of the District Planning Authority.
- (2) A person who allocates, transfers, sells or develops land for a use or a purpose that is contrary to an approved development plan, settlement structure plan, action plan or programme, commits an offence, and is liable on conviction to a fine not exceeding ₪200,000.00, or to imprisonment for a period not exceeding six months, or to both.
- (3) On an application, an approved development plan may be revised in accordance with regulations to accommodate an otherwise non-conforming allocation proposal, if the District Planning Authority is satisfied that such accommodation or revision is in the public interest.

Building by-laws.

62. (1) Subject to section 63 of this Act, a District Planning Authority may make building by-laws within the scope of national building practices prescribed by law, and shall in particular, make provisions for –
- (a) the control of the construction of buildings, streets, boardings, fences and signboards;
 - (b) the execution of work on, and in relation to existing buildings, structures and streets;
 - (c) drainage and sanitation;
 - (d) the removal or abatement of obstructions and nuisance; and
 - (e) matters referred for the guidance of District Planning Authorities in the Second Schedule to this Act.
- (2) The by-laws may be made with respect to the district generally, or with respect to particular areas, buildings or works in the district.

National building regulations.

63. The Minister responsible for Works and Housing may by legislative instrument, prescribe national building regulations which shall be complied with by District Assemblies in making building by-laws for the districts.

Building permits and unauthorized buildings.

64. (1) Every person shall, before constructing a building or other structure, or undertaking any work, obtain a permit from the District Planning Authority, which shall contain such conditions as the District Planning Authority may consider necessary.
- (2) The District Planning Authority may give notice in writing in the form prescribed in the Third Schedule to an owner, occupier or developer of premises, if the owner, occupier or developer –
- (a) is constructing a building or other structure;
 - (b) has constructed a building or other structure; or
 - (c) is working or executing work,
- without a permit, or in contravention of any by-laws made by the District Assembly.

- (3) The notice under sub-section (2) of this section, shall require the owner, occupier or developer on or before a day to be specified in the notice, by a statement in writing under his hand, or under the hand of an agent duly authorized in that behalf, and duly served on the District Planning Authority, to show sufficient cause why the building, structure or work should not be removed, altered or pulled down.
- (4) If the owner, occupier or developer, fails to show sufficient cause why the building, structure or other work should not be removed, altered or pulled down, the District Planning Authority shall by notice, order the owner, occupier or developer within a specified time, to remove, alter or pull down the building, structure or other work, at his own expense.
- (5) If the owner, occupier or developer fails to comply with the order of the District Planning Authority within the specified time, the District Planning Authority may carry out the removal, alteration or pulling down and recover the expense from the owner, occupier or developer, as if it were a debt due from the person to the District Assembly.
- (6) Without prejudice to subsections (2) and (3) of this section, a person who contravenes any by-law made under section 61 of this Act, or the terms of a permit granted, commits an offence and is liable on conviction, to a fine not exceeding €200,000.00, or to a term of imprisonment not exceeding six months, or to both and in the case of a continuing offence, to a further fine not exceeding €2,000.00 for each day that the contravention continues, after written notice has been served on the offender.

Signing of plans of special buildings.

65. (1) A District Assembly may by by-laws made under section 62 of this Act, specify the types of buildings or special areas of a district, the designed plans of which buildings shall be required to be prepared by, or under a registered architect, or engineer, or an architectural draughtsman licensed under an enactment in force.
- (2) There shall be no restriction as to the person to design or sign the plan of single-storey traditional building characteristic of rural areas and parts of urban areas.
- (3) No person shall submit to the District Planning Authority the plan of any building which may be required to be submitted under subsection (1) of this section, unless the plan has been prepared by, or under the supervision of, and is signed by a person registered as an architect, or an engineer, under an enactment for the time being in force.

Delegation of functions.

66. A District Planning Authority may in writing, delegate any of its functions under this Part of this Act, to a Sub-Metropolitan District Council, Zonal Council, Urban Council, Town or Area Council or Unit Committee.

Request for information.

67. (1) A District Planning Authority may in writing, request any person to furnish it within such time as may be specified in the request, such information as may be required for the discharge of its functions, under this Act.

(2) A person who, without lawful excuse fails to comply with a request for information, or furnishes information which he knows to be false, commits an offence, and is liable on conviction, to a fine not exceeding ₹100,000.00, or to imprisonment for a period not exceeding three months, or to both.

Power of entry.

68. (1) An authorized officer of a District Planning Authority may enter upon any land, or enter any building in the District, to make such inspection, survey, studies, examination or investigation as may be necessary, for the performance of the functions of the District Planning Authority under this Act.

(2) The authorized officer of the District Planning Authority shall, before exercising his powers under sub-section (1) of this section, give such notice as he considers reasonable, to the owner or occupier.

Immunity of officers from liability.

69. Subject to the Constitution, no employee of a District Assembly, or a person acting under the direction or authority of a District Assembly, shall be personally liable for an act done in good faith in the performance of any function, or the execution of any duty, under this Part.

PART III – PROVISION OF FIRE SERVICES

Application of fire service provisions.

70. This Part shall, without prejudice to the generality of any powers conferred by any other enactment on the subject, apply to the discharge of the functions of a District Assembly, in connection with the provision of fire services.

Power of entry of premises.

71. (1) A person authorized by a District Assembly, may without the consent of the occupier –
- (a) enter and, if necessary, break into any premises or place in which a fire has, or is believed to have broken out, or in which it is necessary to enter for the purpose of extinguishing or dealing with the fire;
 - (b) do all such things on the premises, or place, as may be necessary for extinguishing or dealing with the fire;
 - (c) in order to deal with an outbreak of fire, enter into any land or premises –
 - (i) to secure the use of water under the control of any person;
 - (ii) to improve access to the water; and
 - (iii) to lay or maintain pipes, and to carry out other works in connection with the use of the water.
- (2) Whenever practicable, the District Assembly or a person authorized under subsection (1) of this section shall give reasonable notice to the occupier, before proceeding to exercise any of the powers conferred by subsection (1) (c).

Control of traffic.

72. A person authorized in writing by a District Assembly may close to traffic, any street, or stop, or regulate the traffic in any street, whenever it is reasonably necessary for the purpose of dealing with an outbreak of fire.

Penalty for obstruction.

73. A person who wilfully obstructs or interferes with the District Assembly, or any person authorized by it in the performance of any function under section 70 or 71 of this Act, commits an offence, and is liable on conviction, to a fine not exceeding ₱200,000.00, or to imprisonment for a term not exceeding six months, or to both; and in the case of a continuing offence, to a further fine not exceeding ₱2,000.00 for each day, on which the offence continues.

Penalty for false alarms

74. A person who knowingly or without lawful authority gives, or causes to be given any false alarm of fire, commits an offence, and is liable on conviction, to a fine not exceeding ₱100,000.00, or to imprisonment for a term not exceeding three months, or to both.

Enquiries by committee into origin of fire.

75. (1) A District Assembly may appoint a committee, to enquire into the origin of a fire within its area of authority.
- (2) The committee shall when holding an enquiry under this section, have all the powers of a Community Tribunal.
- (3) The Attorney-General, the Inspector-General of Police, or any person authorized by either of them, and an interested person who has the permission of the committee, may attend the enquiry, to examine or cross-examine any witness, or request that a witness be examined.
- (4) Any enactment for the time being in force relating to witnesses in a trial before the Community Tribunal, shall apply to witnesses at the enquiry.
- (5) The committee shall after the conclusion of an enquiry under this section, record its findings stating its reasons for them.
- (6) The committee shall submit a report of its findings, including the award of compensation if any, and by whom payable, to the District Assembly.

PART IV – LICENCES

Licensing of vehicles.

76. (1) The owner or a person in possession of a vehicle of a type mentioned in the Fourth Schedule to this Act, in use within a district shall take out from the District Assembly, a licence for the vehicle and shall pay the fee required by bye-laws made under this Act.
- (2) A vehicle for which a licence is issued under subsection (1) of this section shall have affixed on it the number plate assigned to it by the District Assembly.
- (3) No licence shall be issued under subsection (1) of this section in respect of any vehicle which the District Assembly is satisfied is in such a condition as to endanger persons or property or cause unnecessary suffering to any animal drawing it.
- (4) The owner or person in charge of vehicle who fails to affix or keep affixed a number plate issued under subsection (1) of this section commits an offence, and is liable on conviction to a fine not exceeding ₦5,000.00 and to a further fine of ₦200.00 for each day on which the offence continues.

Entertainment licences.

77. No person shall undertake or do within a district any of the acts or things mentioned in the Fifth Schedule to this Act without first having taken out from the District Assembly a licence for that purpose and paid the fee required by bye-laws made under this Act.

Provisions as to licences generally.

78. (1) A licence under this Part –

may be issued subject to such conditions as may be issued subject to such conditions as may be contained in any bye-laws or, where there is no provision in the bye-laws, such conditions as the District Assembly shall be endorsed in detail or by reference on the licence.

- (2) Any condition stipulated in a bye-law or by a District Assembly shall be endorsed in detail or by reference on the licence.
- (3) A person required to hold a licence referred to in this Part who, upon demand being reasonably made by any police officer or any authorized officer of the District Assembly fails to produce his licence for inspection commits an offence and is liable on conviction to a fine not exceeding ₦200,000.00 or to imprisonment not exceeding three months or to both.
- (4) A person who, without the appropriate licence, does any thing for which a licence is required under this Part or who, being the holder of a licence issued under this Part contravenes any of the conditions contained in the licence commits an offence and is liable on conviction to a fine not exceeding ₦200,000.00 or to imprisonment not exceeding six months or to both.
- (5) A person who lets out, hires, lends or borrows a licence or who not holding a valid licence produces, exhibits, or uses a licence, commits an offence and is liable on conviction to a fine not exceeding ₦200,000.00 or to imprisonment not exceeding six months or to both.
- (6) A District Assembly may revoke a licence when the holder has been convicted of an offence under subsection (4) and (5) of this section.

PART V – BY-LAWS

District Assembly to make by-laws.

79. (1) A District Assembly may make by-laws for the purpose of any function conferred upon it, by or under this Act, or any other enactment.
- (2) A District Assembly may in by-laws made under this Act –
- (a) specify as penalty, a fine not exceeding ₵200,000.00, or a term of imprisonment not exceeding six months, or to both;
 - (b) specify a further penalty not exceeding ₵2,000.00, for each day on which the offence is continued, after written notice of the conviction has been served on the offender, in the case of a continuing offence; and
 - (c) make provision for the payment of such fees, or charges, as the Assembly may think fit.
- (3) By-laws made by an Assembly under this Act, shall be read and construed, subject to the provisions of this Act, and any other enactment.

Validity of by-laws.

- 80.(1) Every by-law made by a District Assembly, shall be submitted to the Minister for approval or rejection.
- (2) Where the Minister –
- (a) rejects the by-law, he shall notify the District Assembly, giving reasons for the rejection; or
 - (b) approves the by-law, he shall submit it for publication in the *Gazette*.
- (3) The Minister may delegate his powers under subsection (2) of this section to the Regional Co-ordinating Council.
- (4) A by-law shall not have effect, until it has been published in the *Gazette*.

Model by-laws.

81. (1) Where the Minister is of the opinion that uniform provision may reasonably be made in respect of a matter for which by-laws may be made under this Act, he may by legislative instrument, make model by-laws in respect of that matter.
- (2) Where a model by-law is not expressed to apply throughout Ghana, it shall apply within the areas of authority of such District Assemblies as the Minister may by notice publish in the *Gazette* specify, and subject to such modifications, or omissions as the Minister

may in any particular case consider expedient, any other by-laws relating to the subject-matter of the model by-laws, shall to that extent cease to have effect within the areas.

Copy of by-laws to be deposited at Assembly offices.

82. A copy of every by-law made by a District Assembly, shall be deposited at the office of the Assembly, and shall at all reasonable times be open to public inspection, without the payment of any fee.
83. A copy of a by-law purporting to be made by a District Assembly, upon which is endorsed a certificate purporting to be signed by the Presiding Member and the Secretary to the Assembly to the effect that the copy is a true copy of the by-law, shall be *prima facie* evidence in any court of the land due to its making and the contents of it.

PART VI – ACQUISITION OF IMMOVABLE PROPERTY

Power of Assembly to acquire land.

84. (1) A District Assembly may acquire land or buildings in its District, or outside it, as it may consider necessary, for the carrying out of any function conferred on it under this Act.
 - (2) A District Assembly may, for the purpose of promoting development, purchase land, service it, and re-allocate it to prospective public or private developers, for development.
 - (3) Where any land is required by a District Assembly for the purposes of the Assembly including the undertaking of a housing scheme, and there is any hindrance to the purchase of the land, the land may be acquired for the Assembly under any enactment regulating acquisition of land by the State, for the time being in force.
 - (4) All expenses and compensations incurred in respect of the acquisition of any land by the Government for a District Assembly, shall be paid in the first instance, by the Government, and the District Assembly concerned, shall refund to the Government the amount of expenses and compensation paid and, upon the refund, the title in the land, shall be transferred to the Assembly.

Development charges on serviced land.

85. (1) In allocating acquired and serviced land to prospective developers in accordance with sub-section (2) of section 84 of this Act, a District Assembly shall impose on

beneficiary prospective developers, a reasonable development charge for acquiring and servicing the land, and such other terms as may appear to the District Assembly to be most expedient for the development of the district.

- (2) The proceeds of a transaction referred to in sub-section (1) of this section, shall be paid into a separately established fund, maintained solely for the purpose of further acquisition and servicing of land so acquired.

PART VII –FINANCIAL MATTERS

Revenue of local government bodies.

86. (1) A District Assembly shall open and maintain a bank account for all revenues and other monies raised or received by it, under this Act, or any other enactment.
 - (2) The District Assemblies Common Fund Administrator, shall distribute monies from the District Assemblies Common Fund to District Assemblies, in accordance with the provisions of the District Assemblies Common Fund Act, 1993 (Act 455) and the monies shall form part of the monies referred to, in sub-section (1) of this section.
 - (3) Notwithstanding the provisions of any enactment to the contrary, all income from the sources listed in the Sixth Schedule to this Act, and all revenue from levies, fees and licences charged in respect of the activities listed in the Sixth Schedule, shall be taxed or collected exclusively by, or for the District Assembly.
 - (4) The Minister, in consultation with the Minister for the time being charged with responsibility for national revenue, may by legislative instrument, amend the Sixth Schedule to this Act.
 - (5) The Minister may, subject to such terms and conditions as may be agreed upon with the appropriate public body, authorize the body to collect on behalf of District Assemblies, any revenue specified in the Sixth Schedule to this Act.
 - (6) Amounts collected under sub-section (5) of this section, shall be shared among the District Assemblies in the proportions or upon a formula that the President may, on the recommendation of the Minister, determine.

Expenditure.

87. (1) Subject to this Act, a District Assembly may incur all expenditure necessary for, or incidental to the carrying out of any functions conferred upon it under this Act, or any other enactment, or by the instrument by which it is established, provided that the expenditure is included in the approved budget of the District, for the relevant year.

- (2) For the avoidance of doubt, all monies received by a District Assembly from the District Assemblies Common Fund, shall be expended only on projects which form part of the approved development plan for the District.

Power to borrow.

88. A District Assembly may raise loans or obtain overdraft within Ghana of such amounts, from such sources, in such manner, for such purposes, and upon such conditions as the Minister, in consultation with the Minister responsible for Finance, may approve; except that no approval is required where the loan or overdraft to be raised, does not exceed ₵20,000,000.00 and the loan or overdraft does not require a guarantee by the Central Government

Investment of funds.

89. A District Assembly may invest all, or any portion of the monies of the Assembly in Ghana Government treasury bills, or in other investments, as may be approved by the Assembly.

Accounts.

90. Every District Assembly shall keep proper accounts, and proper records in relation to them, and shall prepare immediately after the end of each financial year, a statement of its accounts in such form as the Auditor-General may direct.

Power of Minister to give financial instructions.

91. (1) The Minister may, after consultation with the Minister responsible for Finance, issue written instructions, not inconsistent with any of the provisions of this Act, for the better control and efficient management, of the finances of District Assemblies.
- (2) The instructions may be issued either generally, or with respect to a particular District Assembly, and shall be complied with by the District Assemblies generally, or the District Assembly concerned.

District budgets.

92. (1) Every District Assembly shall, before the end of each financial year, submit to the Regional Co-ordinating Council, a detailed budget for the district, stating the revenue and expenditure of the District for the ensuing year.
- (2) The Regional Co-ordinating Council shall collate and co-ordinate the budgets of the districts in the region and shall submit the total budget to the Minister responsible for

Finance and submit copies to the Minister, and the National Development Planning Committee.

- (3) The budget for a district shall include the aggregate revenue and expenditure of all departments and organizations under the District Assembly, and the District Co-ordinating Directorate, including the annual development plans and programmes of the departments and organizations under the Assembly.

Access to records of District Assemblies.

93. (1) A person authorized in writing for that purpose by the Minister, shall at all reasonable times, have access to, and be entitled to inspect all books, accounts and records of any District Assembly, and may advise the Assembly on them and submit reports to the Minister and the Regional Co-ordinating Council, in connection with them.

(2) For the purposes of subsection (1) of this section, there may be established, a division of the Ministry with staff under such terms and conditions, as the Public Services Commission may approve.

(3) A person who wilfully obstructs another person in the discharge of his duties under subsection (1) of this section, commits an offence and is liable on conviction, to a fine not exceeding ₦100,000.00, or to a term of imprisonment not exceeding three months or both; and in the case of a continuing offence, to a further fine not exceeding ₦1,000.00 for each day on which the offence continues.

Rating authority.

94. A District Assembly shall be the rating authority for the district and, subject to any special provisions in this Act, or in any other enactment, no authority other than the Assembly shall, notwithstanding any customary law to the contrary, have power to make or levy rates in the district.

Duty to make sufficient rates.

95. (1) A District Assembly shall make and levy sufficient rates, to provide for that part of the total estimated expenditure to be incurred by it during the period in respect of which the rate is levied, and which is to be met out of money raised by rates.

(2) Before the date on which payment is received in respect of the immediate rates available to it, a District Assembly may make and levy such additional amount which in the opinion of the Assembly is required, to cover expenditure previously incurred by it, or required to meet contingencies, or to defray any expenditure which needs to be defrayed.

Method of rating.

96. (1) A rating authority may, subject to this Act, levy general or special rates of such amount as it considers necessary, having regard to section 95 of this Act.
- (2) For the purposes of this Part –
- “general rate” means a rate made and levied over the whole district, for the general purposes of the district.
- “special rate” means a rate made and levied over a specified area in the District, for the purpose of a specified project approved by the District Assembly for that area.
- (3) A general rate may be –
- (a) a rate payable by the owner of premises within the district, on the rateable value of the premises; or
- (b) a rate assessed on the possessions, or any category of possessions of persons, who reside within the district;
- (4) A special rate may be a basic amount payable by all persons of or above the age of eighteen years who reside within the area, or on owners of movable or immovable property in the area.
- (5) A person registered as a voter in any district may be required to pay rates imposed by the District Assembly for that district, notwithstanding that the person has not resided in the district.
- (6) A general or special rate imposed on immovable property under this section, shall be at a specified rate per cedi, on the rateable value of the property but the amount per cedi, shall vary as between specified areas of the district; except that within a mixed development area, the amount per cedi on rateable value, shall vary in respect of property used for different purposes.
- (7) Subject to the exemptions in section 99 of this Act, the premises rateable under this section, shall be premises comprising buildings, or structures, or similar development.
- (8) Subject to this section, the Minister shall in consultation with the Minister responsible for valuation, cause to be determined by the authority for the time being responsible for public lands valuation, or by a valuer appointed by that authority, the rateable value of premises for the purposes of this section, and may for that purpose cause a valuation list to be prepared for each district.
- (9) Subject to subsection (11) of this section, the rateable value of premises shall be the replacement cost of the buildings, structures and other development comprised in the premises, after deducting the amount which it would cost at the time of valuation to

restore the premises to a condition in which they would be as serviceable as they were when new; except that the rateable value shall not be more than fifty per cent of the replacement cost for the premises of an owner occupier, and shall not be less than seventy-five per cent of the replacement cost in all other cases.

(10) In this section –

- (a) the expression “replacement cost” with respect to buildings, structures and other developments means the amount it would cost to provide the buildings, structures and other developments, as if they were new on an undeveloped site, at the time the premises are being valued.
- (b) the expression “development” includes any kind of work or improvement carried out on, or in any land, and in particular foundations, excavations, drainage systems, and pathways, aprons and other prepared surfaces;
- (c) references to buildings and structures include references to plant and machinery which are attached to, and form an integral part of any building, or structure.
- (d) the expression “mixed residential, commercial, light industrial or heavy industrial or heavy industrial uses, have been permitted or may be permitted, together or in any combination thereof, by a planning authority, as specified in a Rate Notice;
- (e) the expression “use-zoning” means the division by a planning authority of a community township into zones or districts, according to present or potential use of immovable property for the purposes of controlling, or directing the use and development of these property, or for the purposes of rating, or conserving the value of those property.

(11) The Minister may by legislative instrument, prescribe either generally or in respect of any particular district, a basis for the assessment of rateable value of premises.

(12) Where a basis for the assessment of the rateable value of premises is prescribed by the Minister under subsection (11) of this section for a district, subsections (9) and (10) shall not apply to those premises in those districts.

Making and levying of rate.

97. A rate shall be deemed to have been made and levied by the publication, in pursuance of a resolution of the rating authority in that behalf, of a notice in the manner for the time being, prescribe by regulations made under section 158 of this Act.

Date and place of payment of rate.

98. When a rating authority has given notice of a rate in accordance with section 97 of this Act, it shall be the duty of every person liable to pay the rate, to pay the amount to a rate collector or other person duly appointed or authorized by the District Assembly concerned, to collect and receive the rate at the time and place specified by the rating authority.

Exemptions from, and remission of rates.

99. (1) The following tenements are exempted from assessment and rating under this Act –

- (a) all premises appropriated exclusively for the purpose of public worship, and registered with the District Assembly;
- (b) cemeteries and burial grounds registered by the District Assembly;
- (c) charitable or public educational institutions registered with the District Assembly;
- (d) premises used as public hospitals and clinics; and
- (e) premises owned by diplomatic missions, as may be approved by the Minister for Foreign Affairs.

(2) The following persons are exempted from payment of basic rates –

- (a) persons who are in attendance at educational institutions, who do not receive any remuneration or income during that period other than an allowance, loan or other grant provided for the purposes of such attendance, and for the purposes of this paragraph “remuneration” does not include any sum received by a person in respect of temporary employment undertaken by him during vacation from an educational institution; and
- (b) persons who are more than seventy years old.

(3) The rating authority may reduce, or remit payment of any rate on account of the poverty of a person liable to the payment of the rate.

(4) Where it is shown to the satisfaction of the rating authority that premises in respect of which the owner is liable to the payment of rates have been unoccupied for a period of not less than three months in any financial year, and that notice has been given as required by subsection (5) of this section, the rating authority, may, upon the application of the person who has paid the amount of the rate payable in respect of the premises, refund to that person, such proportion of the amount paid, as it may consider reasonable in the circumstances.

- (5) It is the duty of the owner of any premises liable to the payment of rates, to notify the rating authority in writing within twenty-one days, that his premises, if previously occupied, are unoccupied.
- (6) The owner of premises, who, having given a notice of non-occupation, fails to give notice of re-occupation required by subsection (5) of this section, commits an offence, and is liable on conviction, to a fine not exceeding ₦100,000.00, or to a term of imprisonment not exceeding three months, or to both.
- (7) Where it is shown to the satisfaction of the rating authority that an assessed premises, or a part of it, have been demolished or removed during any financial year, the rating authority shall, on the application of the person who has paid the amount of the rate payable in respect of the premises, order to be refunded to that person such, proportion of the amount paid as the rating authority may consider reasonable, having regard to all circumstances; except that, in the case of a demolition or removal, other than by order of the District Assembly or a court, no refund shall be made, unless the owner of the premises has within fourteen days of the demolition or removal, given notice in writing to the District Chief Executive.

Minister to issue guidelines.

100. The Minister may issue guidelines for the making and levying of rates.

Claim for amount of rate.

101. (1) The claim for the amount of any rate payable under this Act shall, except in so far as may be otherwise specifically provided in any other law, have priority over all other claims against the person liable to pay the rate, except claims by the Government.
- (2) If any person fails to pay any rate for which he is liable on or before the date on which it is payable, the District Assembly concerned may recover it as a civil debt, together with costs, or may prosecute the defaulting ratepayer for wilful default to pay the rate, together with appropriate penalties.
 - (2) In any proceedings to recover rate levied under this Act, the rate books and other records of the District Assembly concerned, and all certified copies of entries purporting to be made in them, signed by the District Chief Executive and sealed with the seal of the District Assembly, shall, on production be, *prima facie* evidence of the rate, and of the matters stated in them.

Rates on immovable property to be a charge on them.

102. The amount of a general or special rate due in respect of any premises, shall until paid, be a charge on the premises, and that charge shall have priority over all other claims against the premises, except claims of the Government.

Rate Assessment Committees.

103. (1) There shall be a Rate Assessment Committee for every District, to be appointed by the Regional Minister, on the recommendation of the District Assembly concerned.

(2) The Rate Assessment Committee, shall consist of a chairman, and four other persons.

(3) A person aggrieved by a valuation of the valuation authority, or the valuer under subsection (8) of section 96, or by a rate imposed on his premises by a rating authority, may apply for a review to the Rate Assessment Committee.

(4) The Rate Assessment Committee, shall notify the rating authority of its decision.

(5) Any person or rating authority aggrieved by a decision of a Rate Assessment Committee, may appeal to the High Court.

Notice where general or special rate not paid.

104. (1) Subject to subsections (3), (4) and (5) of section 103 of this Act, if the amount of a general or special rate or any instalment of it payable in respect of any premises is not paid within ten days from the date when it is due, the District Assembly shall cause to be affixed on a conspicuous part of the premises, a notice in a form prescribed by the regulations to the effect that if the amount of the rate payable in respect of the premises is not paid within forty-two days from the date of the notice, proceedings will be taken for the sale of the premises, for the purposes of defraying the amount.

(2) Where a person claiming to be the owner of an assessed premises has given notice in writing to the District Assembly of his name and postal address, no notice referred to in subsection (1) of this section, shall be affixed on the premises until a demand in writing for payment of the amount of the rate due has been sent by registered letter by the District Assembly to the person, and default has been made for one month, after the date of posting of the registered letter.

Notice of mortgage in respect of rateable premises.

105. (1) Where a person who has a registered mortgage on an assessed premises has given to the District Assembly notice in writing of his mortgage, no notice shall be affixed

on the mortgaged premises under section 104, until a demand in writing for payment of the amount of the rate due on the premises has been sent by registered letter by the District Assembly to the mortgagee, and default has been made for one month, after the date of posting of the registered letter.

- (2) Notice of a mortgage given under subsection (1) of this section, shall contain such particulars of the mortgaged premises as are necessary for the identification of the premises, and shall state the date and place of registration, the volume and page of the Land Register Book in which the mortgage is registered, and the postal address of the mortgagee.

Proceedings in case of non-payment of rates.

106. (1) If the amount of the general or special rate due in respect of any premises is not paid within the period of forty-two days, as provided in section 104 of this Act, the District Assembly may apply to a court for an order, for the sale of the premises.
- (2) If the court is satisfied, after hearing a representative of the District Assembly and any evidence that he may produce, and also such other person, if any, as the court may think fit that the provisions of section 104 of this Act have not been complied with, and that the amount of the rate due in respect of the premises has not been paid, it shall order the premises to be sold to defray the amount of the rate due.
- (3) Premises ordered to be sold to defray the amount of the rate due, shall be sold under the direction of the person authorized by the court.
- (4) If at any time during proceedings before the sale of the premises, payment of the amount of the rate due and of all expenses properly incurred is made, all further proceedings shall cease.
- (5) If no payment is made, and the premises are actually sold, and the sale becomes absolute under subsection (3) of this section, the court shall grant a certificate to the person who was declared the purchaser at the sale, to the effect that he has purchased the premises under this Act.

Agreement between landlord and tenant.

107. Nothing in this Part shall affect any agreement between landlord and tenant with respect to the payment of the rate, and no such agreement between landlord and tenant shall derogate from the provisions of this Act, with respect to the enforcement of any rate.

Penalty for refusal to pay rates and wilful misrepresentation

108. (1) A person who, without lawful justification or excuse, the proof of which shall be on him, refuses or wilfully neglects to pay any basic rate payable by him under this Act, on or after the date on which it is payable, commits an offence, and is liable on conviction, to a fine not exceeding ₦50,000.00, or to imprisonment for a term not exceeding one month, or to both.

(2) A person who makes a false statement with regard to his liability to pay rates, commits an offence, and is liable on conviction, to a fine not exceeding ₦50,000.00, or to imprisonment for a term not exceeding one month, or to both.

Penalty for inciting a person not to pay rates

109. A person who, without lawful justification or excuse, the proof of which shall be on him, incites any person to refuse to pay any rate payable by him under this Act, or who assists any person to make a false statement with regard to his liability to pay rates commits an offence, and is liable on conviction, to a fine not exceeding ₦50,000.00, or to imprisonment for a term not exceeding one month, or to both.

Penalty for un-authorized collection of rates.

110. Where a person who has not been authorized under this Act, or by the District Assembly, collects or attempts to collect any rate under this Act, he commits an offence, and is liable on conviction, to a fine not exceeding ₦500,000.00, or to imprisonment, or a term not exceeding twelve months, or to both.

Rate payers and rate collectors.

111. (1) Each District Assembly shall prepare and maintain proper records of rateable persons, and tenements in its District.

(2) A District Assembly may in writing, authorize any suitable person, in respect of a specified area of the District in this Act referred to as a "rate collector", to collect rates.

(3) A rate collector shall –

- (a) furnish in writing to the District Assembly concerned, a nominal roll of all rateable persons in the area in respect of which he has been authorized to collect rates;
- (b) collect and receive from each person liable for the payment of rates in the area, the rates payable by the person;
- (c) pay all amounts collected to the District Assembly concerned; and
- (d) report to the District Assembly concerned, the name of any person who has failed to pay the amount due from him.

Penalty in respect of offences by rate collectors.

112. A rate collector who –

- (a) fails to deposit with the District Assembly concerned, any sum of money collected by him as rates;
- (b) knowingly demands from any person, an amount in excess of the duly assessed rates;
- (c) renders false returns, whether orally or in writing; or
- (d) wilfully fails to carry out a duty imposed on him as a rate collector by subsection (3) of section 111 of this Act,

commits an offence, and is liable on conviction, to a fine not exceeding ₦5000,000.00, or to imprisonment for a term not exceeding twelve months, or to both, without prejudice to liability in a civil action by months or to both without prejudice to liability in a civil action by the District Assembly, to recover what is due from the rate collector.

Proceedings for rates.

113. Proceedings to enforce the payment of a rate payable, or for the imposition of penalties under this Part, may without prejudice to the right of any other person or authority to institute criminal proceedings, be taken by the District Assembly responsible for the collection of the rate, before any court.

Payment of rates by public boards and institutions and Government.

114. (1) Every public board, statutory corporation or institution shall, unless exempted under section 99 of this Act, or any other enactment, be liable to pay rates in respect of any immovable property, owned by it.

- (2) Where the Government would if it were a private person have been liable to pay rates to a rating authority in respect of any premises it owns directly, the Government shall pay to that rating authority in lieu of the rates, such sums at such times, as may be agreed between the Government and the rating authority.

Employers to deduct rates from employees' remuneration.

115. (1) Every employer shall deduct from the remuneration of every employee who is employed by him in the district of the rating authority, any general or special rate imposed by that rating authority, as a basic amount by virtue of subsection (3), or (4) of section 96 of this Act, and it shall be the duty of the employee to notify, or remind his employer in writing, when the deductions become due.

(2) The deductions shall be made from –

- (a) the first instalment of the remuneration due to be paid after the publication of the notice of the rate, in accordance with section 97 of this Act;
- (b) such subsequent instalment as the Minister may direct; or
- (c) such instalments as may be prescribed by the regulations made under section 158, of this Act.

(3) All sums deducted under this section, shall be held by the employer on behalf of the rating authority, and shall be paid by the employer to that authority within thirty days, after the deduction is made.

(4) This section applies only to –

- (a) an employee, who resides in the district;
- (b) an employee who to the knowledge of the employer, owns immovable property situated within the area, to which the rate relates;
- (c) an employee in respect of whom a rating authority has notified his employer in writing, in connection with any rate imposed by that authority –
 - (i) that the employee resides in the district;
 - (ii) that the employee owns immovable property within the area to which the rate relates; or
 - (iii) that the employee is a person required to pay the rate imposed by subsection (5) of section 96 of this Act, as being a person registered as a voter in the district to which the rate relates.

(5) In this section, “employee” includes a commission agent and any other person who habitually retails the goods of another person in consideration, for a commission or allowance, or who habitually canvassess for, or solicits customers for any other person in consideration, for a commission or allowance and the words “employer” and “remuneration” shall be construed accordingly.

- (6) An employer who, after deducting from the remuneration of an employee, any general or special rate, fails to pay the amount to the rating authority within the time stipulated in subsection (3) of this section, commits an offence, and is liable on conviction, to a fine not exceeding €200,000.00, or to imprisonment for a term not exceeding six months, or to both.

Rating authority to appoint agent for collection of rates.

116. (1) Without prejudice to section 111 of this Act, a rating authority may, by notice in writing, appoint any person holding any monies for or from whom any monies are due to any other person, or class of persons specified in the notice, to be its agent for the collection of any specified basic rate, which is payable by that other person, or of persons of that class.

(2) A person appointed as agent under subsection (1) of this section shall –

- (a) deduct from any monies referred to in subsection (1) of this section, the rate specified in the notice; and
- (b) hold the sums deducted, on behalf of the rating authority, by whom he is appointed and pay the rating authority, all the monies within fifteen days from the day on which the notice was served on him.

Set-off and refund.

117. Any sums deducted and paid to a rating authority under section 115 or section 116 of this Act, in respect of any rate, shall be set off against the actual rate liability of the person from whose remuneration or monies the sums are deducted, and the person shall be entitled to the refund to him by the rating authority, of all sums, or part which that person is not liable to pay in respect of the rate, having regard to the provisions of this Act.

Penalty.

118. (1) A person who contravenes section 115 or section 116 of this Act, commits an offence, and is liable on conviction, to a fine not exceeding six months, or to both.

(2) Without prejudice to subsection (1) of this section, an employer required to deduct and pay any rate to a rating authority under section 115 of this Act, and the person appointed as agent for the collection of any rate under section 116 of this Act, may be proceeded against under section 101 of this Act, as if he were the person originally liable to pay the rate.

- (3) The employer or agent shall be indemnified in respect of any acts done by him, in pursuance of section 115, or section 116 of this Act.

Duty to give information and inspection of premises in respect of rates.

119. (1) A rating authority, rate collector or Rate Assessment Committee, or any person authorized in writing by the rating authority, may request from any person such information as may be reasonably required, for the assessment or collection of rates.
- (2) A person authorized in writing by a rating authority, may at all reasonable times and upon the production of such written authority, enter any premises and request the production of such books in the premises for his inspection, and hold such interview with any person present on the the premises, as may be reasonably necessary for the purpose of
- (a) verifying the accuracy of any information supplied under subsection (1) of this section; or
 - (b) ensuring that section 115 of this Act is being complied with.
- (3) A person who —
- (a) fails without reasonable excuse, proof of which shall be on him, to supply information requested from him under subsection (1) of this section;
 - (b) supplies upon such request, information which he knows to be false, or which he has no reasonable grounds to believe to be true; or
 - (c) wilfully obstructs any person authorized under sub-section (1) of this section in the performance of his functions, under that subsection, commits an offence, and is liable on conviction, to a fine not exceeding ₦200,000.00, or to imprisonment for a term not exceeding six months, or to both.

PART IX – INTERNAL AUDIT

Internal Audit.

120. (1) Every District Assembly, shall have an Internal Audit Unit.
- (2) Subject to this Act, the head of the Internal Audit Unit of the District Assembly, shall be responsible to the District Assembly, in the performance of his functions.
- (3) The Head of the Internal Audit Unit, shall at intervals of three months, prepare a report on the internal audit work carried out by his Unit, during the period of three months

immediately preceding the preparation of the report, and submit the report to the Presiding Member of the Assembly.

- (4) Without prejudice to the generality of subsection (3) of this section, the Head of the Internal Audit Unit in the district, shall make in each report, such observations as appear to him necessary as to the conduct of the financial affairs of the Assembly, during the period to which the report relates.
- (5) The Head of the Internal Audit Unit of the district, shall send a copy of each report prepared by him under this section, to the Minister, the District Chief Executive, and the Regional Co-ordinating Council.

PART X – AUDIT

Auditor-General to audit accounts of District Assemblies.

121. (1) The accounts of a District Assembly established under this Act, together with all books, records, returns and other documents relevant to the accounts and the annual statement of its account, shall each year be audited by the Auditor-General, or an auditor approved by him, and reported on by him to the Minister, Parliament and the District Assembly.
- (2) In his report, the Auditor-General shall draw attention to any irregularities in the accounts audited by him.
- (3) Without prejudice to this Part, any other enactment for the time being in force in relation to the audit of the public accounts of Ghana, and to the functions of the Auditor-General, shall apply in relation to the accounts to which subsection (1) of this section applies.
- (4) The District Assembly, or other local government body concerned, shall take the report into consideration at its next ordinary meeting, or as soon as practicable after that.

Auditor-General may disallow or surcharge.

121. (1) In the performance of his functions under this Act, the Auditor-General shall have power to disallow any item of expenditure which is contrary to this Act and to surcharge

- (a) the amount of any expenditure disallowed on the person responsible for incurring or authorizing that expenditure;
 - (b) any sum which has not been duly brought into account upon the person by whom the sum ought to have been brought into account; or
 - (c) the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred.
- (2) A person aggrieved by a disallowance or surcharge made by the Auditor-General may appeal to the High Court of Justice not later than thirty days after the Auditor-General has given notice of the disallowance, or surcharge.
- (3) Any sum certified by the Auditor-General to be due from any person, shall be paid by that person to the Assembly, or other body concerned, within thirty days after it has been so certified or, if an appeal with respect to that sum has been made under subsection (2) of this section, within thirty days after the appeal is finally disposed of, or abandoned, or fails by reason of non-prosecution.

Recovery of sums certified due.

123. (1) Any sum which is certified by the Auditor-General to be due, and which has become payable, shall be recoverable as a civil debt.
- (2) In proceedings for the recovery of the sum, a certificate signed by the Auditor-General shall be conclusive evidence of the facts certified, and a certificate signed by an officer of the District Assembly concerned whose duty it is to keep the accounts to the effect that the sum certified to be due has been paid since the date of the certificate of the Auditor-General, shall be conclusive evidence of the facts in it.
- (3) If proceedings to appeal against the decision of the Auditor-General have been commenced, the certificate signed by the Auditor-General shall not be evidence of the facts stated in it, unless his decision is confirmed on appeal, and where the decision is varied, a certified copy of the finding of the court shall be conclusive evidence of the matter contained in it.
- (4) Unless the contrary is proved, a certificate purporting to be signed by the Auditor-General, or by the officer whose duty it is to keep the accounts of the Assembly, shall be deemed to have been signed by the Auditor-General, or by the officer, as the case may be.

Suspension pending appeal.

124. (1) Pending the determination of an appeal under subsection (2) of section 122 against a disallowance, or surcharge arising out of an audit under this Part, the appellant, where he is a members of the Assembly, shall be deemed to be suspended from attending any meeting of the District Assembly, or any committee of the Assembly, and from taking part in the affairs of the Assembly concerned, from the date of the surcharge or disallowance, and any person who contravenes the provisions of this section commits an offence, and is liable on conviction, to a fine not exceeding ₦500,00.00.
- (2) No prosecution shall be commenced under this section, without the consent in writing of the Attorney-General.

Publication of annual statement of accounts and auditor's report.

125. Every District Assembly or other body shall, at its own office, and in any other manner directed by the Minister, publish
- (a) the annual statement of its accounts; and
 - (b) any report on the accounts and statements made by the Auditor-General,

three months after the close of the financial year to which the accounts relate, or the receipt of the Auditor-General's report, as the case may be.

Definition of "audit".

126. In this Part, the expression "audit" includes an annual, interim or any audit, and the provisions of this Part shall be applicable in relation to the audit, in so far as the context admits.

PART XI – LEGAL PROCEEDINGS, NOTICES

Notice of suit to be given to Assembly.

127. (1) No suit shall be commenced against a District Assembly, until one month at least, after written notice of intention to commence the suit has been served upon the Assembly, by the intending plaintiff or his agent.

- (2) The notice shall state the cause of action, the names and place of abode of the intending plaintiff, and the relief which he claims,

shall not lie, or be instituted, unless it is commenced within twelve months next after the act, neglect or default complained of, or in the case of continuing damage or injury, within twelve months after the date of cessation.

Mode of service on Assembly.

128. (1) The notice referred to in section 127 of this Act and any summons, notice or other document required or authorized to be served on an Assembly, shall be served by delivering it, or by sending it by registered post, addressed to the District Chief Executive.

- (2) Notwithstanding subsection (1) of this section, a court may with regard to any particular suit or document, order service on the Assembly to be effected otherwise, and in that case, service shall be effected in accordance with the terms of the order.

Description of property.

129. Where in any criminal proceeding it is necessary to refer to the ownership or description of property belonging to, or under the management of a District Assembly, the property may be described as the property of the Assembly.

Power of entry.

130. Subject to this Act, and without prejudice to the generality of any other powers conferred under this Act, a person duly authorized in writing for that purpose by a District Assembly may, at all reasonable times, enter into, or upon any land, building or premises (other than places known as sacred groves) within the area in which the Assembly is established, for the purpose of carrying out any inspection, inquiry or the execution of works under this Act, or of any by-laws made by the Assembly.

Publication of notices.

131. Except where otherwise provided in this Act, the publication of any notice, or other document required by this Act to be published, shall be deemed to be duly made if it is fixed, for a reasonable time, in some conspicuous place, on or near the outer door of the office of the District Assembly during office hours, and also in some other conspicuous place within the District.

Occupier to provide specified particulars.

132. For the purpose of enabling any document to be served on the owner of any premises, a District Assembly, may by notice in writing, require the occupier of the premises to state the name and address of the owner of the premises, and if the occupier refuses or wilfully neglects to do so, or wilfully mis-states the name and address of the owner, he, unless he shows cause to the satisfaction of a court, commits an offence, and is liable on conviction in respect of each offence, to a fine not exceeding ₦50,000.00, or to imprisonment for a term not exceeding one month, or to both; and in the case of a continuing offence, to a further fine not exceeding ₦2,000.00 for each day on which the offence continues.

PART XII – PRIVILEGES AND IMMUNITIES

Freedom of speech and proceedings in Assembly.

133. There shall be freedom of speech, debate and proceedings in every District Assembly, and the freedom shall not be impeached, or questioned in any court or place, out of the Assembly.

Immunity from proceedings for acts in Assembly.

134. (1) Subject to this section, no civil or criminal proceedings, shall be instituted against a member of a District Assembly, or officer of the Assembly, in any court because of anything said by him in the Assembly, or any matter or thing brought by him, in or before the Assembly, by petition, motion or otherwise.
- (2) Where in the opinion of the Presiding Member of the Assembly a statement made by a member of the Assembly is *prima facie*, defamatory of any person, the Presiding Member shall refer the matter for inquiry to the Public Relations and Complaints Committee of the Assembly, which shall report its findings to the Assembly, not later than fourteen days of the matter being so referred.
- (3) Where the Committee reports to the Assembly that the statement made by the member is defamatory of any person, the member who made the statement shall at the next sitting of the Assembly, render an apology at the bar of the Assembly, the terms of which shall be approved by the Committee, and communicated to the person who has been defamed.

- (4) Where a member refuses to render an apology in accordance with subsection (3) of this section, the Presiding Member shall suspend that member, for the duration of two consecutive meetings of the Assembly.
- (5) A member of the Assembly suspended under subsection (4) of this section, shall lose all his privileges, immunities and allowances in respect of his membership of the Assembly and his privileges, immunities and allowances, shall be forfeited until such time as he apologises.

Immunity from service as juryman.

135. No member of the Assembly shall be required to serve on a jury in any court, or as a member of any tribunal.

Immunity from service of process and arrest.

136. (1) No civil or criminal process issuing from any court or place out of a District Assembly, shall be served on, or executed in relation to any member of the Assembly, or officer of the Assembly, while he is on his way to attending, at or returning from a meeting of the Assembly.

- (2) A certificate of the Presiding Member of the District Assembly to the effect that a member was on his way to, attending or returning from a meeting of the District Assembly, shall be conclusive evidence of attendance at the Assembly.

Immunity from publication of proceedings.

137. Subject to this Part, no person shall be under a civil or criminal liability, in respect of the publication of –

the text, or a summary of a report, papers, minutes, notes or proceedings of a District Assembly; or

- (a) a contemporaneous report of the meetings of the Assembly, unless it is shown that the publication was made with malice, or otherwise, in want of good faith.

Privileges of witnesses.

138. (1) Every person summoned to attend and give evidence, or to produce any paper, book, record or other document before a District Assembly, shall be entitled, in respect of

his evidence, or the production of the document as the case may be, to the same privileges, as if he were appearing before a court.

- (2) No public officer shall be required to produce before a District Assembly any document, if the Presiding Member of the Assembly certifies that
 - (a) the document belongs to a class of documents which is injurious to public interest to produce; or
 - (b) the disclosure of the contents of the document will be prejudicial to the security of the State.
- (3) Where there is a doubt as to whether the production of any document referred to in subsection (2) of this section is injurious to public interest, or prejudicial to the security of the State, the Presiding Member of the Assembly shall refer the matter to the High Court for determination, whether the production or disclosure of the contents of the document will be injurious to public interest, or prejudicial to the security of the State.
- (4) An answer by a person to a question put by a district Assembly, shall not be admissible in evidence against him in any civil or criminal proceedings out of the Assembly, except proceedings for perjury, brought under the criminal law.

Contempt of Assembly.

139. (1) An act which obstructs or impedes a District Assembly in the performance of its functions, or which obstructs or impedes a member, or officer of the Assembly in the discharge of his duties, or affronts the dignity of the Assembly, or which tends either directly or indirectly to produce such a result, shall be contempt of a District Assembly.
- (2) Where an act which constitutes contempt of a District Assembly is an offence under the criminal law, the exercise by the District Assembly of the power to punish for contempt shall be without prejudice to the institution of proceedings under the criminal law.

PART XIII – REGIONAL CO-ORDINATING COUNCILS

Establishment of Regional Co-ordinating Councils.

140. There is established for each region in Ghana, a Regional Co-ordinating Council.

Composition of Regional Co-ordinating Councils.

141. (1) A Regional Co-ordinating Council shall consist of —

- (a) the Regional Minister and his deputy, or deputies;
- (b) the Presiding Member of each District Assembly, and the District Chief Executive of each district in the Region;
- (c) two chiefs from the Regional House of Chiefs, elected by the chiefs at a meeting of the House; and
- (d) the regional heads of the decentralized ministries in the region as members, without the right to vote.

(2) The Regional Minister shall be the Chairman of the Regional Co-ordinating Council.

(3) The Regional Co-ordinating Director shall be the Secretary to the Regional Co-ordinating Council.

Functions of Regional Co-ordinating Councils.

142. (1) Subject to this Act, a Regional Co-ordinating Council shall —

- (a) monitor, co-ordinate and evaluate the performance of the District Assemblies in the region;
- (b) monitor the use of all monies allocated to the District Assemblies by any agency of the central Government;
- (c) review and co-ordinate public services generally in the Region; and
- (d) perform such other functions as may be assigned to it by, or under any enactment.

Planning functions of Regional Co-ordinating Councils.

143 (1) A Regional Co-ordinating Council shall also perform such planning functions, as may be conferred on it by any enactment.

(2) For the purposes of subsection (1) of this section, there shall be established a Regional Planning Co-ordinating Unit, for every Regional Co-ordinating Council.

- (3) The Regional Planning Co-ordinating Unit shall comprise such heads of Departments of the Regional Co-ordinating Council as the Commission shall, in consultation with the Regional Co-ordinating Council, appoint.

Meetings of Regional Co-ordinating Councils.

144. (1) A Regional Co-ordinating Council shall meet at least once a year, and shall hold such other meetings as it considers necessary, and at such times and in such places as may be appropriate.
- (2) The Regional Minister shall convene all meetings of the Regional Co-ordinating Council.
- (3) The Regional Minister may by notice to the members of the Regional Co-ordinating Council, convene a special meeting of the Regional Co-ordinating Council at such time and place, and for such purpose, as he shall specify in the notice convening the meeting.
- (4) The Regional Minister shall, where he is present at any meeting of the Regional Co-ordinating Council, preside at that meeting, and in his absence, the Deputy Minister present shall preside.
- (5) Questions at a meeting of a Regional Co-ordinating Council shall be decided by a majority of the members present, and voting, and where the votes are equal, the person presiding shall have a second or casting vote.
- (6) The quorum at a meeting of the Regional Co-ordinating Council shall be one-third of the membership of the Regional Co-ordinating Council, excluding the heads of the Departments of the Regional Co-ordinating Council.
- (7) The validity of the proceedings of a Regional Co-ordinating Council shall not be affected by a vacancy among its members, or by a defect in the appointment or qualification of a member.
- (8) Except as otherwise provided the Regional Co-ordinating Council shall regulate the procedure for its meetings.

Regional Minister.

145. (1) There shall be a Regional Minister in every Region of Ghana who shall be appointed by the President, with the prior approval of Parliament, and who shall be a Minister of State.

- (2) The Regional Minister shall –
- a. represent the President in the Region;
 - b. be responsible for the co-ordination and direction of the administrative machinery in the Region; and
 - c. exercise such powers, and perform such functions as may be delegated to him, by the President.
- (3) The President may, in consultation with the Minister of State for a region and with the prior approval of Parliament, appoint for the region, Deputy Minister or Deputy Ministers, to perform such functions, as the President may determine.

Regional Management.

146. (1) The Office of the Regional Co-ordinating Council, established under section 26 of the Civil Service Law, 1993 (P.N.D.C.L. 327), shall be responsible for regional management, and shall perform the functions assigned to it under that Law.
- (2) The officers and staff of the Regional Co-ordinating Council shall form part of the Local Government Service, on its establishment.
- (3) A Regional Co-ordinating Director shall within three months after the end of each financial year, prepare an annual report of the work of the Regional Co-ordinating Council in that year and submit the report, after approval by the Regional Co-ordinating Council, to the President and the Minister.
- (4) The relationship of the Regional Co-ordinating Director to the Regional Minister, shall be that of a Chief Director to his Minister.

PART XIV – MISCELLANEOUS

Obstruction of officers.

147. Any person who –
- (a) wilfully obstructs a member of a District Assembly in the execution of his duties; or
 - (b) being the occupier of any premises, prevents the owner of the premises from complying with any of the requirements of the Assembly,

commits an offence and is liable on conviction, to a fine not exceeding ₪500.00 for each day on which the offence continues.

Penalty for unqualified person sitting or voting in Assembly.

148. Any person who –

- (a) is elected or appointed as a member of a District Assembly, while he is not qualified to be elected or appointed and sits or votes in the Assembly; or
- (b) sits or votes in a District Assembly after his seat in the Assembly has become vacant, or he has become disqualified from sitting or voting in the Assembly, knowing or having reasonable grounds for knowing, that he is so disqualified, or that his seat has become vacant as the case may be,

commits an offence and is liable on conviction, to a fine not exceeding ₪200,000.00, or to imprisonment for a term not exceeding six months, or to both.

Delegation of powers of President or Minister.

149. The President, or the Minister, with the prior approval of the Cabinet, may by executive instrument, delegate any of their functions under this Act other than the Minister's functions under section 3, to any public officer, subject to such conditions as may be specified in the instrument.

Supply of information to the President or Minister.

150. Every District Assembly and any member or officer of the Assembly shall furnish the President or the Minister with such information as they may require in relation to their functions under this Act.

Staff of Assembly to make proper account of monies and property in their charge.

151. (1) A member of staff of a District Assembly, shall at such times during the continuance of his office, or within three months after his ceasing to hold such office, and in such manner as the District Assembly or the Auditor-General may direct, make out and deliver to the Assembly, or as the Auditor-General may direct, a true account in writing of all monies and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries, list of persons from whom or to whom money is due in connection with his office, showing the amount from, or to each.

- (2) The person shall pay all monies due from him to the District Assembly, or otherwise, as the Assembly or the Auditor-General, may direct.

(3) If any person refuses or willfully neglects to make -

- (a) any payment which he is required under this section to make; or
- (b) out, or deliver to the District Assembly or as the Auditor-General may direct, any

account or list he is required under this section to make out or deliver after three days notice signed by -

- (i) the Presiding Member of the Assembly;
- (ii) three members of the Assembly; or
- (iii) the Auditor-General,

and delivered to the person's usual, or last known place of residence; or

- (c) any voucher or other document of record relating to the voucher, or to give satisfaction in respect of the voucher to the Assembly, or as the Auditor-General may direct;

A court having jurisdiction where that person is or resides, may, on complaint made by the District Assembly, or officer of the Assembly, order or require him, to make such payment, or delivery of document, or to give such satisfaction.

(4) A person who wilfully neglects to comply with the order of the court commits an offence, and is liable on conviction, to a fine not exceeding ₦200,000, or to imprisonment for a term not exceeding six months, or to both; and in the case of continuing offence, to a further fine not exceeding ₦2,000.00, for each day on which the offence continues.

(5) Nothing in this section shall affect any remedy by action against any such person, or his surety, except that the officer shall not be both sued by action, and proceeded against under this section, for the same cause.

Financial interest in District Assembly's contracts.

152. (1) A member of staff of a District Assembly who acquires financial interest (otherwise than as a minority share-holder in a company) in any contract made with, or work done, or executed for the Assembly, is guilty of misconduct.

(2) Subsection (1) shall not apply to an interest in a contract or other work the person may have as a ratepayer, or an inhabitant of the District concerned.

Protection of members and staff.

153. Subject to the Constitution, a member of a District Assembly, or a member of the staff of a District Assembly, or any other person acting under the direction of the Assembly, shall not be personally liable in respect of anything done in good faith, for the purposes of this Act.

Recovery of monies due by way of deduction.

154. (1) Notwithstanding anything in this Act, where a person is indebted to a District Assembly in any specific sum of money, the District Chief Executive may, after consultation with the Attorney-General, authorize the retention by way of deduction, or set-off, of the amount of the indebtedness out of any sums of money that may be due, or payable by the Assembly, to the person.

(3) Without prejudice to the generality of subsection (1) of this section, in the case of a member of staff of a District Assembly, the debt owed by him to the Assembly directs in writing, be recovered by way of deductions from the emoluments of that person, and the Controller

(4) and Accountant-General or other person, shall carry out any reasonable request made in writing by the District Assembly for that purpose.

Offences by bodies of persons.

155. (1) Where an offence under this Act is committed by a body of persons, the following provisions shall have effect –

(a) where the body of persons is a body corporate other than a partnership, every member of the governing body of that body corporate, and every director, manager, secretary or similar officer of that body, shall also be guilty of that offence; and

(b) where the body of persons is a partnership, every partner shall also be guilty of that offence.

(2) No person shall be guilty of an offence by virtue of sub-section (1) of this section, if he proves that the act in respect of which he is charged was committed by some other person without his consent, or connivance, and that he exercised all due diligence to prevent the commission of that act, as he ought to have exercised, having regard to all the circumstances.

Proof of acts of authority.

156. Any authorization, notice or other document purporting to be granted, given or made and any act purporting to be done by a District Assembly under this Act, or of an instrument made under it, shall be taken to be duly granted, given, made or done by the Assembly without further evidence, unless the contrary is proved.

Payment of allowances to Assembly members and staff.

157. Model Standing Orders made by the Minister under section 18 of this Act, may provide for the payment of transport and other allowances, to members of the District Assembly, and to persons invited to attend any of the meetings of the Assembly.

Regulations.

158. The Minister may, by legislative instrument, make such regulations as he may think necessary for the purpose of carrying into effect the provisions of this Act.

Amendment of Schedules.

159. The Minister may, with the prior approval of Cabinet by legislative instrument, amend any of the provisions of the Schedules to this Act, except the Seventh Schedule.

Amendment of other enactments.

160. The enactments set out in the Seventh Schedule to this Act, are amended in the manner indicated in that Schedule.

Departments to cease to exist, staff transferred to local government service.

160. (1) Every branch, division or unit of the Departments or organizations specified in the Eighth Schedule to this Act which has been established in the districts of Ghana, and in existence on the coming into force of this Act, shall cease to exist in the districts.

(2) The functions previously performed by the branches, divisions or units of the Departments or organizations specified in the Eighth Schedule to this Act, shall be transferred to the relevant Departments of the District Assembly.

(3) The members of staff of the branches, divisions or units of the Departments, or organisations specified in the Eighth Schedule to this Act, shall be transferred to the relevant Department of the District Assembly, and they shall form part of the Local Government Service, when established.

Interpretation.

162. In this Act, unless the context otherwise requires,

“Auditor-General” includes any auditor, or public officer, authorized by the Auditor General in writing, to act in his name and on his behalf;

“Commission: means the National Development Planning Commission;

“community right of space” means a road, street , foot-path, pavement, passenger terminal, parking area, any public right of way, school ground, hospital ground, open space, cemetery, playing field, square, durbar ground, market place, public place of assembly, or any space or ground or area for public or community use that exists, or is so designated in an approved settlement plan, or under the provision of any law;

“district” means the area of authority of a District Assembly, and includes a municipality and metropolis;

“District Assembly” includes Municipal and Metropolitan Assemblies;

“District Chief Executive” includes Municipal and Metropolitan Chief Executives;

“District Planning Authority” means the District Assembly;

“electoral area” means local government electoral area specified in the Schedule to each instrument, establishing a District Assembly;

“general rate” has the meaning assigned to it by subsection (2) of section 96, of this Act;

“Minister” means the Minister responsible for Local Government;

“nuisance” means any activity, operation, works, action, neglect or any effect of it on, in, under or over land which is offensive, injurious or prejudicial to amenity, public convenience, or the local or national economy;

“physical development” means the carrying out of building, engineering, mining or other operations on, in, under or over land, or the material change in the existing use of land, or building, and includes sub-division of land, the disposal of waste on land, including the discharge of effluent into a body of still or running water, and the erection of advertisement or other hoarding;

“prescribe” means prescribed by regulations made under section 158 of this Act;

“rating authority” means the District Assembly for the District concerned;

“replacement cost” has the meaning assigned to it by sub-section (10) of section 96 of this Act;

“serviced land” means land on which infrastructural services including road, drainage system, water and other utilities, have been provided;

“session” means a series of meetings of a District Assembly, within a period of twelve months;

“special rate” has the meaning assigned to it by subsection (2) of section 96, of this Act;

“traditional authority” means a House of Chiefs, or any council or body, established or recognized as such, under customary law;

Repeals and savings.

163. (1) The following enactments are by this section, repealed:

Local Government Law, 1988 (P.N.D.C.L. 207);

Local Government (Amendment) Law, 1990 (P.N.D.C.L. 235);

Local Government (Amendment) (No. 2) Law, 1990 (P.N.D.C.L. 27); and

Local Government (Amendment) Law, 1993 (P.N.D.C.L. 306).

(2) Notwithstanding the repeals under subsection (1) of this section, any statutory instruments made or continued in existence under any of them, and in force immediately before the commencement of this Act, shall continue in force, as if made under corresponding provisions of this Act.

(3) Any by-law or instrument (including building regulations), or any other thing made or done by any local authority, or other body charged with the performance of local government functions in the district of a District Assembly, or any part of it, and in force immediately before the commencement of this Act, shall continue in force in that district or part of it, as if made or done under this Act.

(4) Notwithstanding the repeal under subsection (1), the District Assemblies in existence immediately before the coming into force of this Act, shall continue in existence, until the election and appointment of new District Assembly members.

Coming into force of sections 38 and 161.

164. The Minister shall by legislative instrument, prescribe the date for the coming into force of sections 38 and 161, of this Act.

**3.2 LOCAL GOVERNMENT ELECTIONS LAWS
ACT 801: DISTRICT ASSEMBLY ELECTIONS
(AMENDMENT) ACT, 2010**

Section 3 of Act 473 amended.

1. The District Assembly Elections Act 1994, (Act 473) is amended in section 3 by the deletion of sub-paragraph (b) of subsection (1).

Section 6 of Act 473 amended.

2. The District Assembly Elections Act, 1994, (Act 473) is amended by the deletion of Section 6 and the substitution of;

“6. Mounting of platform

- (1) A political party or an individual shall not mount a platform or cause a platform to be mounted for the purpose of supporting the election of a candidate to a District Assembly or to a lower local government unit.
- (2) Sub-section (1) shall not apply to a candidate who seeks to be elected to a District Assembly or to a lower local government unit.
- (3) The Electoral Commission shall mount a platform for the common use of candidates who seek to be elected to a District Assembly or lower local government unit.
- (4) An organization not associated with a political party desirous of supporting elections at the district assembly or lower local government unit, shall place at the disposal of the Commission support in cash or in kind, for the purpose of mounting a platform for the common use of a candidate who seeks to be elected to a District Assembly or to a lower local government unit.
- (5) Sub-section (3) shall not operate to empower an organization to mount a platform for the use of a candidate who seeks to be elected to a District Assembly or to a lower local government unit.

- (6) A political party or an individual who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.
- (7) An organization that contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.”

3.3 C. I. 68: UNIT COMMITTEE REGULATIONS, 2010

IN EXERCISE of the powers conferred on the Electoral Commission by Article 51 of the Constitution, this Instrument is made this 19th day of October, 2010.

Units for Elections

1. The Electoral Areas specified in the Legislative Instrument establishing a District Assembly shall be the area of the local government unit for the purpose of elections to the Unit Committee for the district concerned.

Election of Unit Committees

2. There shall be elected from each Unit five persons who shall be members of the Unit Committee.

Qualification of candidate to Unit Committees

3. (1) A person does not qualify to be elected to a Unit Committee unless that person
 - (a) is a citizen of Ghana of not less than 18 years of age;
 - (b) is a registered voter;
 - (c) is ordinarily resident in the particular Unit for which the person seeks election; and
 - (d)
 - (i) has paid all the taxes and rate imposed by law on that person or
 - (ii) has made arrangements satisfactory to the appropriate authority for the payment of the taxes and rates.
- (2) For the purposes of paragraph (c) of sub-regulation (1) a person shall be deemed to be ordinarily resident in a Unit if within the four years prior to the holding of the election to the Unit, that person has lived in the area of the Unit for an aggregate period of the not less than twelve months.
- (3) A person does not qualify to be elected to a Unit Committee if that person
 - (a) is of unsound mind;

- (b) has been sentenced to death or imprisonment for an offence involving fraud, dishonesty or violence or has been convicted of offence relating to or connected with elections under an enactment in force in Ghana at any time;
 - (c) is a person against whom adverse findings have been made by a competent authority and accepted by Government or in respect of whom an offer of reparation has been made and accepted by the Government.
 - (d) being a professional person, the person is disqualified from practising his profession on grounds of malpractice, fraud or dishonesty by the competent professional body; or
 - (e) is a person exempted from payment of basic rate under paragraph (a) of subsection (2) of section 99 of the Local Government Act, 1993, (Act 462).
- (4) Despite paragraphs (b) and (c) of sub-regulation (3) a person qualifies to be elected to a Unit Committee if ten years have elapsed since the end of the sentence, the acceptance of the adverse findings, the offer of reparation or if he has been pardoned.
- (5) A person shall not at any one time contest election to more than one Unit Committee.

Nomination of candidates for Unit Committee election

- 4. (1) Nomination of a candidate shall be made by a proposer and seconded by a seconder who are resident and registered to vote in the Unit.
- (2) Each candidate for election to a Unit Committee shall be nominated on a nomination form provided by the Commission.
- (3) The nomination form shall be witnessed by the signature or mark of ten persons who shall be resident and registered to vote in the Unit.
- (4) The form shall be delivered by the candidate or a proposer to the district returning officer of the Commission on a date and time directed by Commission.
- (5) A registered voter shall not propose, second or witness the nomination of more than one person.

Qualification to vote

- 5. Each voter registered in the Unit is entitled to vote at the elections.

Mode of election

- 6. (1) The Unit Committee elections shall be by secret ballot.

- (2) Voting shall take place in all Units on a day and at the places and times specified by the Electoral Commission.
- (3) A voter shall not thumbprint on the ballot paper for more than five candidates.

Candidates to contest Unit Committee election

7. (1) A candidate seeking to contest for Unit Committee election shall
 - (a) present oneself to the electorate as an individual; or
 - (b) be required NOT to make a deposit to the Commission.

Candidate not to use political party symbols

8. A candidate who is seeking election to a Unit Committee shall not
 - (a) use the name, motto or symbol of a political party or organization; or
 - (b) solicit or accept assistance of a political party in connection with the elections.

Penalty

9. A candidate who contravenes any provision of regulations 7 and 8 of this Instrument commits an offence and shall be liable to payment of two hundred and fifty (250) penalty Units and shall have the nomination cancelled by the Commission.

Unauthorized platform mounting

10. (1) A person other than a candidate shall not mount a platform or cause a platform to be mounted for the purpose of promoting or canvassing for the election of a candidate to a Unit Committee.
 - (2) A person who contravenes the provision of sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty (250) penalty units or in default to a term of imprisonment not exceeding 6 months or to both.
 - (3) A political party shall not mount a platform or cause a platform to be mounted for the purpose of supporting or not supporting the election of a candidate to a Unit Committee.
 - (4) A political party which contravenes sub-regulation (3) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty (250) penalty Units or in default to a term of imprisonment not exceeding one month or both.
 - (5) An organization may place human or material resources at the disposal of the Electoral Commission for the purpose of platform mounting.

Sponsorship

11. (1) A political party or organization shall not
 - (a) endorse or sponsor;
 - (b) canvass for votes for; or
 - (c) in any manner campaign for or against a candidate seeking election to a Unit Committee.

- (2) A political party or organization which contravenes sub-regulation (1) commits an offence and is liable on summary conviction to a fine not exceeding 250 penalty Units.

Returning Officer

12. (1) The Commission shall appoint for each district a returning officer and deputy returning officers who shall be referred to as “returning officers”

- (2) The returning officer shall –
 - (a) receive nominations of candidates;
 - (b) verify the qualifications and other particulars of candidates;
 - (c) create or cause to be created platforms for the candidates to present themselves;
 - (d) appoint a presiding officer and the number of polling assistants as may be required for each polling station;
 - (e) keep proper custody of election materials; and
 - (f) perform other functions as may be required for the conduct and supervision of Unit Committee elections.

- (3) The functions in sub-regulation (2) shall be performed by the returning officers under the direct supervision of the Commission.

Declaration of election results

13. The first five candidates who obtain the highest number of votes cast shall be declared elected to the Unit Committee concerned.

Elected candidates

14. The Commission shall communicate the names of persons elected to the Secretary of the District Assembly concerned, the Minister, Local Government and the Regional Co-ordinating Director.

Application of electoral laws

15. The Public Elections Regulations, 1996, (C.I. 15) and any other law for the time being applicable to public elections shall except otherwise provided for in this Instrument apply to the Unit Committee elections with modifications as may be necessary.

Interpretation

16. In this Instrument unless the context otherwise requires –

“Commission” means the Electoral Commission established by the Electoral Commission Act, 1993, (Act 451);

“mount a platform” means to create a forum or an opportunity for a candidate to present oneself and the programmes to the electorate or to answer questions for the purpose of local government elections.

17. The Public Elections (Unit Committee) Regulations 1995 (C.I. 18) is hereby revoked.

CHAPTER 4

4.0 LAWS ON REGISTRATION

4.1 ARTICLE 42, CHAPTER 7; 1992 CONSTITUTION

42. *Right to Vote.*

Every Citizen of Ghana of eighteen years of age, or above, and of sound mind, has the right to vote, and is entitled to be registered as a voter, for the purposes of public elections and referenda.

4.2 ARTICLES 6 – 10, CHAPTER 3; 1992 CONSTITUTION

Citizenship of Ghana.

6. (1) Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law, shall continue to be a citizen of Ghana.

(2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if, either of his parents, or grandparents is, or was a citizen of Ghana.

(3) A Child of not more than seven years of age, found in Ghana, whose parents are not known, shall be presumed to be a citizen of Ghana, by birth.

(4) A child of not more than sixteen years of age, neither of whose parents is a citizen of Ghana, who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

Persons entitled to be registered as citizens.

7. (1) A woman married to a man who is a citizen of Ghana, or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.

(2) Clause (1) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Ghana, under clause (1) of article 6, of this Constitution.

(3) Where the marriage of a woman is annulled after she has been registered as a citizen of Ghana under clause (1) of this article, she shall, unless she renounces that citizenship, continue to be a citizen of Ghana.

(4) Any child of a marriage of a woman registered as a citizen of Ghana under clause (1) of this article, to which clause (3) of this article applies, shall continue to be a citizen of Ghana, unless he renounces that citizenship.

(5) Where upon an application by a man for registration under clause (1) of this article, it appears to the authority responsible for the registration that a marriage has been entered into primarily with a view to obtaining the registration, the authority may request the applicant to satisfy him, that the marriage was entered into in good faith; and the authority may only effect the registration, upon being so satisfied.

(6) In the case of a man seeking registration, clause (1) of this article applies only if the applicant permanently resides in Ghana.

Dual Citizenship.

8. (1) Subject to this article, a citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquires or retains the citizenship of a country, other than Ghana.
- (2) A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana, is also a citizen of some other country, shall cease to be a citizen of Ghana, unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the Second Schedule to this Constitution, and made and registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps, and the extended period has not expired.
- (3) A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition, or possession of the citizenship of a country other than Ghana shall, on the renunciation of his citizenship of that other country, become a citizen of Ghana.
- (4) Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana, who is deprived of his citizenship of Ghana by virtue of that marriage, shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

Citizenship Laws by Parliament.

9. (1) Parliament may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana, under the provisions of this Constitution.
- (2) Except as otherwise provided in article 7 of this Constitution, a person shall not be registered as a citizen of Ghana, unless at the time of his application for registration, he is able to speak and understand an indigenous language of Ghana.
- (3) The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground –
 - (a) that the activities of that person are inimical to the security of the State, or prejudicial to public morality, or the public interest; or

- (b) that the citizenship was acquired by fraud, misrepresentation, or any other improper, or irregular practice.
- (4) There shall be published in the Gazette by the appropriate authority, and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article, applies to be registered as a citizen of Ghana, or has been registered as a citizen of Ghana.
- (5) Parliament may take provision for the renunciation by any person, of his citizenship of Ghana.

Interpretation.

10. (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent, at the time of the parent's death.

(2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution, shall be deemed to be his or her citizenship, at the time of his or her death.

C. I. 72

4.3 PUBLIC ELECTIONS (REGISTRATION OF VOTERS) REGULATIONS 2012

ARRANGEMENT OF REGULATIONS

Regulation

Registration of voters

1. Qualification for registration
2. Registration centres and electoral areas
3. Voters registers
4. Registration officials
5. Functions of a registration officer
6. Functions of a registration assistant
7. Registration supervisors
8. Objection to appointment of registration supervisors and registration officers

9. Period of registration
10. Access to registration centre
11. Authorised persons
12. Application for registration
13. Registration and issue of identification card
14. Replacement of voter identification card
15. Use of biometric information

Challenges and Complaints

16. Challenging an application for registration
17. District Registration Review Committee
18. Functions of the Committee
19. Chief Registration Review Officer
20. Complaints

Provisional voters register and complaints relating to the register

21. Provisional register of voters
22. Exhibition
23. Exhibition officer
24. Claims and objections after publication of provisional register of voters
25. Settling claims and objections on provisional register
26. Certified register

Offences and miscellaneous provisions

27. Registration offences
28. Voter identification card offences
29. Revision of the register
30. Public notice and the Gazette
31. Interpretation
32. Revocation

REGULATIONS 2012

IN exercise of the power conferred on the Electoral Commission by article 51 of the Constitution these Regulations are made this 21st day of February, 2012.

Registration of voters

Qualification for registration

1. (1) A person is entitled to have the name of that person included in the register of voters of an electoral area, if that person is
 - (a) a citizen of Ghana;
 - (b) eighteen years of age or above;
 - (c) of a sound mind;
 - (d) resident or ordinarily resident in an electoral area; and
 - (e) not prohibited by any law in force from registering as a voter:
- (2) For the purpose of paragraph (d) of subregulation (1), a person who is confined in a penal institution located in an electoral area is resident in that electoral area).
- (5) A person who applies for registration as a voter shall provide as evidence of identification one of the following:
 - (a) a passport;
 - (b) a driver's licence;
 - (c) National Identification card;
 - (d) a National Health Insurance card;
 - (e) an existing voter identification card; or
 - (f) one voter registration identification guarantee form as set out in Form One of the Schedule that has been completed and signed by two registered voters.
- (6) Despite paragraph (f) of subregulation (3), a registered voter shall not guarantee the identity of more than five persons.

Registration centres and electoral areas

2. (1) The Commission
 - (a) shall designate registration centres for the purpose of registering voters; and
 - (b) may designate any place it considers appropriate as a registration centre.

- (2) In designating a place as a registration centre, the Commission shall take into consideration
 - (a) the suitability of the place for use as a polling station on election day; and
 - (b) the accessibility of the place to prospective applicants for registration.
- (3) The Commission shall at least fourteen days before the first day of the national registration of voters, inform political parties and the general public by publication in the Gazette, the radio, television or any other medium of mass communication of a place it designates as a registration centre.
- (4) Unless the Commission otherwise directs, the polling stations in existence immediately before the coming into force of these Regulations shall constitute registration centres for the registration of voters under these Regulations.

Voters registers

3. (1) Each electoral area shall have a voters register consisting of the voters registers of the polling stations in the electoral area.
- (2) Each constituency shall have a register consisting of the voters registers of the electoral areas within the constituency concerned.

Registration officials

4. The Commission shall appoint a registration officer, registration assistant and any other official it considers necessary, for each registration centre.

Functions of a registration officer

5. A registration officer shall
 - (a) control the proceedings at the registration centre;
 - (b) keep the equipment for registration and be accountable for the registration forms and other materials assigned to the registration centre during the entire period of registration;
 - (c) keep records of the proceedings at the registration centre in the manner determined by the Commission;
 - (d) report promptly and in the most convenient manner to the district officer of the Commission or registration supervisors, any difficulties encountered at the registration centre for which that registration officer is responsible;

- (e) at the end of each registration day of the national registration period make available to the political parties the names, ages, dates of birth, sex and residential addresses of the applicants registered at the centre; and
- (f) at the end of the registration period return in person all the registration forms, equipment and other material in the custody of that registration officer to the Commission.

Functions of a registration assistant

6. A registration assistant shall

- (a) capture the required bio-data of applicants;
- (b) print the voter identification card;
- (c) laminate the voter identification card; and
- (d) carry out any other duties assigned to that registration assistant by the registration officer.

Registration supervisors

7. (1) The Commission shall appoint for each district in the country, registration supervisors for the registration of voters;
- (2) Registration supervisors comprise, a registration supervisor and two deputy registration supervisors.
- (3) The registration supervisors shall
- (a) make frequent visits to the registration centres in the district during the period of registration;
 - (b) ensure that prescribed registration procedures are complied with;
 - (c) ensure that the essential registration materials and equipment are available; and
 - (d) make prompt written reports to the district officer or the regional director of the Commission on
 - (i) the availability of registration materials and equipment, and
 - (ii) any lapses in the performance of duty by officials responsible for the registration of voters.

- (4) For the purposes of paragraph (d) of subregulation (3) reports include reports sent by electronic mail, except that where a report is submitted by electronic mail the hard copy of that report shall be submitted to the recipient of the electronic mail within seventy-two hours after the electronic mail has been sent.
- (5) The registration supervisor shall not keep registration forms and equipment during the registration period but shall assist the district officer of the Commission in the distribution and collection of registration forms and other essential registration materials and equipment to and from the registration centres.
- (6) A person who is not authorised by the Commission shall not have access to data on registration.

Objection to appointment of registration supervisors and registration officers.

8. (1) The Commission shall make available to the interested persons or parties at the district office, the names of persons it proposes to appoint as registration supervisors, registration officers and registration assistants for the centres not later than fourteen days before they are appointed.
- (2) A registered political party or person qualified to be registered as a voter may in writing object to any person proposed for appointment as a registration supervisor, a registration officer or a registration assistant, within seven days after the names of the proposed officers have been made available.
- (3) The objection shall be based on factual and verifiable evidence and be made to the Commission.
- (4) The Commission shall communicate the decision of the Commission to the parties involved within seven days after receipt of the objection.

Period of registration

9. (1) The Commission shall register voters on a continuous basis.
- (2) Despite subregulation (1), the Commission may by notice in the *Gazette* and in the media specify a period during which a national registration of voters shall take place.
- (3) The Commission may by notice published in the *Gazette* and in the media review the original period set aside for registration.

- (4) The Commission shall include in the register of voters, the name of a person who qualifies for registration as a voter and is registered.
- (5) Despite subregulation (4), the Commission shall not include in the register of voters the name of the person who qualifies to register as a voter for an election but who registers less than sixty days to that election.

Access to registration centre

- 10.(1) A person shall not enter a registration centre unless that person
 - (a) is applying to be registered as a voter;
 - (b) is a member or official of the Commission;
 - (c) is submitting a complaint or other official document to the registration officer; or
 - (d) is authorized in writing by the Commission to do so.
- (2) The Commission may authorise and give an opportunity to an agent of a registered political party and other interested body or person to observe activities at a registration centre during the period set aside for registration.
- (3) The names of agents of registered political parties shall be submitted to the Commission not later than seven days before the start of registration.
- (4) Despite subregulation (3), a registered political party may change the name of an agent whose particulars have been submitted later than seven days before the start of registration under special circumstances.
- (5) An organization interested in observing the registration shall not later than twenty-one days before the start of registration submit to the Commission the names of persons that the organization proposes to act as observers.

Authorised persons

- 11.(1) Any of the following persons may give instructions or directives to a registration officer or registration assistant and shall have the right to enter a registration centre:
 - (a) a member of the Commission;
 - (b) senior personnel of the head office of the Commission charged with monitoring the registration;
 - (c) a regional director of the Commission and a deputy regional director of the Commission;
 - (d) a district officer of the Commission; and

- (e) a supervising registration officer of a district.
- (2) A registration officer may exclude from the registration centre, any person whose conduct proves to be disruptive to the registration process.
- (3) For the purpose of paragraph (b) of subregulation (1), a senior personnel charged with monitoring the registration means a person assigned by the Commission to monitor the registration exercise.

Application for registration

- 12.(1) The Commission shall by notice published in the *Gazette* and in the media inform a person who is entitled to be registered as a voter to apply, during a period specified in the notice, to the registration officer, for the inclusion of that person's name in the register of the electoral area in which that person ordinarily resides or is permitted by law to register.
- (2) The application for registration shall be made as set out in Form Two of the Schedule.
- (3) The applicant shall appear in person before the registration officer at the registration centre at the time specified by the Commission by notice published in the *Gazette*.
- (4) The applicant shall
 - (a) supply the information required to complete the application form; and
 - (b) with the thumbprint, authenticate the completed application form.
- (5) The registration officer shall complete the application form on behalf of the applicant.
- (6) The information required for the registration of an applicant as a voter includes particulars of the applicant's,
 - (a) full name, surname, first name and any other names;
 - (b) date of birth;
 - (c) age;
 - (d) sex;
 - (e) place of birth;
 - (f) residential address;
 - (g) names of parents; and

- (h) hometown.
- (7) A registration assistant shall capture the biometric data, made up of the ten fingerprints and the photograph of the head, showing the bare face and two ears without any obstruction, of the applicant.
- (8) Where a person with less than ten fingers requests to be registered, the registration assistant shall capture the prints of the available fingers.
- (9) The Commission shall make alternative arrangements in relation to biometric data for a person who has no fingers.
- (10) A special list may be created for persons who fall under subregulations (8) and (9).
- (11) The Commission may vary the application procedure and the period of registration in the case of
 - (a) Ghanaian citizens resident abroad;
 - (b) a person in legal custody; and
 - (c) a person with disability or a person who is incapacitated.
- (12) Where it appears from an application that the applicant should be registered as a voter in a constituency other than that to which the application relates, the registration officer shall direct the applicant to the constituency where the applicant should be registered.

Registration and issue of identification card

- 13. Where there is no objection to the application for registration, the registration officer shall enter the name and data of the applicant in the provisional register and shall issue to the applicant a voter identification card in the form determined by the Commission.

Replacement of voter identification card

- 14. (1) A person whose identification card is
 - (a) lost;
 - (b) stolen;
 - (c) damaged;
 - (d) tampered with or

(e) destroyed;

shall report to the district officer of the Commission.

- (2) The Commission shall on the basis of the recommendation of the district officer authorize the issuance of a replacement voter identification card to the applicant at a cost to be determined by the Commission.
- (3) The replacement identification card shall have the word "Duplicate" written on it to indicate that it is a replacement identification card.

Use of biometric information

15. (1) The biometric information of a person registered as a voter shall not be made available to any other person or authority except on the orders of the High Court.
- (2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of not more than two thousand penalty units, or to a term of imprisonment of not more than four years or to both.

Challenges and Complaints

Challenging an application for registration

16. (1) A person appointed to register voters, a person authorised by the Commission to monitor the registration of voters or a person qualified to be registered as a voter may challenge a person applying to be registered as a voter on the ground that the applicant does not satisfy the requirements provided in regulation 1.
- (2) Where a person's application for registration is challenged and that person claims to be qualified to be registered as a voter,
 - (a) the person making the challenge shall complete the voter registration challenge form as set out in the Form Three of the Schedule;
 - (b) the registration officer shall complete the registration form on behalf of the applicant but shall not issue the applicant with a voter identification card;

- (c) the registration officer shall send the completed voter registration form together with the completed voter registration challenge form to the district electoral officer; and
- (d) the district electoral officer shall send the completed voter registration form together with the completed voter registration challenge form to the District Registration Review Committee established under regulation 17.

District Registration Review Committee

17. (1) There is established in each district a District Registration Review Committee referred to in these Regulations as “the Committee”, which shall examine challenges related to the registration of voters in the district.
- (2) A District Registration Review Committee consists of
- (a) one representative of each registered political party active in the district;
 - (b) the district officer of the Commission, who is the secretary to the Committee;
 - (c) the Police Commander in the district or the representative of that Police Commander;
 - (d) the District Director of Education or the representative of that District Director; and
 - (e) one representative of the traditional authorities in the district.
- (3) The District Registration Review Committee shall appoint its own chairperson from among its members and shall regulate the conduct of its proceedings.
- (4) Without limiting subregulation (3), the conduct of proceedings by the Committee, shall be fair to the parties to the dispute.

Functions of the Committee

18. (1) On the receipt of the completed voter registration form of a challenged applicant and the completed voter registration challenge form as provided for in regulation 16(2), the Committee shall within
- (a) seven days examine the grounds of the challenge to the application;

- (b) seven days decide whether or not the applicant is qualified to be registered as a voter; and
 - (c) forty-eight hours after its decision communicate the decision in writing to the Commission and the applicant.
- (2) In furtherance of its functions under subregulation (1), the Committee
 - (a) shall take evidence from the parties concerned;
 - (b) shall examine relevant documents;
 - (c) may call witnesses to testify; and
 - (d) may carry out any investigation relevant to the issue.
- (3) The Committee shall for the purpose of taking evidence and calling witnesses have the same powers as a District Court.
- (4) The Commission shall give effect to the Committee's recommendation, fourteen days after the parties to the dispute have been informed of the Committee's findings unless the Commission has received written notification that either party has appealed against the decision to the Chief Registration Review Officer under regulation 19.

Chief Registration Review Officer

- 19. (1) In each region, a judge of the High Court shall be the Chief Registration Review Officer and shall determine appeals against the decisions of the District Registration Review Committee.
- (2) The practice and procedure for the hearing of appeals under this regulation shall be determined by the Chief Registration Review Officer.
- (3) The Chief Registration Review Officer shall, in writing, communicate the decision arrived at on appeal to the Commission, to the parties and the Commission shall comply with the decision.

Complaints

- 20. (1) Without limiting any of the provisions in these Regulations, a person who is qualified to be registered as a voter may submit a complaint as set out in Form Four of the Schedule concerning the registration process to a registration officer or any of the officials specified in regulation 11(1).

- (2) An official to whom a complaint is made or referred shall make a record of the complaint and either
 - (a) resolve the matter to the satisfaction of the complainant; or
 - (b) refer the matter to the next higher officer of the Commission for further action.

Provisional voters register and complaints relating to the register

Provisional register of voters

21. (1) The Commission shall, not later than three months from the end of the registration period compile for each polling station a provisional register of voters stating the name, age, sex, residential address and showing the photograph of each person whose application for registration at that polling station was accepted.
- (2) A copy of the provisional register shall be given to each registered political party in the form determined by the Commission.

Exhibition

22. (1) The Commission shall cause the provisional register of voters of each polling station to be displayed for public inspection at the registration centre for the period that the Commission by notice in the Gazette and the media specifies.
- (2) During exhibition period
 - (a) any registered voter may inspect the provisional register of voters to ascertain that the particulars on that voter's identification card are the same as the particulars contained in the provisional register of voters and in case of any discrepancy, request the exhibition officer to make the necessary correction in the provisional register;
 - (b) any person whose application for registration during the registration period was accepted but whose name and other particulars do not appear in the provisional voters register of voters may make a claim as set out in **Form**

- Five** of the Schedule for the name and particulars of that person to be entered in the provisional register; and
- (c) a person entitled to be registered as a voter may object as set out in Form six of the Schedule to a person whose name appears in the provisional register of voters on the ground that the person is not qualified to be registered as a voter.
- (3) The Commission shall in addition to the publication provided in subregulation (1), post the provisional register on the website of the Commission.

Exhibition officer

23. (1) The Commission shall appoint for each registration centre an exhibition officer to exhibit the provisional register.
- (2) The exhibition officer shall
- (a) assist registered voters to find their names in the provisional register;
 - (b) verify whether the details in the provisional voters register are the same as those on the identification card and if there is a discrepancy make the necessary correction in the register;
 - (c) before making a correction in the provisional register complete the Correction Form as set out in Form Eleven of the Schedule indicating the nature of the discrepancy in the voter's particulars;
 - (d) check for clerical errors and fill in the appropriate form; and
 - (e) receive claims and objections in the prescribed form concerning the inclusion of a person's name and other particulars in the provisional register.

Claims and objections after publication of provisional register of voters

24. (1) A person who has a right to have the particulars including the name of that person to be included in the provisional register or to object to the inclusion of any name or the omission of any name from the register may on the publication of the provisional register, submit a complaint as set out in Form Five or Form Six of the Schedule as the case may be to the exhibition officer in respect of any matter

relating to the particulars of a person included or omitted in the provisional register.

- (2) The exhibition officer shall, within three days after the exhibition period has ended,
 - (a) exhibit in a conspicuous place in the registration centre
 - (i) a list as set out in Form Seven of the Schedule of persons who have applied to be included in the voters register;
 - (ii) a list as set out in Form Eight of the Schedule of persons whose inclusion in the register is the subject of an objection; and
 - (iii) a list as set out in Form Nine of the Schedule of persons whose names occur more than once;
 - (b) send two copies of each of the lists to the district officer of the Commission; and
 - (c) send the exhibited provisional register with the corrections of the exhibition officer to the district officer of the Commission.
- (3) The Commission may determine the other relevant particulars that are to be contained in the list.
- (4) The district officer of the Commission shall
 - (a) keep a copy of each of the lists of claims and objections, at the office of the district officer; and
 - (b) send a copy of the lists of claims and objections to the concerned regional director of the Commission.

Settling claims and objections on provisional register

25. (1) A district officer of the Commission shall, within seven days from the date of receipt of the lists of claims and objections from the exhibition officer, submit the complaints and objections to the District Registration Review Officer for determination, and give notice to each person
- (a) against whom an objection has been raised
 - (i) of the objection, and
 - (ii) the reasons for the objection, and
 - (b) who has made a claim to attend the hearing presided by the District Registration Review Officer for the determination of the objection or claim.

- (2) The notice shall be as set out in Form Ten of the Schedule.
- (3) For the purpose of sub-regulation (1), the District Court Magistrate shall be the District Registration Review Officer.
- (4) A judge of the High Court, who is appointed the Chief Registration Review Officer of the region in which a district is located, shall appoint a lawyer of not less than three years standing and who is preferably resident in the district to be the District Registration Review Officer, if a District Court does not exist in the district or if the chairperson of the District Court is absent.
- (5) The District Registration Review Officer shall determine the procedure for settling claims and objections but
 - (a) a party to an issue shall be heard in person or may be represented by a lawyer;
 - (b) the lawful possession by a claimant of an authentic identification card issued by the Commission shall be prima facie evidence of registration; and
 - (c) a person is not entitled to make a claim or raise an objection in relation to a matter on which the High Court has made a determination before the period of the exhibition of the provisional voters register.
- (6) The District Registration Review Officer shall, in writing on the same day of making a decision or as soon as practicable, inform the Commission and the person who is making the claim or the person to whom the objection relates of the decision of that District Registration Review Officer.
- (7) The Commission shall give effect to the decision of the District Registration Review Officer within fourteen days after the person making the claim or the person to whom the objection relates had been informed unless the Commission has received certified notification of an appeal to the High Court under sub-regulation (8).
- (8) A person aggrieved by the decision of the District Registration Review Officer may appeal to the High Court.
- (9) The High Court shall as soon as practicable inform the Commission and the parties in dispute of its decision and the Commission shall give effect to the decision.

Certified register

26. (1) The Commission shall certify the register after the determination of claims or objections.
- (2) After the register has been certified it shall be published in the manner determined by the Commission and shall replace any existing voters register.

Offences and miscellaneous provisions

Registration officers

27. A person who
- (a) registers as a voter when that person does not qualify to be registered;
 - (b) register as a voter more than once either at the same registration centre or at different Registration centres;
 - (c) registers as voter in the name of another person whether that other person is dead or Alive;
 - (d) by force or threat of use of physical or spiritual force, prevents a person from exercising the right to register as a voter;
 - (e) knowingly presents or gives false information in the application or claim of that person for registration, or in connection with the application of claim of another person for registration;
 - (f) forges, willfully defaces or destroys any official notice, paper or document relating to the registration of voters;
 - (g) delivers to any official connected with the registration of voters of any paper or other document in connection with the registration of voters which that person knows to be false;
 - (h) challenges or objects to the inclusion of the name of another person in the register of voters on ground that that person knows to be false;
 - (i) gives a voter registration form to another person when that person is not a registration officer;
 - (j) without authority from the Commission gives a form relating to the registration to the registration of voters to another person;
 - (k) without authority from the Commission prints any form relating to the registration of voters;
 - (l) disrupts proceedings at a registration centre or in any way interferes with the work of an official connected with registration of voters;
 - (m) offers anything of actual value to a person to induce that person not to register as a voter;
 - (n) makes an entry or a statement which that person knows to be false or does not believe to be true for the purpose of registering a voter;

- (o) carries out registration of voters at a place other than a place designated as a registration center by the Commission ;
- (p) tampers with any registration equipment;
- (q) alters captured registration data without authority;
- (r) transfers data to another device without authorization;or
- (s) intentionally brings an electronic device that interferes with the performance of the equipment to a registration centre or any data centre of the Commission commits an offence and is liable on summary conviction to a fine not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

Voters identification card offences

28. (1) A person who possesses the identification card of another person without the express consent of that other person commits an offence.
- (1) A political party or any other organization shall not be in possession of the identification card of any of its members or of any other person without the express written consent of that member or that other person.
 - (3) A person who finds a lost identification card shall; within fourteen days after finding that card, surrender the card to the district officer of the Commission or a police officer in charge of the nearest police station, otherwise that person shall be deemed to be in unlawful possession of another persons identification card.
 - (4) A police officer to whom a lost identification card has been surrendered shall surrender the card to the district officer of the Commission within fourteen days after the card had been given to that police officer otherwise that police officer shall be deemed to be in unlawful possession of another persons identification card.
 - (5) An individual who commits the offence of unlawful possession of another persons identification card is liable on summary conviction to a fine of not more than five hundred penalty units or a term of imprisonment of not more than two years for each identification card which is held unlawfully.
 - (6) A political party, organization or group of persons which commits the offence of unlawful possessions of an identification card is liable on summary convictions to a fine not more than two thousand penalty units and an additional fine of one hundred penalty units for each voter identification card held unlawfully.

Revision of the register

29. (1) The Commission shall revise the register of voters annually and may revise the register of voters for electoral areas that the Commission shall determine.
- (2) The process for registration as provided in these Regulations apply with the modifications that the Commission shall direct for the revision of any register.

Public notice and the Gazette

1. Where any matter is required in these Regulations to be published in the Gazette it may in lieu of or in addition to the publication in the Gazette be published through radio, television, the national newspapers or any other medium of mass communication.

Interpretation

31. In these Regulations unless the context otherwise requires,
- “active political party in the district” means a political party that has an office and elected officers in at least one constituency in that district;
 - “bio-data “ refers to biographic and biometric information of a person required for the purpose of establishing that persons identity;
 - “commission” means the Electoral Commission ;
 - “Committee” means the District Registration Review Committee established under regulation 17;
 - “electronic device” includes mobile phones, computers, wireless equipment, infra-red devices, Bluetooth devices and related devices;
 - “identification card” means a voter identification card issued by the Commission indicating that the bearer whose particulars are specified in the card is a registered voter;
 - “prescribed” means prescribed by the Commission; and
 - “provisional register” means the provisional register of voters.

Revocation

32. The Public Elections (Registration of voters) Regulations, 1995 (C.I.12) is hereby revoked.

4.4 ACT 527 (AMENDMENT) OF CITIZENSHIP ACT, 1996

Article 8 of the Constitution substituted.

1. Article 8 of the Constitution is repealed, and the following inserted –

Dual Citizenship

8. (1) A citizen of Ghana, may hold the citizenship of any other country, in addition to his citizenship of Ghana.

(2) Without prejudice to article 94 (2) (a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this clause if he holds the citizenship of any other country, in addition to his citizenship of Ghana –

- (a) Ambassador or High Commissioner;
- (b) Secretary to the Cabinet;
- (c) Chief of Defence Staff, or any Service Chief;
- (d) Inspector-General of Police;
- (e) Commissioner, Customs, Excise and Preventive Service;
- (f) Director of Immigration Service; and
- (g) any office, specified by an Act of Parliament.

(3) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

Article 9 of the Constitution amended.

2. Article 9 of the Constitution, is amended by the repeal of clause (5) thereof, and the insertion of the following –

“(5) Parliament may make provision, by Act of Parliament, for –

- 1. the renunciation by any person, of his citizenship of Ghana;
- 2. the circumstances in which a person may acquire citizenship of Ghana, or cease to be a citizen of Ghana”.

Article 112 of the Constitution amended.

3. Article 112 of the Constitution is amended by the repeal of clause (5) and the insertion of the following –

“(5) Whenever a vacancy occurs in Parliament, the Clerk of Parliament shall notify the Electoral Commission in writing within seven days after becoming aware that the vacancy has occurred; and a by-election shall be held within thirty days after the vacancy occurred except that where the vacancy occurred through the death of a member, the by-election shall be held within sixty days after the occurrence of the vacancy”.

Article 114 of the Constitution amended.

4. Article 114 of the Constitution is repealed and the following inserted –

“Gratuities for members of Parliament.

114 A person who has served as a member of Parliament for any period of time shall, on his death or on his ceasing to be a member of Parliament in any circumstance, other than where he becomes disqualified as a member of Parliament, or where he vacates his office under article 97(1) (c) or (d), be eligible for the payment to his personal representatives or to him of such gratuity proportionate to his period of service as shall be determined by the President, acting in consultation with the Committee referred to in article 71 of this Constitution.”

Article 166 of the Constitution amended.

5. Article 166 of the Constitution is amended as follows –

(a) by the insertion after sub-paragraph (viii) of paragraph (a) of clause (1) of the following –

- “(ix) the National Council on Women and Development;
- (x) the Trade Unions Congress,
- (xi) the Association of Private Broadcasters”;

(b) by the substitution for “fifteen” in clause (1) of “eighteen”;

(c) by the insertion after clause (2) of the following –

“(3) A person who is a founding member of a political party, is a leader or a member of its executive or holds any office in a political party shall not be qualified to be a member of the Commission.”

Article 199 of the Constitution amended.

6. Article 199 of the Constitution is amended by the insertion after clause (3) of the following –

“(4) Notwithstanding clause (1) of this article, a public officer who has retired from the public service after attaining the age of sixty years may, where the exigencies of the service require, be engaged for a limited period of not more than two years at a time but not exceeding five years in all and upon such other terms and conditions as the appointing authority shall determine.”

Article 201 of the Constitution amended.

7. Article 201 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph –

(a) a chairman who shall be appointed by the President acting in consultation with the Council of State”;

Article 206 of the Constitution amended.

8. Article 206 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph –

(a) a Chairman who shall be appointed by the President acting in consultation with the Council of State”;

Article 211 of the Constitution amended.

9. Article 211 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph –

“(a) a chairman who shall be the President or his nominee”;

4.5 CITIZENSHIP ACT 591 OF 2000

PART I – EXISTING CITIZENSHIP; CITIZENSHIP BY BIRTH

Continuation of existing citizenship

1. Every person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana.

Ascertainment of the law applicable to citizenship by birth

2. For ease of ascertaining the law on Ghanaian citizenship by birth, the applicable provisions are in this Part, restated.

Persons born before 6/3/57

3. (1) A person born before 6th March 1957, is a citizen of Ghana by birth, if

- (a) he was born in Ghana, and at least, one of his parents or grandparents, was born in Ghana; or
- (b) he was born outside Ghana, and one of his parents was born in Ghana.

Persons born on or after 6/3/57 but before 22/8/69

4. (1) A person born on, or after 6th March 1957, and before 22nd August 1969, is a citizen of Ghana by birth, if –

- (a) he was born in, or outside Ghana, and either of his parents, and also one, at least, of his grandparents or great-grandparents, was born in Ghana; or
- (b) in the case of a person born in Ghana, neither of whose parents was born in Ghana, at least, one of his grandparents was born in Ghana.

(2) A person is not citizen of Ghana, for the purposes of subsection (1) of this section if at the time of his birth, the parent, grandparent or great-grandparent through whom the citizenship is claimed, has lost his citizenship of Ghana.

(3) A person born on, or after 6th March 1957, and before 22nd August 1969, is a citizen of Ghana by birth, if –

- (a) he was born in Ghana, and at the time of his birth, either of his parents was a citizen of Ghana by registration, or naturalization; or
- (b) he was born outside Ghana, and at the time of his birth, both of his parents were citizens of Ghana, by registration or naturalization.

Persons born on or after 22/8/69 – Constitution 1969

5. A person is a citizen of Ghana by birth, if he was born in or outside Ghana, on or after 22nd August 1969, and before 24th September 1979, and at the date of his birth either of his parents, was a citizen of Ghana.

Persons born on or after 24/9/79 – Constitution 1979

6. A person born on, or after 24th September 1979, and before 7th January 1993, is a citizen of Ghana by birth, if –

- (a) he was born in Ghana, and at the date of his birth, either of his parents, or one grandparent, was a citizen of Ghana; or
- (b) he was born outside Ghana, and at the date of his birth, either of his parents, was a citizen of Ghana.

Persons born on or after 7/1/93 – Constitution 1992

7. A person is a citizen of Ghana by birth, if he was born on 7th January 1993, or born after that date in or outside Ghana, and at the date of his birth, either of his parents or one grandparent, was, or is, a citizen of Ghana.

Foundlings

8. A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.

PART II – ACQUISITION OF GHANAIAN CITIZENSHIP

OTHERWISE THAN BY BIRTH

Adopted Children

9. A child of not more than sixteen years of age, neither of whose parents is a citizen of Ghana, who is adopted by a citizen of Ghana, shall, by virtue of the adoption, be a citizen of Ghana.

Citizenship by registration

10. (1) A citizen of age and capacity of any approved country, may upon an application, and with the approval of the President, be registered as a citizen of Ghana, if he satisfies the Minister that –

- (a) he is of good character;
- (b) he is ordinarily resident in Ghana;

(c) he has been so resident throughout the period of five years, or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately before the application; and

(d) he can speak and understand an indigenous language of Ghana.

(2) A person who is not a citizen, and is or was married to a citizen, may, upon an application in the prescribed manner, be registered as a citizen.

(3) Subsection (2) applies to an applicant who was married to a person who was a citizen, at the time of the death of that person.

(4) Where the marriage of a person (*woman*) registered as a citizen of Ghana under subsection (2), is dissolved, the person (*woman*) shall continue to be a citizen, unless the citizenship is renounced.

(5) A child of the marriage of a person (*woman*) registered as a citizen, under subsection (2), shall continue to be a citizen, unless the child renounces the citizenship.

(6) Where upon an application (*by a man*) for registration under subsection (2), it appears to the Minister that the marriage had been entered into, primarily for the purpose of obtaining the registration, the Minister shall request the applicant, to establish that the marriage was entered into, in good faith.

(7) In the case of a man seeking registration, subsection (1) applies, only if the applicant is permanently resident in Ghana.

(8) A person shall not be registered as a citizen unless he has taken the oath of allegiance.

Registration of children

11. The Minister shall register as a citizen of Ghana, a child of any person who becomes a citizen of Ghana, by registration, or naturalization, upon application of the parent, or guardian of the child.

Effective date of registration as citizen

12. (1) A person registered under section 10 or 11, is a citizen by registration, from the date stated on the certificate of registration.

(2) The date stated on the certificate of registration, shall be the date of the taking of the oath of allegiance.

Naturalisation

13. (1) The Minister may, with the approval of the President, grant a certificate of naturalization to a person of age and capacity, who satisfies the Minister that he is qualified under section 14 of this Act, for naturalization.
- (2) A person to whom a certificate of naturalization is granted under subsection (1), shall take the oath of allegiance, and become a citizen by naturalization, from the date on which the oath of allegiance is taken.

Qualification for naturalization

14. (1) Subject to subsection (2) of this section, a person qualifies for naturalization if
 - (a) he has resided in Ghana throughout the period of twelve months, immediately preceding the date of the application;
 - (b) during the seven years immediately preceding the period of twelve months, he has resided in Ghana for periods amounting in the aggregate, to not less than five years;
 - (c) he is of good character as attested to in writing by two Ghanaians, being notaries public, lawyers, or senior public officers;
 - (d) he has not been sentenced to any period of imprisonment in Ghana, or anywhere, for an offence recognized by law in Ghana;
 - (e) he is able to speak and understand an indigenous Ghanaian language;
 - (f) he is a person who has made, or who is capable of making, a substantial contribution to the progress, or advancement in any area of national activity;
 - (g) he is a person who has been assimilated into the Ghanaian way of life, or who can easily be so assimilated;
 - (h) he intends to reside permanently in Ghana, in the event of a certificate being granted to him; and
 - (i) he possesses a valid residence permit, on the date of his application.
- (2) The Minister, may in such special circumstances as he thinks fit, and with the approval of the President,
 - (a) allow a continuous period of twelve months, ending not more than six months before the date of the application to be reckoned for the purposes of subsection (1) (a) of this section, as though it had immediately preceded the date of the application;

- (b) allow residence in an approved country, to be reckoned for the purposes of subsection (1) (b) of this section, as if it has been residence in Ghana; and
- (c) allow periods of residence, earlier than seven years before the date of the application to be reckoned in computing the aggregate period, mentioned in subsection (1)(b) of this section.

(3) The Minister, in other special circumstances as he thinks fit, and with the approval of the President, may modify, vary or waive any one of the qualifications for naturalization set out in this section, except the qualification specified in subsection (e), of this section.

Gazette publications

15. The Minister shall publish in the Gazette within three months of any application, registration or grant of a certificate of naturalization, the names, particulars and other details of a person who

- (a) applies to be registered as a citizen;
- (b) has been registered as a citizen;
- (c) applies for the grant of a certificate of naturalization;
- (d) has been granted a certificate of naturalization as a citizen.

PART III – DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

Dual Citizenship

16. (1) A citizen of Ghana may hold the citizenship of any other country, in addition to his citizenship of Ghana.

(2) Without prejudice to article 94(2)(a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this subsection, if he holds the citizenship of any other country in addition to his citizenship of Ghana

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Ambassador or High Commissioner;
- (c) Secretary to the Cabinet;

- (d) Chief of Defence Staff, or any Service Chief;
- (e) Inspector-General of Police;
- (f) Commissioner, Custom, Excise and Preventive Service;
- (g) Director of Immigration Service;
- (h) Commissioner, Value Added Tax Service;
- (i) Director-General, Prison Service;
- (j) Chief Fire Officer;
- (k) Chief Director of a Ministry;
- (l) the rank of a Colonel in the Army, or its equivalent, in the other security services;
and
- (m) any other public office that the Minister may, by legislative instrument prescribe.

(3) A citizen of Ghana who

- (a) loses his Ghanaian citizenship as a result of the acquisition, or possession of the citizenship of another country, shall on the renunciation of his citizenship of that country, become a citizen of Ghana;
- (b) acquires the citizenship of another country in addition to his Ghanaian citizenship, shall notify in writing, the acquisition of the additional citizenship, to the Minister in such form and such manner, as may be prescribed.

(4) A citizen of Ghana, who is also a citizen of any other country, shall whilst in Ghana, be subject to the laws of Ghana, as any other citizen.

(5) A citizen who has lost his citizenship as a result of the law in Ghana, which prohibited the holding of dual citizenship by a Ghanaian, may on an application to the Minister, be issued with a certificate of citizenship, which shall be effective from the date of issue.

(6) A certificate issued under subsection (5), shall specify whether the citizenship is by birth, adoption or naturalization.

Renunciation of Ghanaian citizenship.

17. (1) If any citizen of Ghana of age and capacity who is also a citizen of another country, makes a declaration of renunciation of citizenship of Ghana, the Minister shall cause the declaration to be registered; and upon the registration, that person shall cease to be a citizen of Ghana.

(2) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

Deprivation of citizenship.

18. The High Court, may on an application by the Attorney-General for the purpose, deprive a person who is a citizen of Ghana, otherwise than by birth or adoption of that citizenship, on the ground

- (a) that the activities of that person are inimical to the security of the State, or prejudicial to the public morality, or the public interest; or
- (b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

PART IV – MISCELLANEOUS PROVISIONS

Posthumous children

19. A reference in this Act to the citizenship status of the parent of a person, at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent, at the time of the parent's death.

Certificate of citizenship in doubtful cases

20. The Minister may, on an application made by, or on behalf of any person with respect to whose citizenship of Ghana a doubt exists under Part 1 of this Act, certify that the person is a citizen of Ghana, and a certificate issued under this section shall be prima facie evidence that the person was such a citizen at the date indicated in the certificate, but without prejudice, to any evidence that he was such a citizen at an earlier date.

Evidence

21. (1) A document purporting to be a notice, certificate, order or declaration or an entry in a register, or a subscription to an oath of allegiance, given, granted or made under this Act, shall be received in evidence.

(2) The evidence may be given by the production of a certified true copy of the document, by the person.

(3) An entry in a register made under this Act, shall be received as evidence of the matters stated in the entry.

Offences

22. Any person who for the purpose of procuring anything to be done, or not to be done under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, commits an offence, and is liable on summary conviction, to a fine of not less than €500,000 and not exceeding €5 million, or a term of imprisonment not exceeding 12 months, or to both.

Regulations

23. The Minister, may by legislative instrument, make Regulations for –

- (a) procedures relating to use of travel documents, by holders of dual citizenship;
- (b) form and manner of notification, of acquisition of dual citizenship;
- (c) fees chargeable in respect of anything to be done under this Act; and
- (d) generally for giving full effect to the provisions of this Act.

Interpretation

24. (1) In this Act, unless the context otherwise requires –

“approved country” means any country declared by, or under the authority of the President, to be an approved country by a legislative instrument;

“child” means a person who has not attained the age of eighteen years;

“Minister” means the Minister responsible for the Interior;

“prescribe” means prescribed by legislative instrument, under this Act.

- (2) A reference in this Act to Ghana in relation to a birth or residence before 6th March 1957, shall be read as a reference to the territories comprised in Ghana, on that date.
- (3) For the purposes of this Act, a person born aboard a registered ship, or aircraft, or aboard an unregistered ship, or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered, or in that country.
- (4) For the purposes of this Act, a person is of age, if he has attained the age of eighteen years, and is of capacity, if he is of sound mind.

Repeal and savings

25. (1) The Ghana Nationality Act, 1971 (Act 361), as amended by the –

- (a) Ghana Nationality (Amendment) Decree, 1972, (N.R.C.D. 134);
- (b) Ghana Nationality (Amendment) Decree, 1978, (S.M.C.D. 172); and
- (c) Ghana Nationality (Amendment) Decree, 1979, (A.F.R.C.D. 42)

is hereby repealed.

- (2) Notwithstanding the repeal in subsection (1) of this section, any Regulations made under Act 361, or continued in force under that Act, and in force immediately before the coming into force of this Act, shall continue in force until amended, or revoked under this Act.
- (3) The repeal of the enactments specified in subsection (1), does not affect the validity of any action taken under any of the enactments, before the repeal.
- (4) Any person, who immediately before the coming into force of this Act is a citizen by adoption, registration or naturalization, acquired validly under any enactment before the coming into force of this Act, shall continue to hold the citizenship, subject to the Constitution and the provisions of this Act.

CHAPTER 5

5.0 PRESIDENTIAL/PARLIAMENTARY ELECTIONS LAWS

5.1 C. I. 15: PUBLIC ELECTIONS REGULATIONS, 1996

PART I – GENERAL PROVISIONS

Appointment of returning officer.

1. (1) For the purpose of holding a public election, the Electoral Commission, referred to in these Regulations as “the Commission”, shall appoint a returning officer for each constituency, in which the election is to be held, and such other assistants, as the Commission may determine.
- (2) A returning officer, or his assistant, shall perform his duties under the general supervision of the District Electoral Officer of the Commission.
- (3) A person appointed as a returning officer, or assistant shall swear in the presence of a Judge, or a judicial officer, that he will faithfully and impartially fulfil the duties of his office, and shall abide by the laws and regulations governing the conduct of elections.

Writ of election.

2. (1) For the purpose of a public election, the Commission shall issue a writ of election, to the returning officer.
- (2) The writ shall be in such form as the Commission may determine, and shall specify –
 - (a) the period and place for the nomination of candidates; and
 - (b) the day on which the poll is to be taken.
- (3) The day on which the poll is to be taken shall –
 - (a) not be less than thirty days, or more than ninety days, after the last day appointed for the nomination of candidates, in the case of a general election; and
 - (b) not be less than ten days, and not more than fourteen days, after the nomination of candidates in the case of a by-election.
- (4) As soon as a writ has been issued, the Commission shall publish a notice in the Gazette, stating that the writ has been issued, and specifying the constituency to which it relates, the day and place for the nomination of candidates, and the day on which the poll is to be taken.

Notice of election.

3. (1) On receipt of a writ of an election, the returning officer shall publish notice of an election throughout the constituency, in such manner as the Commission shall direct.

- (2) Every notice of an election under these Regulations shall be in such form as the Commission may direct, and shall specify the day, the place and time for the nomination of candidates, and the day when the poll is to be taken.

Nomination of candidates for parliamentary election.

4. (1) A candidate for election to Parliament, shall be nominated by a separate nomination paper in such form as the Commission shall determine, which shall be delivered in quadruplicate by the candidate himself, or the person who proposes or seconds his nomination, to the returning officer of the constituency for which the candidate seeks election, on the day and at the place specified in the writ between the hours of nine in the morning and twelve noon, and the hours of two and five in the afternoon.
- (2) The nomination paper for each candidate in an election to Parliament shall be –
- (a) witnessed by the signature, or mark of two electors as proposer and seconder, and supported by eighteen other electors, as assenting to the nomination; and
 - (b) endorsed with the candidate's consent, to nomination
- (3) No candidate shall be nominated:
- (a) in the case of a general election to Parliament, for more than one constituency; or
 - (b) in the case of a by-election to Parliament, if he or she is a member of Parliament.
- (4) No person shall nominate more than one candidate, for election to Parliament.

Nomination of candidates in presidential elections.

5. (1) A candidate for election as President, shall be nominated by a separate nomination paper, in such form as the Commission shall determine.
- (2) The nomination paper for each candidate in an election for President, shall –
- (a) be signed by the candidate;
 - (b) be signed by not less than two persons who are registered voters, registered in the area of authority of each district assembly; and
 - (c) designate a person to serve as Vice President; and
 - (d) be delivered to the Commission, on or before the day appointed as nomination day, in relation to the election;

- (3) The nomination form shall be in quadruplicate, and shall be delivered by the presidential candidate himself, or the person who proposes, or seconds his nomination, between the hours of nine in the morning and twelve noon, and the hours of two and five in the afternoon, on or before the nomination day.
- (4) No person shall nominate more than one candidate in a presidential election.
- (5) The Chairman of the Commission, shall be the returning officer, for the purpose of election of President.

Statutory declaration and deposit by presidential and parliamentary candidates.

6. (1) A candidate for President, or Parliament shall, at the time of his nomination –
 - (a) deliver or caused to be delivered to the returning officer, a statutory declaration in such form as the Commission may determine, stating that he is qualified to be and is not disqualified from being elected President, or a member of Parliament;
 - (b) deposit, or cause to be deposited, such sum as the Commission shall determine; and
 - (c) deliver or cause to be delivered to the returning officer, two post card size copies of his recent photograph (bust).
- (2) The statutory declaration shall be made before a Judge, a judicial officer, notary public, commissioner of oaths, or any person authorized by law, to administer an oath, who shall certify it under his signature.
- (3) The Statutory declaration, provided for under paragraph (a) of subregulation (1), shall also be made by a person designated as vice-president, for the election.

Nominated candidate.

7. (1) Whenever the nomination paper and the statutory declaration of a candidate are delivered, and the deposit is paid in accordance with these Regulations, the candidate shall be considered to stand nominated, unless proof is given to the satisfaction of the returning officer, of the candidate's death, withdrawal or disqualification.
- (2) The returning officer shall inform a candidate, that his nomination is invalid where –
 - (a) the particulars of the candidate, or the persons subscribing to the nomination paper, are not as required by law; or
 - (b) the nomination paper is not subscribed to as required by law, and allow the candidate an opportunity to make any amendment, or alteration that the candidate considers necessary.

- (3) Where the returning officer decides that a nomination paper is invalid, after complying with sub-regulation (2) of this regulation, he shall endorse and sign on the nomination paper, the fact and the reasons for his decision, and inform the Commission accordingly, and the Commission shall refer the matter with its observations on it, to the Attorney-General.
- (4) Nothing in this regulation shall prevent the validity of a nomination being questioned, on an election petition.
- (5) Before the close of nominations on the nomination day, the returning officer, the candidate, if present, or such of the persons who have nominated the candidate, as are present, shall sign a declaration to the effect that, at the close of nominations, the nomination of the candidate was presented, and received by the returning officer, who shall state in the declaration, the time at which each nomination was received by him, and the time at which he accepted the nomination.

Withdrawal of nomination and exhibition of names of nominated candidates.

8. (1) Nomination of candidates shall be submitted and concluded by close of day for nomination, and a list of the nominated candidates, as at close of nomination day, shall be prepared and signed by the returning officer.

Notice of Nomination.

- (2) On the next day following the last day for nomination, the returning officer shall post at the constituency centre, and at such other places as the Commission may direct, a notice providing the names of the candidates nominated, and a list of the persons who have sponsored each candidate.
- (3) Subject to sub-regulation (2) of regulation 11, a duly nominated candidate, may withdraw his candidature at any time prior to the day before election day, except that, where a duly nominated candidate whose name appears on the nominated list exhibited under this regulation withdraws his candidature, after the printing of ballot papers and related election notices, the ballot papers and related notices may continue to include his name, and other particulars, and there shall not be refunded to such latter candidate, the deposit paid by him for his nomination.

Where no candidate is nominated.

9. (1) Where at the expiration of the time allowed for delivery of nomination papers, no candidate stands nominated, the returning officer shall certify the fact, by endorsing that on the writ, and forwarding the writ to the Commission.

- (2) Within thirty days after the receipt by the commission of a writ endorsed, as provided under sub-regulation (1) of this regulation, in respect of any constituency, a fresh writ shall be issued for an election in that constituency.

Unopposed candidate.

10. Where at the expiration of the time allowed for delivery of nomination papers, and on the day before the election, only one candidate stands nominated, that candidate shall be declared elected.

Contested election and death of a candidate.

11. (1) Where at the expiration of the time allowed for the delivery of nomination papers, and on the day before the election, two or more candidates stand nominated, a poll shall be taken in the manner provided by these Regulations, and in accordance with any existing applicable law.
 - (2) Where for the purpose of a public election, two or more candidates are duly nominated at the close of the nominations, but before the day of the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for any person nominated within that period of ten days, to withdraw his nomination.
 - (3) Where at the close of nominations, and after the expiry of the further period of ten days, under sub-regulation (2) of this regulation, only one candidate stands nominated, there shall be no election, and that candidate shall be declared elected.
 - (4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency shall be postponed for not less than twenty-one days.

Allocation of symbols and colours.

12. (1) Where an election is contested, the Commission shall, as soon as practicable after the nomination day –
 - (a) allocate to each candidate the symbol of his party, in the case of a candidate sponsored by a registered political party; or
 - (b) allocate to a candidate who is not sponsored by a political party, a symbol or colour chosen by him; or
 - (c) in any other case, allocate such symbols or colours, as the Commission considers appropriate.

- (2) A symbol or colour shall be chosen, or assigned for the purpose of this regulation from among symbols and colours approved by the Commission, for the purposes of election.
- (3) No person shall be allocated a symbol which is connected with, or is attached to the name, status, or dignity of a chief, or a symbol or a colour which is connected with any religious, or racial association, within the meaning of the Avoidance of Discrimination Act, 1957 (No. 38).

Notice of poll.

13. Whenever an election is to be held, the Commission shall, as soon as practicable after the allocation of symbols or colours, publish notice of poll in the Gazette, and in such places in a constituency, as it may direct and the notice shall state –

- (a) the day on which, and the time at which the poll is to be taken; and
- (b) the full names and photographs or symbols or colours of the candidates, nominated for the election.

Adjournment of poll.

14. (1) The Commission may, at any time between the issue of a writ, and the day specified in the writ as polling day, by notice in the Gazette, adjourn the taking of the poll, not more than thirty days after the day specified earlier.
- (2) Where a notice in the Gazette is issued under subregulation (1) of this regulation, the writ for the constituency to which the notice relates, shall be considered as amended by the substitution of the day to which the taking of the poll is adjourned, for the day specified in the writ as polling day.

Death of candidate.

15. (1) Where an election is to be held, and proof of the death of a candidate is given to the returning officer before the poll is commenced, the returning officer shall inform the commission, and all proceedings in relation to the election shall, subject to sub-regulation (2) of this regulation, be started afresh.
- (2) Where proceedings are started afresh, the Commission shall appoint –

- (a) a fresh nomination day, which shall be not less than fourteen days, and not more than twenty-one days, after the day on which proof of the candidate's death was given to the returning officer; and
- (b) a fresh polling day, which shall not be more than fourteen days after the nomination appointed under paragraph (a), of this sub-regulation.

Provision of polling stations.

16. (1) For the purpose of taking the poll, the existing polling stations prescribed by the Commission, shall be used as polling stations.
- (2) The Commission may direct a returning officer, to establish additional polling stations for any polling division.
 - (3) Any convenient building, except a dwelling-house, or a building, or class of buildings exempted by the Commission, may be established by the returning officer as a polling station, and used without charge for that purpose.
 - (4) The government shall repair, out of public funds, any damage done to a building, as a result of its being used as a polling station.
 - (5) Where two or more polling stations are established for a polling division, the returning officer shall –
 - (a) assign to each of the stations, such number of the voters registered in the division, as the Commission considers appropriate; and
 - (b) give notice in the polling division, in such manner as the Commission may direct, of the polling stations, to which the voters registered in the division have been assigned.

Presiding officers and polling assistants.

17. (1) The Commission shall appoint a presiding officer, to preside at each polling station, and such number of polling assistants as it considers necessary, to assist the presiding officer in carrying out his duties.
- (2) A polling assistant may act as the presiding officer, of a polling station, during the absence or incapacity of the presiding officer.–
 - (3) A person appointed as a presiding officer, or polling assistant, shall swear, before a member or senior officer of the Commission, upon penalty of perjury, that he will abide by the laws and regulations governing the conduct of elections, and will faithfully carry out his duties in a fair and impartial manner.

Equipment for polling stations.

18. (1) The returning officer shall provide each presiding officer with such number of ballot boxes, and ballot papers, as the Commission may direct.
- (2) Each ballot box shall be so constructed that a ballot paper can be put into it by the person voting, but cannot be withdrawn by him.
- (3) The returning officer, shall provide each polling station with –
 - (a) materials for voting;
 - (b) instruments for perforating, or stamping the ballot papers with the official mark;
 - (c) instruments for marking the means of identification of the voter, in accordance with sub-regulations (1) and (2) of regulation 31 of these Regulations; and
 - (d) a copy of the divisional register, the transferred voters list, the proxy voters list, the election officers list, and the absent voters list, relating to the polling station.

Polling agents.

19. (1) A candidate may appoint one polling agent, to attend at each polling station in the constituency for which he is seeking election or, in the case of a candidate for President, in every polling station nationwide, for the purpose of detecting impersonation, and multiple voting, and certifying that the poll was conducted in accordance with the laws, and regulations governing the conduct of elections.
- (2) Every candidate shall submit, in duplicate to the returning officer in charge of the constituency in which he seeks election, letters of appointment, stating the name and address of each polling agent, and the polling station to which each is to be assigned.
- (3) On a date set by the returning officer, the polling agent shall appear before the returning officer to be sworn upon penalty of perjury, that he shall abide by the laws and regulations governing the conduct of elections.
- (4) Upon the taking of the oath by the polling agent, the returning officer shall sign both the original and duplicate copies of the appointment letter, and issue to the polling agent, the duplicate copy which shall be presented to the presiding officer of the polling station to which the agent is assigned, on the day of the poll.

Transferred voters list.

20. (1) A registered voter who, at any time before a general election is resident for not less than two months in a constituency other than that in which he is registered, may apply to the returning officer of the constituency where he is resident, for his name to be entered on the transferred voters list of the constituency.
- (2) An application under sub-regulation (1) of this regulation, shall be made –
- (a) not less than twenty-one days before the last day of nomination, to the constituency where the applicant is resident, where the application relates to a nomination; or
 - (b) not less than twenty-one days before election day to the constituency where the applicant is resident, where the application relates to voting.
- (3) A returning officer to whom an application is made under this regulation, shall enter the applicant's name in the transferred voters list for the assigned polling station in his constituency if he is satisfied that the applicant has met the residency requirement established in sub-regulation (1) of this regulation, and is registered in another constituency.
- (4) Whenever a returning officer enters the name of any person on the transferred voters list, he shall –
- (a) assign that person to a polling station in his constituency; and
 - (b) send a copy of the entry to the returning officer of the constituency, where the person whose name has been entered is registered.
- (5) A person whose name is entered on the transferred voters list, is entitled to vote at the election in the polling station to which he is assigned, as if it were the polling station where he is registered, and the provisions of regulation 31 of these regulations, shall have effect accordingly.

Special voters list.

21. (1) A voter, who because of his duties on polling day will be unable to be present at the polling station where he is registered, may apply to the returning officer of the constituency in which he is registered, to be entered as a special voter.
- (2) An application under sub-regulation (1) of this regulation, shall be made not later than seven days before the polling day in the constituency of the applicant and, except in the case of an applicant who is a returning officer, shall be accompanied by a certificate from the applicant's superior, stating that –

- (a) the applicant is registered at a polling station in the constituency of the returning officer, to whom the application is made; and
 - (b) the applicant's duties will prevent him from being present on polling day, at the polling station where he is registered.
- (3) A returning officer to whom an application is made under subregulation (2) shall, where the applicant is a person whose duties are related to the elections, ascertain from the applicant where he will be working on election day and –
- (a) if the applicant will be working in the same constituency where he is registered, but at a polling station other than where he is registered –
 - (i) enter the name and voter ID number of the applicant, on the election officers list for the polling station.
 - (ii) issue the applicant a certificate that entitles him to vote on election day, in the polling station at which he is working; and
 - (iii) enter the name and voter ID number of the applicant in, which the applicant is registered;
 - (b) if the applicant will be working in a constituency, other than where he is registered –
 - (i) issue the applicant a certificate that entitles him to vote, on a day set aside for special voters;
 - (ii) enter the name and voter ID number of the applicant, on the special voters list;
 - (iii) enter the name and ID number of the applicant, on the absent voters list of the polling station, in which the applicant is registered; and
 - (iv) inform the applicant of the date and time set aside, for special voting.
- (4) Where an application is made to a returning officer under subregulation (1), and the applicant is a person other than an election officer, the returning officer shall –
- (a) enter the name and voter ID number of the applicant, on the special voters list for the constituency;
 - (b) enter the name and voter ID number of the applicant, on the absent voters list of the polling station in which the applicant is registered;
 - (c) inform the applicant of the date and time set aside, for special voting.

- (5) A person whose name is entered on the special voters list, is entitled to vote at a polling station specified by the Commission, and on a day which is not more than seven days before the polling day appointed by the returning officer, and advertised in such manner as the Commission may direct;
- (6) A person who is entitled to vote as a special voter, shall not be entitled to vote otherwise at the election.
- (7) No person shall vote at a polling station as a special voter, unless his name is on the special voters list for that polling station.
- (8) Subject to subregulation (9) of this regulation, voting as a polling station for special station for special voters, shall be conducted in the same manner as voting on polling day.
- (9) The returning officer shall, in relation to special voting -
 - (a) cause the ballot boxes to be kept in safe custody, after the poll has closed, and the boxes have been sealed; and
 - (b) arrange for the ballot boxes, to be opened at the time of the counting of the votes cast on the polling day, and the ballot papers shall be counted in the same manner as those contained in the ballot boxes used on the polling day.

Absent voters list.

22. (1) Each returning officer shall, before polling day, prepare for each polling station in his constituency, an absent voters list containing the names of any persons registered in the station whose names have been entered on the transferred voters list for another constituency, the election officers list, or on the special voters list for his constituency.
- (2) A person whose name is entered on the absent voters list for a polling station, shall not be entitled to vote in that station, and the provisions of regulation 31 of these Regulations, shall have effect accordingly.

Voting by proxy.

23. (1) A registered voter who, because of ill-health or absence from his constituency, will be unable to present himself to vote on polling day may, not less than fourteen days before the poll in the constituency where he is registered, apply to the returning officer of the constituency where he is registered, or to any representative of the Commission, for his name to be entered on the proxy list.
- (2) The applicant shall complete a proxy form in such manner, as the Commission may direct.

- (3) The application form shall be endorsed by the returning officer of the constituency of the applicant, or the representative of the Commission to whom the application was made, and distributed as follows –
 - (a) the original to the returning officer of the constituency where the applicant wishes the proxy to vote;
 - (b) the duplicate copy to the Commission
 - (c) the triplicate copy to the person appointed as proxy; and
 - (d) the quadruplicate to the applicant.
- (4) The returning officer, or any representative of the commission to whom the application is made, shall, if satisfied that the proxy is qualified to be registered as a voter, and that the applicant is a registered voter, enter the names and the particulars of the applicant, and the proxy, on the proxy list and –
 - (a) assign the proxy to a polling station, in the constituency;
 - (b) indicate on the proxy list, the polling station to which the proxy is assigned;and
 - (c) forward a copy of the list to the presiding officer for the polling station, to which the proxy is assigned.
- (5) A person appointed as a proxy, may vote in the elections at the polling station where he is assigned to vote and the provision relating to voting procedure under these Regulations, shall have effect accordingly.
- (6) No person shall be entitled to have more than one person at a time, appointed as a proxy, to vote for him at the election.
- (7) A person whose application to vote by proxy is accepted, and endorsed by the returning officer of the constituency or the Commission, shall not vote at the election in respect of which the application was granted.
- (8) The appointment of a proxy, shall be cancelled by the returning officer or the Commission, where an application is made for cancellation by the person who made the application, for the appointment of the proxy.
- (9) An application for the cancellation of proxy shall be made, not less than seven days before the election to which the application relates, and shall be made in such form as the Commission may determine.

- (10) A proxy whose appointment is cancelled, shall cease to have the right to vote for the applicant, whether or not he is aware of the cancellation.

PART II – THE POLL

Number of votes and place of voting.

24. (1) No voter shall cast more than one vote, when a poll is taken.
- (2) Subject to the provisions relating to transferred voters list, special voters list, election officers list, and absent voters list, under regulations 20, 21 and 22 respectively, a voter shall vote at the polling station allotted to him.

Poll to be taken by ballot.

25. (1) The votes at the poll, shall be given by ballot, and the result shall be ascertained by counting the votes cast, for each candidate.
- (2) The candidate who receives the most valid votes cast, shall be declared elected, in the case of a parliamentary election.

Ballot papers.

26. (1) The ballot of every voter, shall consist of a ballot paper.
- (2) Each ballot paper shall –
- (a) contain the names and photographs, or symbols, or colours of all the candidates contesting the election, in the constituency;
 - (b) be capable of being folded up;
 - (c) have a number printed on it; and
 - (d) have attached to it, a counterfoil with the same number printed on it.
- (3) Notwithstanding sub-regulation (2) of this regulation, a ballot paper shall not be void, because it does not bear any number, if it is certified by the Commission that it is a ballot paper issued by it.

Polling hours and admission to polling station.

27. (1) The poll shall be taken between the hours of seven in the morning, and five in the evening.

- (2) The presiding officer shall regulate the number of voters to be admitted to the polling station at each time, and shall exclude all other persons, except –
- (a) the candidates, their spouses, and their polling or counting agents;
 - (b) election officers;
 - (c) security officers on duty;
 - (d) persons authorized by the Commission; and
 - (e) persons accompanying voters who are blind, or otherwise physically incapacitated.

Keeping order at polling station.

28. (1) It is the duty of the presiding officer to keep order, at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a security officer; and a person so removed shall not, without the permission of the presiding officer, again enter the polling station on the polling day.
- (3) Any person removed under sub-regulation (2) may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer, for an offence without a warrant.
- (4) The powers conferred by this regulation shall not be exercised, so as to prevent a voter who is otherwise entitled to vote at a polling station, from having the opportunity of voting at that station.

Sealing of ballot boxes.

29. (1) Immediately before the commencement of the poll, the presiding officer shall show the ballot boxes empty to the persons present in the polling station, so that they can see that the ballot boxes are empty, and shall then –
- (a) close the ballot boxes, and place his seal upon them in such manner as to prevent their being opened, without breaking the seal; and
 - (b) place them in view of the public, for the receipt of ballot papers.
- (2) Polling agents of candidates may affix their seals on the ballot boxes, after the Commission's seals have been affixed.

Identification of voters.

30. (1) A presiding officer may, before delivering a ballot paper to a person applying to vote at the election, require the person –
- (a) to produce his or her voter identification card, or to furnish such other evidence as may be determined by the Commission, to establish that he or she is the registered voter whose name and voter identification number and particulars appear in the register; and
 - (b) to make a declaration in the prescribed form, that he has not already voted anywhere at the election.

Voting procedure.

31. (1) Every voter desiring to record his vote, shall present himself at his allotted station, and the presiding officer or a polling assistant, after satisfying himself that the voter is registered, and has not already voted, and that any other means of identification determined by the Commission in the possession of the voter is valid, shall deliver the ballot paper to the voter.
- (2) Immediately before the ballot paper is delivered –
- (a) the ballot paper shall be perforated, or stamped, with an official mark of the Commission;
 - (b) a mark shall be placed in the copy of the register against the number of the voter, to indicate that the ballot paper has been received; and
 - (c) a mark, which shall, as far as possible, be permanent, shall be made on the voter.
- (3) The voter, on receiving the ballot paper, shall immediately proceed to one of the places set aside in the polling station for the marking of the ballot paper, and shall secretly make on the ballot paper an imprint of his thumb in the box and column provided for that purpose, directly against the name and symbol of the candidate, for whom he wishes to vote.
- (4) The voter shall then fold up the ballot paper, and in the presence of the presiding officer and the polling agents, and in full view of the general public, cast his vote by putting the folded ballot paper into the ballot box.
- (5) The voter shall vote without undue delay, and shall leave the polling station, as soon as he has put his ballot paper into the ballot box.

- (6) This provision shall apply, subject to the provisions in these Regulations relating to the transferred voters list, special voters list, election officers list, and absent voters list.

Assistance in voting.

32. (1) The presiding officer, on the application of a voter who is incapacitated, because of blindness or other physical cause, from voting in the manner directed in these Regulations, shall permit the voter to be assisted by a person of his own choice.

(2) When he accedes to the request of a voter under sub-regulation (1), the presiding officer shall record in the register opposite the name of the voter, the fact that the voter was assisted, and the reason for the assistance.

Tendered ballot papers.

33. (1) Where a person representing himself to be a particular voter named in the register applies for a ballot paper, after another person has voted as such voter, the applicant shall, on making a declaration in the prescribed form, be entitled, subject to this regulation, to vote, using a tendered ballot paper.

(2) A tendered ballot paper shall –

(a) be of a different colour from the ballot paper; and

(b) instead of being put into the ballot box –

(i) be given to the presiding officer, and endorsed by him with the name of the voter and his number, in the register; and

(ii) be set aside by the presiding officer, in a separate packet.

(2) The name of any person voting under this regulation, and his number in the register, shall be entered by the presiding officer, on a list of such voters.

Spoilt ballot papers.

34. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on delivering it to the presiding officer, and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in place of the ballot paper delivered, and the spoilt paper shall be immediately cancelled, and the counterfoil marked accordingly.

Adjournment of poll by presiding officer in case of riot, flood, etc.

35. (1) When the proceedings at any polling station are interrupted, or obstructed by riot, open violence, storm, flood, or other natural catastrophe, the presiding officer shall adjourn the proceedings to the following day, and shall immediately file notice to the returning officer.

(2) When the returning officer is satisfied that, because of an interruption or obstruction of the kind mentioned in sub-regulation (1) of this regulation, it is, or will be impossible, or impracticable, for proceedings which have been adjourned to be continued on the day to which they have been adjourned, he may, with the concurrence of the Commission, further adjourn the proceedings, for not more than seven days.

(3) Where the poll is adjourned under this regulation, the hours of polling on the day to which it is adjourned, shall be the same as on the original polling day.

PART III – AFTER THE POLL

Counting of votes and attendance at the count, counting agents.

36. (1) Each candidate may appoint one counting agent, to attend to the counting of votes at each polling station in the constituency for which he is seeking election or, in the case of a candidate for President, in every polling station nationwide.

(2) Each candidate shall submit in duplicate to the returning officer in charge of the polling station to which he intends to assign the counting agent, a letter of appointment, stating the name and address of the counting agent, and the polling station to which he is to be assigned.

(3) On a date set by the returning officer, the counting agent shall appear before the returning officer to be sworn by the returning officer upon penalty of perjury, that he shall abide by the laws and regulations governing the conduct of elections, and that he will sign the declaration of results following the count of the ballots, or state in writing to the presiding officer, the reason for failing to do so.

(4) Upon the taking of the oath by the counting agent, the returning officer shall sign both the original and duplicate copies of the appointment letter, and issue to the counting agent, the duplicate copy.

- (5) Unless otherwise directed by the candidate, the polling agent appointed by a candidate, shall act as a counting agent at the counting of the votes, at the assigned polling station.
- (6) The returning officer shall make arrangements for counting the votes at each polling station in his constituency, in the presence of the counting agents, as soon as practicable after the close of the poll; and shall take such steps as he considers reasonable, to give the counting agents notice of the time, at which the counting of the votes will commence.

Result of elections.

37. (1) Immediately after the close of the poll, the presiding officer shall, in the presence of the candidates or their representatives, and counting agents –

- (a) open each ballot box, take out all the ballot papers in the box;
- (b) proceed to count the ballot papers at the polling station; and
- (c) record the total number of votes cast in favour of each candidate.

(2) The presiding officer, the candidates, their representatives or their counting agents, shall then sign a declaration stating –

- (a) the name of the polling station; and
- (b) the total number of persons entitled to vote at that polling station; and
- (c) the number of votes cast in favour of each candidate,

and the presiding officer shall there and then, announce the results of the voting at that polling, station before communicating them to the returning officer, and shall provide each candidate, his representative or counting agent, with a copy of the declaration of results.

(3) A candidate or his counting agent may, if present when the counting of the votes is completed, require the presiding officer to have the votes recounted or again recounted, but the presiding officer may refuse to perform the second recount if, in his opinion, the request is unreasonable and report such request to the returning officer, who shall recount the ballots for that polling station, only at the constituency centre.

(4) As soon as practicable, after the announcement of the results of the voting at the polling station, the presiding officer shall, in the presence of such of the candidates and their counting agents as are present, make up into separate packets sealed with his own seal, and the seals of such counting agents as desired to affix their seals –

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers, the tendered list and any declarations made under sub-regulation (1) of regulation 33, and of sub-regulation (2) of regulation 37 of these Regulations;
- (d) the marked copies of the register, and the counterfoils of the used ballot papers; and
- (e) shall deliver the packets, and the ballot boxes, to the returning officer.

(5) The packets mentioned in sub-regulation (4) of this regulation, shall be accompanied by a statement made by the presiding officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers in the ballot box, and unused, spoilt, and tendered ballot papers.

Rejected ballot papers.

38. (1) Any ballot paper –

- (a) which does not bear the official mark of the Commission; or
- (b) which is not marked by the voter, so as to clearly identify the candidate, for whom the vote was cast; or
- (c) which is not marked at all;
- (d) which has on it, writing or mark, by which the voter could easily be identified; shall subject to sub-regulation (2) of this regulation, be void and not counted.

(2) Before rejecting a ballot paper as void, the presiding officer shall, taking all proper precautions to prevent any person from seeing the number printed on it, show the paper to each candidate, or his counting agent, if present, and give him an opportunity to express an opinion, on the matter.

(3) The presiding officer, shall endorse the word “rejected” on any ballot paper, which under this regulation, is not to be counted, and shall add to the endorsement the words “rejection objected to”, if an objection is made by a candidate, or counting agent, to his decision.

(4) The presiding officer shall draw up a statement showing the number of ballot papers rejected, under the several heads of –

- (a) want of an official mark;
- (b) voting for more than one candidate;
- (c) writing or mark by which a voter could easily be identified;
- (d) unmarked; or
- (e) choice, or voter could not be ascertained, and any candidate or counting agent may copy the statement.

Decision on ballot papers.

39. The decision of the returning officer on any question arising in respect of a ballot paper, is subject to adjudication, or review on an election petition to the High Court.

Equality of votes in parliamentary elections.

40. (1) Where after the completion of the counting of the votes, including re-count, in a parliamentary election, an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall certify that fact, by endorsing the writ and forwarding the writ so endorsed, to the Commission.

(2) Within 30 days after receipt by the Commission of a writ endorsed in the manner provided by this regulation in respect of any constituency, a second election shall be held.

(3) The candidates for election under sub-regulation (2) of this regulation, shall be the candidates who obtained the equality of votes at the previous election, and the candidate who obtains the most valid votes, shall be declared elected.

Declaration and publication of contested election results.

41. (1) Subject to regulation 40 of these Regulations, immediately after the results of the poll for all the stations in his constituency have been given to him, the returning officer shall, in the presence of the candidates, or their representatives, or not more than two counting agents appointed by each candidates –

- (a) assemble the results from the polling stations, without recounting the ballots in the ballot boxes, except where there is a challenge by a candidate, or counting agent, in respect of a specific ballot box;
- (b) give public, the total number of votes cast, for each candidate;
- (c) publicly declare to be elected in a parliamentary election, the candidate to whom the most votes have been given;

- (d) endorse on the writ, the name of the person elected; and
 - (e) forward to the Commission, the endorsed writ and a note of the total number of votes cast, for each candidate.
- (2) On receipt of a writ endorsed in accordance this regulation, the Commission shall –
- (a) in a parliamentary election, publish in the Gazette, a notice stating the name of the person elected, and the total number of votes cast for each candidate; and
 - (b) inform the Clerk to Parliament, soon after that, of the name of the candidate elected.

Specific provisions relating to presidential elections.

42. (1) In a presidential election, the candidate who receives more than 50% of the valid votes cast, shall be declared elected, as President.

(2) Where at a presidential election there are more than two candidates, and no candidate obtains the percentage of votes specified in subregulation (1) of this regulation, a second election shall be held within twenty-one days, after the previous election.

(3) The candidates for a presidential election held under subregulation (2), shall be the two candidates who obtained the two highest numbers of votes, at the previous election.

(4) Where at a presidential election three or more candidates obtain the two highest number of votes, they shall, subject to any withdrawals, be the candidates in the subsequent election, and the same process shall be continued, until a President is elected.

(5) A presidential candidate, under subregulation (3) or (4) may, by writing under his hand, withdraw his candidature at any time, before the election.

(6) If after a second presidential election held under subregulation (2), the two candidates obtained an equality of votes, notwithstanding any withdrawal, an election shall be held within twenty-one days after the election, at which the two candidates shall be the only candidates, and the same process shall, subject to any withdrawal, be continued, until a President is elected.

(7) An instrument which –

- (a) is executed under the hand of the Chairman of the Commission, and under the seal of the Commission; and
- (b) states that the person named in the instrument was declared elected as the President of Ghana at the election, shall be prima facie evidence that the person named, was elected.

PART IV – MISCELLANEOUS PROVISIONS

Disposal of deposit.

43. (1) Subject to this regulation, and regulation 8(3), the deposit made under regulation 6(1)(b) of these Regulations shall, as soon as practicable after the result of the election is declared, be returned to the person making it, or his personal representative, or forfeited to the state.

(2) Where a candidate is not shown as standing nominated in the notice mentioned in regulation 13 of these Regulations, or if the poll is made inapplicable by reason of his death, his deposit shall be returned as soon as practicable, after the publication of the notice or after his death, to the person making it, or his personal representative.

(3) Where a poll is taken, and after the completion of the counting of the votes, including any re-count, a candidate is found not to have polled –

- (a) in a parliamentary election, more than 12 ½% of the total valid votes cast within the constituency; or
- (b) in a presidential election, his deposit shall be forfeited and paid into the Consolidated Fund.

Disposal of documents.

44. (1) On the completion of the counting at an election, the returning officer shall seal up in separate packets, the counted and rejected ballot papers in respect of each candidate, and shall then forward to the Commission the following documents:

- (a) the sealed packets of counted and rejected ballot papers;
- (b) the ballot papers account and the statement of rejected ballot papers;
- (c) the tendered voters list, and any declarations made under sub-regulation 37, of these Regulations;
- (d) the packets of ballot papers counterfoils; and
- (e) the packets containing marked copies of the register; and endorse on each packet, a description of its contents, the date of the election to which they relate, and the name of the constituency for which the election was held; and prepare a statement in respect of the said documents, which may be copied by any candidate, or counting agent.

(2) Subject to the provisions of these Regulations, the Commission shall retain for a year, all documents forwarded to it under this regulation, and shall then, unless otherwise directed by a court, cause them to be destroyed.

(3) Documents relating to an election in respect of which legal proceedings have been started, shall not be destroyed, until the proceedings have been finally disposed of.

(4) A court trying an offence relating to an election, or the High Court hearing an election petition, may make an order that any document retained by the Commission under this regulation, shall be inspected, copied or produced, at a time and place, and subject to such conditions as it thinks fit.

(5) No order shall be made under sub-regulation (4) of this regulation, unless the court is satisfied that the inspection, copying or production, is required for the purpose of instituting, maintaining, defending, or otherwise, for the purpose of prosecuting an election petition in respect of the election, to which the document relates.

(6) Except as otherwise provided in sub-regulation (4) of this regulation, no person may inspect, or copy any document retained by the Commission, under this regulation.

Absence of candidate or agent.

45. Where in these Regulations expressions are used requiring, authorizing, or implying that any act or thing is to be done in the presence of the candidates, or their polling agents, or counting agents, those expressions shall be regarded as reference to the presence of such candidates, or agents, at that time and place, shall not, if any act or thing is otherwise done, invalidate that act or thing.

Public notice and the Gazette.

46. Where any matter is provided in this Instrument to be published in the Gazette, it may, in lieu of, or in addition to the publication in the Gazette, be published through radio, television, the national newspapers, or any other medium of mass communication.

Application of regulations.

47. These regulations shall apply to presidential and parliamentary elections, and with such modifications as may be necessary to such other public elections, as the Commission may by constitutional instrument, prescribe.

Interpretation.

48. (1) In these Regulations, unless the context otherwise requires:

“absent voters list” means the absent voters list, prepared under regulation 22, of these Regulations;

“allotted station” means in relation to the voter, the polling station of the polling division in which he is registered, or, in the case of a polling division for which two or more stations have been established, the station to which he is assigned;

“close of the poll” means the close of the poll in all polling divisions of the constituency, including any polling division where the poll has been adjourned;

“Commission” means the Electoral Commission;

“election officer” means a member of the office of the Commission, or any other person authorized by the Commission, to be present at a polling station, in an official capacity;

“judicial officer” means a person presiding over a Community Tribunal, the Judicial Secretary or the Registrar of a Superior Court;

“polling division” means a constituency, or an electoral area;

“special voter” means a person registered as a voter, who is:

- (a) a security officer; or
- (b) an election officer; or
- (c) certified as such by the Commission.

“special voters list” means the special voters list, provided for under regulation 21, of these Regulations;

“spoilt ballot paper” means a ballot paper inadvertently dealt with, in such a manner that it cannot be conveniently used as a ballot paper;

“superior officer” means in relation to –

- (a) a member of the Police Service, a police officer of that Service of, or above the rank of superintendent;
- (b) a member of the Armed Forces of Ghana, the adjutant of his battalion, or an officer holding a comparable appointment;
- (c) an election officer, not being a returning officer, the returning officer of the constituency, in which the election officer will be on duty;
- (d) any other person, as the Commission may determine.

“tendered ballot paper” means a ballot paper marked in accordance with regulation 33, of these Regulations;

“transferred voters list” means the transferred voters list provided for, under regulation 20 of these Regulations;

“voter” means a person whose name appears at the time of a candidate’s nomination in the divisional register of candidate’s nomination, in the divisional register of one of the polling divisions of the constituency, for which the candidate seeks election.

(2) Reference in these regulations to a contested election or to an election, being contested, shall be construed as references to an election in which a poll is taken.

Revocation.

49. The following instruments are hereby revoked –

Public Elections (Parliament) Regulations, 1992, (L.I.1537);

Public Elections (Parliament) (Amendment) Regulations, 1992, (L.I.1544)

5.2 PNDCL 284: REPRESENTATION OF THE PEOPLE LAW, 1992.

PART I – CONSTITUENCIES FOR PARLIAMENTARY ELECTIONS

Constituencies of Ghana for Parliamentary elections.

1. (1) Ghana shall be divided into as many constituencies for the purposes of election of members of Parliament, as the Interim National Electoral Commission, in this Law referred to as “the Commission”, shall by legislative instrument prescribe.

(2) Each constituency, shall be represented by one member in Parliament.

(3) The boundaries of a constituency, shall not fall within more than one region.

(4) The boundaries of each constituency, shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(5) For the purpose of subsection (4) of this section, the number of inhabitants of a constituency may be greater, or less than the population quota, in order to take account of

means of communication, geographical features, density of population, and area and boundaries of the regions, and other administrative, or traditional areas.

(6) For the purpose of this section, "population quota" means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided, under subsection (1) of this section.

Appeal from decision of Commission.

2. (1) A person aggrieved by a decision of the Commission in respect of a demarcation of a boundary, may appeal to a tribunal consisting of three persons appointed by the Chief Justice, and the Commission shall give effect to the decision of the tribunal.

(2) A person aggrieved by a decision of the tribunal referred to in subsection (1) of this section, may appeal to the Court of Appeal, whose decision on the matter, shall be final.

Review of constituencies.

3. (1) The Commission shall review the division of Ghana into constituencies, at intervals of not less than seven years, or within twelve months after the publication of the enumeration figures, after the holding of a census of the population of Ghana, whichever is earlier, and may, as a result, alter the boundaries of the constituencies.

(2) Where the boundaries of a constituency established under section 1 are altered as a result of a review, the alteration shall come into effect, on the next dissolution of Parliament.

Polling divisions.

4. (1) The Commission shall divide every constituency into polling divisions, and a polling division may be divided into as many polling stations, as the Commission may prescribe.

(2) Where the boundaries of a constituency are varied, and in any other circumstances in which the Commission thinks it appropriate to do so, the Commission may alter the number and area of polling divisions, within the constituency.

(3) Whenever the Commission divides a constituency into polling divisions, or alter the number or area of polling divisions within a constituency, it shall, by legislative instrument, specify the polling divisions into which the constituency has been divided, into or the alteration which has been made.

Appointment of election committee.

5. (1) The Commission shall appoint for every constituency, an election committee, which shall be a committee of the Commission.

(2) The members of an election committee, shall be appointed from the registered voters in the relevant constituency.

(3) An election committee, shall consist of not less than three members, and not more than five members, of whom one shall be appointed as a presiding member, by the Commission.

(4) The presiding member of an election committee, shall be the returning officer.

(5) An election committee, shall be charged with the responsibility for the conduct and supervision of public election in the constituency, under the supervision and direction of the Commission.

Presiding officer and deputies.

6. (1) The Commission, shall appoint a presiding officer for each polling division, and such number of deputy or assistant presiding officer, as it considers necessary.

(2) Subject to such directions as may be given by the Commission, the duties imposed by this Law on a presiding officer, may be performed by his deputy or his assistant.

PART II – QUALIFICATION OF VOTERS AND MEMBERS OF PARLIAMENT

Qualification of voters.

7. (1) A person qualifies to be registered as a voter if –

(a) he is a citizen of Ghana of eighteen years of age or above; and

(b) he is of sound mind; and

(c) he is not otherwise disqualified to be registered as a voter by any law, for the time being in force.

(d) he is not otherwise disqualified to be registered as a voter by any law, for the time being in force.

(2) No person shall be entitled to have his name included, at any one time, in the register of more than one constituency, or in more than one divisional register in a constituency.

(3) Subject to subsection (2) of this section, a person shall, for the purpose of this section, be deemed to be resident in a polling division on the qualifying date, if he has a place of abode in the division on that date.

(4) A person shall not be deemed to be resident in a polling division, if he has been absent from his place of abode for a continuous period of six months, ending on the qualifying date.

(5) A person who is a patient in an establishment maintained wholly, or mainly for the reception and treatment of persons suffering from mental illness, or mental defectiveness, or who is detained in legal custody in any place, shall not be treated as resident there, for the purposes of this section.

(6) A person who is resident in more than one place and who would, but for subsection (2) of this section be entitled to have his name included in the register of more than one constituency, or in more than one divisional register in a constituency, shall select one constituency, and one polling division, for the purpose of registration and voting.

Registration of officials abroad.

8. (1) A person who is a citizen of Ghana, employed in a post outside Ghana –

(a) in the service of the Republic; or

(b) in the service of the United Nations, or of any other international organization,

shall be entitled to be registered as a voter, if he satisfies the requirements for registration prescribed under this Law, other than those relating to residence in a polling division.

(2) Subsection (1) of this section, shall also apply to the spouse of a person to whom subsection (1) applies, where the spouse is resident outside Ghana, with the employed spouse.

(3) Unless otherwise disqualified under this Law, a person employed on Government duty outside Ghana, who is a citizen of Ghana, shall be entitled to be registered as a voter, notwithstanding that the person does not satisfy the requirements of this Law relating to residence, in a polling division.

(4) The Commission may appoint the Head of a Ghana Mission, or Embassy abroad as a registration officer, for the purpose of receiving claims from a person entitled under subsection (1), (2) or (3) of this section, to be registered as a voter.

(5) The Commission may give such directions as it thinks fit, to a person appointed as a registration officer under subsection (4), and the person shall comply with the direction.

Qualifications and eligibility of members of Parliament.

9. (1) A person shall not be qualified to be a candidate for the office of member of Parliament unless –

- (a) he is a citizen of Ghana, has attained the age of twenty-one years, and is a registered voter;
- (b) he is resident in the constituency for which he stands as a candidate for election to Parliament, or has resided there, for a total period of not less than five years out of the ten years immediately preceding the election for which he stands, or he hails from that constituency; and
- (c) he has paid all his taxes or made arrangements satisfactory to the appropriate authority, for the payment of his taxes.

(2) A person shall not be qualified to be a member of Parliament if he –

- (a) owes allegiance to a country other than Ghana; or
- (b) has been adjudged, or otherwise declared –
 - (i) bankrupt under any law in force in Ghana, and has not been discharged; or
 - (ii) to be of sound mind, or is detained as a criminal lunatic under any law in force in Ghana; or
- (c) has been convicted –
 - (i) for treason, or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or
 - (ii) for any other offence punishable by death, or by a sentence of not less than ten years imprisonment; or
 - (iii) for an offence relating to, or connected with public elections under a law in force in Ghana at any time; or
- (d) has been found by the report of a commission or a committee of inquiry, to be incompetent to hold public office, or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully, or defrauded the State, or misused or abused his office; or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal, or judicial review; or
- (e) is under sentence of death, or sentence of imprisonment imposed on him by any court; or

- (f) is not qualified to be registered as a voter under any law relating to public elections; or
 - (g) is otherwise disqualified by a law in force, at the time of the coming into force of this Law.
- (3) A person shall not be eligible to be a member of Parliament if he –
- (a) is prohibited from standing election by a law in force in Ghana, by reason of his holding or acting in an office the functions of which involve a responsibility for, or connected with, the conduct of an election, or a responsibility for the compilation, or revision of an electoral registrar; or
 - (b) is a member of the Police Service, the Prison Service, the Armed Forces, the Judicial Service, the Parliamentary Service, the Statistical Service, the National Fire Service, the Customs, Excise and Preventive Service, the Immigration Service or the Internal Revenue Service; or
 - (c) is a chief or
 - (d) has not declared his assets in accordance with the provisions of the Public and Political Office Holders (Declaration of Assets and Eligibility) Law, 1992, (P.N.D.C.L.280).
- (4) For the purpose of subsection (2) (d) of this section, in the case of any finding made by a commission or committee of inquiry which is not a judicial or quasi-judicial commission, or committee of inquiry, without prejudice to any appeal against, or judicial review of that finding, the finding shall not have the effect of disqualifying a person under that subsection, unless it has been confirmed by a Government White Paper.
- (5) A person shall not be taken to be disqualified to be a member of Parliament under paragraph (c) or (d) of subsection (2) of this section if –
- (a) ten years or more have passed since the end of the sentence, or the date of the publication of the report of the commission or committee of inquiry; or
 - (b) he has been pardoned.

Vacation of seat in Parliament postponed in certain circumstances.

10. When a member of Parliament is adjudged, or declared bankrupt, or of unsound mind, or sentenced to death, or imprisonment, the decision shall not have the effect of causing him to vacate his seat in Parliament until –

- (a) where an appeal is lodged, the time within which an appeal may be lodged has expired; or
- (b) where an appeal is lodged, the appeal has been finally disposed of.

PART III – NOMINATION OF CANDIDATES AND VOTING AT ELECTIONS

Nominations and election of candidates at public elections.

11. (1) Where in any elections under this Law, at the close of nominations, and on the day before the elections –

- (a) two or more candidates have been nominated, the election shall be held, and the candidate who receives the largest number of votes cast, shall be declared elected; or
- (b) only one candidate is nominated, there shall be no election, and that candidate shall be declared elected.

(2) Where for the purpose of the election, two or more candidates are nominated, but at the close of the nominations, and on the day before the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for a person nominated within that period of ten days, to withdraw his nomination.

(3) Where at the close of nominations, and after the expiry of the further period of ten days under subsection (2) of this section only one candidate stands nominated, there shall be no elections, and that candidate shall be declared elected.

(4) Where at the close of nominations, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency shall be postponed for twenty-one days.

(5) The Commission, shall by regulations, prescribe the procedure for the nomination of candidates, and shall in particular provide for –

- (a) conditions of nomination;
- (b) declaration to be made by candidates; and
- (c) deposit to be paid, and whether it is refundable or not, and the conditions for such refund.

By-election.

12. (1) Whenever a vacancy occurs in the membership of Parliament, the Clerk to Parliament, shall notify the Commission in writing within seven days after the vacancy occurred, and a by-election shall be held within thirty days after the vacancy occurred.

(2) Notwithstanding subsection (1) of this section, a by-election shall not be held within three months before the holding of a general election.

Voting at public elections.

13. (1) At a public election, voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such of the candidates, or the representatives and their polling agents as are present, proceed to count, at that polling station, the ballot papers of that station, and record the votes cast in favour of each candidate.

(3) The presiding officer, the candidates, or their representatives and the polling agents, shall then sign a declaration stating –

- (a) the total number of voters entitled to vote at that polling station; and
- (b) the number of votes cast in favour of each candidate, and the presiding officer shall, there and then, announce the results of the voting at that polling station, before communicating them to the returning officer.

Candidate to conduct campaign freely.

14. every candidate for election to Parliament, has the right to conduct his campaign freely, and in accordance with law.

Conduct of elections.

15. The Commission may by legislative instrument, make regulations generally for the conduct of elections, including provisions for voting by proxy.

PART IV – ELECTION PETITIONS AND OTHER LEGAL PROCEEDINGS

Methods of questioning election.

16. (1) The validity of an election to Parliament may be questioned, only by a petition brought under the Part.

(2) Every election petition, shall be presented before the High Court for hearing.

Presentation of election petition.

17. An election petition may be presented by one or more of the following persons –

- (a) a person who lawfully voted, or had a right to vote at the election, to which the petition relates;
- (b) a person claiming to have had a right to be elected at the election;
- (c) a person alleging himself to have been a candidate at the election;
- (d) a person claiming to have had a right to be nominated as a candidate at the election.

Time for presentation of petition.

18. (1) An election petition, shall be presented within twenty-one days after the date of the publication in the Gazette of the result of the election to which it relates, except that a petition questioning an election on an allegation of corrupt practice, and specifically alleging a payment of money, or other award, to have been made by the person whose election is questioned, or to have been made by the person whose election is questioned, or to have been made on his behalf to his knowledge, may be presented within twenty-one days after the date of the alleged payment.

(2) The presentation of an election petition under subsection (1), shall not be valid unless within the time specified in subsection (1), the petitioner gives ₦20,000 as security for costs.

(3) The time limit promoted by this section for the presentation of an election petition, shall not be extended.

Relief which may be granted.

19. After the hearing of an election petition, the High Court may make any of the following orders –

- (a) declare that the election to which the petition relates, is void;

- (b) declare that a candidate other than the member whose election is questioned, was duly elected.
- (c) dismiss the petition, and declare that the member whose election is questioned, was duly elected.

Grounds for canceling election results.

20. (1) The election of a candidate shall be declared void on an election petition, if the High Court is satisfied –

- (a) that general bribery, general treating, general intimidation, or other misconduct or circumstances, whether similar to those specified in this Law or not, have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;
- (b) that there has been non-compliance with any provision of this Law, or of regulations made under this Law, and that it appears that the election was not conducted in accordance with the principles laid down by law, and that such non-compliance affected the result of the election;
- (c) that the candidate was at the time of his election, a person not qualified, or a person disqualified for election.

(2) Notwithstanding subsection (1) of this section –

- (a) where at the hearing of an election petition the High Court finds that a candidate has been guilty through his agent, or representative, of a corrupt or illegal practice, and the High Court further finds, that the candidate has proved to the High Court –
 - (i) that no corrupt or illegal practice was committed by the candidate himself, or with his knowledge, or consent, or approval; or
 - (ii) that even though there was corrupt or illegal practice, the candidate took all reasonable steps to prevent the commission of corrupt or illegal practice at the election; and
 - (iii) that in all other respects the election was free from any corrupt, or illegal practice on the part of the candidate,

then, if the High Court so recommends, the election of the candidate shall not because of the corrupt practice be void, or illegal, and the candidate shall not be subject to any incapacity under this Law;

- (b) where at the hearing of an election petition the High Court finds that there has been failure to comply with any provision of this Law, or of regulations made under it, and the High Court further finds –
 - (i) that the election was conducted in accordance with this Law, and regulations made under it; and
 - (ii) that the failure did not affect the result of the election,

The election of the successful candidate shall not because of the failure be void, and the successful candidate shall not be subject to any incapacity under this Law, or regulations, made under it.

Scrutiny.

21. (1) Where on an election petition the election is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, the High Court may direct an examination of the votes cast at the election by the Commission, or such other person, as the Court may determine.

(2) On scrutiny, the following votes shall be struck off –

- (a) the vote of a person –
 - (i) whose name was not included in the divisional register of the polling division, in which the vote was recorded;
 - (ii) whose name was not included in that part of the register which contained the names of the voter assigned to the polling station, at which the vote was recorded;
 - (iii) who had no right under this Law or regulations made under it, to vote at the polling station at which his vote was recorded;
- (c) the vote of a person whose vote was procured by bribery, treating, or undue influence;
- (d) the vote of a person who committed, or procured the commission of personation at the election;
- (e) the vote of a person proved to have voted more than once at the election, or in more than one constituency; and

- (f) the vote of a person who has been disqualified from voting at the elections, because of a conviction for a corrupt or illegal practice, or because of a report made by a court under this Law.

(3) A tendered ballot paper, proved on scrutiny to be a valid vote, shall be added to the poll.

Certification of decision.

22. (1) At the conclusion of the hearing of an election petition, the High Court shall certify its decision to the Commission, which shall request the return by the returning officer in respect of the election to which the petition relates, to be confirmed or altered accordingly.

(2) Where the decision certified by the High Court under subsection (1) is to the effect that the election to which the petition relates is void, a writ shall be issued for a fresh election, in the constituency concerned.

Report of court as to corrupt or illegal practices.

23. At the conclusion of the hearing of an election petition, the High Court shall, if it is of the opinion that a person has been proved to have committed the offence of corrupt or illegal practice in connection with the election to which the petition relates, send a written report to the Attorney-General, giving the name and description of the person and the nature of the practice, and such other information as the High Court considers relevant and appropriate.

Prohibition of disclosure of vote.

24. A person who has voted at an election, shall not be required to state for whom he has voted in any proceedings, questioning the election.

Determination of certain questions as to membership of Parliament.

25. Any question, as to whether in a public election the seat of any member of Parliament has become vacant, may be referred to, and determined by the High Court, on a petition presented by the Attorney-General.

Procedure.

26. (1) The rules of procedure for presentation and hearing of a petition under this Part, shall be the same as the rules of procedure applicable to a civil case, or matter before the High Court.

(2) The provisions under section 1 of the State Proceedings Act, 1961 (Act 51), as amended, relating to one month notice to the Attorney-General before commencement of an action against the Republic, shall not apply to election petitions against any act, or omission of the Commission, under this Part.

PART V – ELECTION OFFENCES

Registration offences.

27. A person who –

- (a) knowingly makes a false statement, in or in connection with an application, to have his name included in a register; or
- (b) having applied to have his name included in a divisional register, without withdrawing his application, applies to have his name included in another divisional register; or
- (c) by the use of force or threats, prevents or attempts to prevent a person from exercising his right to register as a voter,

commits an offence, and is liable on conviction, to a fine not exceeding ₦1 million, or to imprisonment for a term not exceeding two years, or both and shall, for a period of five years from the date of the expiration of his term of imprisonment, be disqualified from being registered as a voter, or voting at an election.

Offences relating to nomination papers and the ballot.

28. A person who –

- (a) forges, fraudulently defaces, or destroys a nomination paper, or any other document relating to the registration of a voter, or delivers to a returning officer any nomination paper, knowing it to be forged; or
- (b) forges or counterfeits or fraudulently destroys a ballot paper or the official mark on a ballot paper; or
- (c) without authority, supplies a ballot to any person; or
- (d) sells, or offers to sell a ballot paper to any person, or purchases, or offers to purchase a ballot paper from any person; or

- (e) not being a person entitled under this Law, or regulations made under it, to be in possession of a ballot paper which has been marked with the official mark, has such a ballot paper in his possession; or
- (f) knowingly and intentionally puts into a ballot box, anything other than the ballot paper which he is authorized by law to put in; or
- (g) without authority, destroys, takes, opens or otherwise interferes with a ballot box, ballot paper or packet of ballot papers in use, or intended to be used for the purposes of an election; or
- (h) without authority, prints a ballot paper, or what purports to be, or is capable of being used as a ballot paper at an election; or
- (i) not being authorized to do so under this Law or regulations made under it, makes a mark on a ballot paper issued to a person, other than himself, with intent that the ballot paper shall be used to record the vote of the person,

commits an offence and is liable on conviction, to a fine not exceeding ₱1 million, or to imprisonment for a term not exceeding two years, or both; and shall, for a period of five years from the date of the expiration of his term of imprisonment, be disqualified from being registered as a voter, or voting at an election.

Unauthorized voting.

29. A person who knowingly –

- (a) votes at an election at which he is not entitled to vote; or
- (b) votes more than once at an election,

commits an offence, and is liable on conviction, to a fine not exceeding ₱1 million, or to imprisonment for a term not exceeding two years, or both; and shall, for a period of five years from the date of the expiration of his term of imprisonment, be disqualified from being registered as a voter, or voting at an election.

Offences by election officers.

30. An election officer, clerk, interpreter or other person who has a duty to perform, whether under this Law or otherwise, in relation to an election, and who –

- (a) makes in any record, return or other document, which he is required to keep, or make in pursuance of this Law, or of regulations made under it, any entry which he knows or has reasonable cause to believe to be false, or does not believe to be true; or

- (b) permits a person whom he knows, or has reasonable cause to believe not to be a person who is blind, or incapacitated from voting by other physical cause to vote, in the manner provided for such persons; or
- (c) refuses to permit a person whom he knows, or has reasonable cause to believe to be a person who is blind, or incapacitated from voting by other physical cause to vote in the manner provided for such persons; or
- (d) wilfully prevents a person from voting at the polling station at which he knows, or has reasonable cause to believe the person is entitled to vote at; or
- (e) wilfully counts a ballot paper as being cast for a candidate, which he knows, or has reasonable cause to believe, was not validly cast for the candidate; or
- (f) without reasonable cause, acts or fails to act in breach of his official duty,

commits an offence, and is liable on conviction, to a fine not exceeding ₱1 million, or to imprisonment for a term not exceeding two years, or both.

Requirement of secrecy.

31. (1) Every election officer, clerk, interpreter, candidate, election agent or polling agent, on duty at a polling station, shall maintain, and help in maintaining the secrecy of voting, and shall not, except for a purpose authorized by law, communicate to any person, any information as to

-

- (a) the name of a voter who has, or has not applied for a ballot paper, or voted at a polling station; or
- (b) the number on the register of a voter who has, or has not applied for a ballot paper, or voted at a polling station; or
- (c) the official mark.

(2) Every person present at the counting of votes, shall maintain and help in maintaining, the secrecy of voting, and shall not communicate any information obtained at the counting of the votes as to the candidate for whom a vote is given, on any particular ballot paper.

(3) No person shall -

- (a) interfere with, or attempt to interfere with a voter, when recording his vote; or
- (b) obtain, or attempt to obtain in a polling station, information about the candidate for whom a voter in that station is about to vote, or has voted; or

- (c) communicate at any time to any person, any information obtained in a polling station about the candidate for whom a voter in that station has voted, or about the number, if any, on the ballot paper given to a voter, at that station; or
- (d) directly or indirectly induce a voter, to display his ballot paper after he has marked, or selected it, so as to make known to another person, the name of the candidate for whom he has, or has not voted.

(4) A person who has undertaken to assist –

- (a) a blind voter, to vote; or
- (b) a voter who is incapacitated from voting, by any other physical cause to vote,

shall not communicate at any time to another person, information as to the candidate for whom that disabled voter intends to vote, or has voted, or as to the number, if any, on the ballot paper given for the use of the disabled voter.

(5) A person who contravenes any provision of this section commits an offence, and is liable on conviction, to a fine not exceeding ₪1 million, or to imprisonment for a term not exceeding two years, or both.

Personation.

32. A person commits the offence of personation if he –

- (a) votes as another person, whether that other person is living or dead, or is a fictitious person; or
- (b) votes for a person whom he knows, or has reasonable ground to believe to be dead, or to be a fictitious person.

Bribery.

33. (1) A person commits the offence of bribery –

- (a) if he directly, or acting through another person –
 - (i) gives money, or obtains an office for a voter in order to induce the voter to vote, or refrain from voting; or
 - (ii) corruptly does such an act on account of a voter having voted, or restrained from voting; or
 - (iii) makes a gift, or provides something of value to a voter to induce the voter to vote in a certain way, or to obtain the election of a candidate; or

- (b) if he advances, or pays money, or causes money to be paid to, or for the use of a person, with the intent that the money, or part of it shall be expended in bribery at an election, or knowingly pays money, or causes money to be paid to a person in discharge, or repayment of money wholly, or in part expended in bribery at an election; or
 - (c) if, before or during an election he directly or indirectly, by himself or through another person acting on his behalf, receives, agrees, or contracts for money, gift, a loan or valuable consideration, or an office, place or employment for himself, or for another person for voting, or agreeing to vote, or for refraining, or agreeing to refrain from voting; or
 - (d) if after an election he directly, or through another person receives money, or valuable consideration on account of a person having voted, or refrained from voting, or having induced another person to vote, or to refrain from voting.
- (2) For the purpose of subsection (1) –
- (a) references to giving money include giving, lending, agreeing to give or lend, offering, promising, and promising to procure, or to endeavour to procure money, or valuable consideration; and
 - (b) references to procuring office include giving, procuring, agreeing to give or procure, offering, promising and promising to procure, or to endeavour to procure an office, place or employment.

Treating.

34. A person commits the offence of treating –

- (a) if he corruptly either himself, or through another person, before, during, or after an election gives, or provides, or pays wholly, or in part, the expenses of giving, or providing meat, drink, entertainment, or provision to, or for any person –
 - (i) for the purpose of corruptly influencing that person, or another person, to vote or refrain from voting; or
 - (ii) on account of that person, or another person having voted, or refrained from voting, or being about to vote, or refrain from voting; or
- (b) if he corruptly accepts, or takes any meat, drink, entertainment, or provision offered in the circumstances, for the purposes mentioned in paragraph (a) of this section.

Undue influence.

35. A person commits the offence of undue influence –

(a) if he directly, or indirectly, or through another person, acting on his behalf –

(i) makes use of, or threatens to make use of force, violence, or restraint; or

(ii) inflicts, or threatens to inflict on another person, a temporal or spiritual injury, damage, harm, or loss,

(b) if by abduction, duress, or any fraudulent method, he impedes, or prevents the free exercise of the franchise of a voter.

Interference with electioneering activities of other persons.

36. A person who, before, or during an election for the purpose of effecting, or preventing the return of a candidate, either directly or indirectly –

(a) by words, whether spoken or written, song, sign or any other representation or in any manner whatsoever, seeks to excite or promote disharmony, enmity, or hatred against another person, group of persons, or political party on grounds of religious, tribal, professional, regional, or political affiliation; or

(b) organizes a group of persons with the intention of training the group in the use of force, violence, abusive, insulting, corrupt or vituperative songs or language calculated to discredit, malign, disparage, condemn, insult or abuse another person, or candidate, or with a view to causing disharmony, or a breach of the peace, or to disturbing public tranquility so as to gain unfair advantage in the election, over that other person, or candidate; or

(c) obstructs, or interferes, or attempts to obstruct, or interfere with the free exercise of the franchise of a voter, or compels, or induces, or attempts to compel, or induce a voter to vote, or to refrain from voting; or

(d) compels, induces, or attempts to compel, or induce a candidate to withdraw his candidature, or voter with injury, or harm of any kind; or

(e) in any manner whatsoever, threatens any candidate or voter with injury, or harm of any kind; or

(f) induces, or attempts to induce any candidate, or voter to fear, or believe that he will suffer illness, or will become an object of divine, spiritual, or fetish displeasure, or censure;

commits an offence, and is liable on conviction, to a fine not exceeding ₦1 million, or to imprisonment for a term not exceeding two years, or both; and shall, for a period of five years from the date of the expiration of his term of imprisonment, be disqualified from being registered as a voter at a public election, and in the case of a political party, that political party shall be declared a prohibited organization.

Certain activities prohibited on polling day.

37. (1) During the hours when a poll is open on polling day, no person shall, within five hundred metres of any polling station, seek to influence, in whatever manner, any person to vote for any candidate, or to ascertain for which candidate any voter intends to vote, or has voted.

(2) During the hours when a poll is open on polling day, no person shall, within five hundred metres of any polling station, sell any intoxicating liquor.

(3) Any person who contravenes any provision of this section, commits an offence and is liable on conviction, to a fine not exceeding ₦500,000, or to a term of imprisonment not exceeding six months, or both.

False statements.

39. (1) A person, who before, or during an election for the purpose of effecting, or preventing the election of a candidate makes, or publishes, or causes to be made, or published by words whether written or spoken, or by song, a statement which is false, or which he knows, or has reason to believe to be false in relation to the personal character of another candidate, or the conduct of a political party, commits an offence.

(2) A person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate, for the purpose of promoting or procuring the return of another candidate, commits an offence.

(3) A person who commits an offence under this section, is liable on conviction, to a fine not exceeding ₦1 million, or to imprisonment for a term not exceeding two years, or both.

(4) The provisions of this section, shall not take away the right of a person, to sue for defamation of character.

Obstruction of officers.

40. A person, who wilfully obstructs, or interferes with an election officer in the execution of his duty, commits an offence, and is liable on conviction, to a fine not exceeding ₦1 million, or to imprisonment for a term not exceeding two years, or both.

Penalty and incapacity for corrupt and illegal practices.

41. (1) A person convicted of the offence, of personation, bribery, treating or undue influence, under sections 32, 33, 34 or 35 of this law, shall be liable on conviction, to a fine not exceeding €1 million, or to a term of imprisonment not exceeding two years, or both; and shall for a period of five years after the date of the expiration of his term of imprisonment, be disqualified from being registered as a voter, or voting at a public election.

(2) Where a court convicts a person of a corrupt or illegal practice under this Law, it shall report the conviction in writing, to the Commission.

Consent to prosecution.

42. No person shall be prosecuted for an offence under this Law, without the consent in writing of the Attorney-General, except that this section shall not prevent a person being –

- (a) charged with such an offence; or
- (b) arrested with, or without warrant, in respect of the offence; or
- (c) remanded on bail, or in custody, in respect of the offence,

without the consent of the Attorney-General.

PART VI – MISCELLANEOUS PROVISIONS

Record of disqualified persons and removal from register.

43. (1) The Commission shall keep a record of persons who, by the operation of sections 27, 28, 29 or 41 of this Law, are disqualified from being registered as voters, voting at an election, or becoming members of Parliament.

(2) Where a person whose name is included in the register of a constituency is, by the operation of sections 27, 28, 29 or 41 of this Law, disqualified from being registered as a voter, the Commission shall cause his name to be deleted, from the register.

Duty of registrars of courts to report certain convictions to Commission.

44. Where a person is convicted of an offence under sections 27, 28 or 29 of this Law, the Registrar of the court by which the person is convicted, shall as soon as possible after the conviction, report the conviction in writing to the Commission.

Saving where election declared void.

45. Where on an election petition or on a petition, under section 25 of this Law, the election of a person as a member of Parliament is declared to be void, the declaration shall not invalidate

anything done by that person during the period preceding the declaration in the purported exercise of the functions of that office.

Inaccurate description of persons or place.

46. No inaccurate description of a person, or place named, or described in a register, notice or other document, prepared or issued under, or for the purpose of this Law, shall, if the person or place is so designated as to be commonly identifiable or understood, affect the validity of that register, notice, or document, or the operation of this Law, or of regulations made under it in respect of that person, or place.

Regulations.

47. The Commission may, by legislative instrument, make regulations providing for –

- (a) issuing of writ and notice of election;
- (b) nomination of candidates;
- (c) allocation of symbols and colours to candidates;
- (d) notice of polls;
- (e) procedure for voting;
- (f) forms;

and generally, for giving full effect to the provision of this Law.

Fees and appeals under legislative instrument made under this Law.

48. A legislative instrument made under this Law, may prescribe fees or other payments to be made in respect of a matter provided for under that instrument, and may also provide for a right of appeal to the High Court for a determination of a cause, or matter, made under that instrument.

Exemption.

49. A declaration of secrecy made for the purpose of a public election, shall not be liable for stamp duties.

Interpretation.

50. In this Law, unless the context otherwise requires –

“by-election” means an election held to fill a vacancy occurring, otherwise than on the dissolution of Parliament;

“Commission” means the Interim National Electoral Commission, established under section 1 of the Interim National Electoral Commission Law, 1991, (P.N.D.C.L.271);

“constituency” means one of the constituencies into which Ghana is, for the time being, divided;

“corrupt practice” means the offence of personation, bribery, treating, or undue influence, or of aiding, abetting, counseling, or attempting the commission of such an offence;

“counting agent” means a counting agent, appointed under regulations made under this Law;

“divisional register” means the register relating to a polling division.

“election” means an election held, to elect the members of Parliament;

“election officer” means a registration officer, a returning officer, a deputy or assistant registration, or returning officer, a presiding officer, or a polling assistant;

“nomination day” in relation to an election, means the day appointed for the nomination of candidates;

“official mark” means the official mark with which a ballot paper is perforated, or stamped;

“polling agent” means an agent appointed under regulations, made under this Law;

“polling assistant” means a polling assistant appointed under regulations made under this Law;

“polling day” in relation to an election, means the day appointed for the taking of a poll;

“polling division” means one of the polling divisions into which a constituency is for the time being divided, by regulations made under this Law;

“presiding officer” means the presiding officer of a polling station appointed under regulations, made under this Law;

“qualifying date” in relation to a constituency means, the date on which there is published by the Commission, an instrument indicating that the constituency is affected by a decision of the Commission, to cause a revision, or replacement of registers, to be undertaken;

“register” means a register of voters;

“returning officer” means the presiding member of an election committee, appointed under this Law;

“scrutiny” means the examination of the votes cast at an election, directed by the High Court;

“vote” means vote at an election;

“voter” includes a person entitled to vote, a person claiming to be so entitled, and a person seeking, or intending to vote.

(2) References in this Law to “the registration officer” and “ the returning officer” shall, unless the context otherwise requires, be construed, in relation to any particular constituency, as references to the registration officer, or the returning officer, as the case may be, appointed for that constituency, under this Law.

(3) Nothing in Part IV of this Law, shall be construed as conferring on the High Court trying an election petition, power to convict a person of a corrupt, or illegal practice.

Presidential elections and referenda.

51. The Commission may, by legislative instrument, make such modification to this Law as may be necessary, for the purpose of presidential elections, and the holding of referenda.

Repeals.

52. The following enactments are hereby repealed –

- (i) Representation of the People Decree, 1968, (N.L.C.D. 255);
- (ii) Representation of the People (Amendment) Decree, 1968, (N.L.C.D.270);
- (iii) Representation of the People (Amendment) Decree, 1969, (N.L.C.D.350).
- (iv) Representation of the People (Amendment) (No.2) Decree, 1969, (N.L.C.D. 363);
- (v) Representation of the People (Amendment) Decree, 1978, (S.M.C.D. 191); and
- (vi) Representation of the People (Amendment) Decree, 1979, (S.M.C.D. 230).

5.3 ACT 699: REPRESENTATION OF THE PEOPLE (AMENDMENT)

ACT 2006, (ROPAL)

PNDCL 284, amended.

1. The Representation of the People Law, 1992, (PNDCL 284), as amended is further amended as follows:

(a) in paragraph (c) of section 7(1) by the addition of the words “ or hails from the constituency”, after “division”.

(b) by the substitution for section 8, of the following:

“Registration of Ghanaian citizens abroad

8. (1) A person who is a citizen of Ghana resident outside the Republic, is entitled to be registered as a voter, if the person satisfies the requirements for registration prescribed by law, other than those relating to residence in a polling division.

(2) The Commission may appoint the Head of a Ghana Mission, or Embassy abroad, or any other person, or institution designated in writing by the Commission, as a registration officer to register a person, to be a voter for an election.

(3) The Commission may give such directions, as it considers appropriate, to a person appointed as a registration officer”;

(c) by the insertion of the following after “by-election” in section 50, “citizen” means a citizen of Ghana, under the Citizenship ‘Act, 2000 (Act 591)”.

Modalities for the implementation of the Act.

2. The Electoral Commission shall, by Constitutional Instrument, make Regulations to prescribe the modalities for the implementation of this Act..

P.N.D.L. 285.

PRESIDENTIAL ELECTIONS LAWS, 1992

ARRANGEMENT OF SECTIONS

Section

- a. Qualification for election as President
- b. Qualifications and disqualifications of Vice President
- c. Election of President

- d. Election result for Presidency
- e. Challenge of election of President
- f. Application of existing electoral laws
- g. Interpretation
- h. Repeals

5.4 PRESIDENTIAL ELECTIONS LAW, PNDCL 285, 1992.

Qualification for election as a President.

1. (1) A person is not qualified to be a candidate for the office of President of Ghana unless –
 - (a) he is a citizen of Ghana by birth;
 - (b) he has attained the age of forty years;
 - (c) he is a registered voter;
 - (d) he is resident in a constituency for which he can stand as a candidate for election to Parliament, or has resided there for a total period of not less than five years out of the ten years immediately preceding the election for which he stands, or he hails from that constituency; and
 - (e) he has paid all his taxes, or made arrangements satisfactory to the appropriate authority, for the payment of his taxes.
- (2) A person is not qualified to be a candidate for the office of President of Ghana if he –
 - (a) owes allegiance to a country, other than Ghana; or
 - (b) has been adjudged, or otherwise declared –
 - (i) bankrupt under any law in force in Ghana, and has not been discharged; or
 - (ii) to be of unsound mind, or is detained as a criminal lunatic under any law in force in Ghana; or
 - (c) has been convicted –
 - (i) for treason, or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence punishable by death or by a sentence of not less than ten years; or

(iii) for an offence relating to, or connected with elections under a law in force in Ghana, at any time; or

(d) has been found by the report of a commission or a committee of inquiry, to be incompetent to hold public office, or is a person in respect of whom a commission, or committee of inquiry has found that while being a public officer, he acquired assets unlawfully, or defrauded the State, or misused or abused his office, or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal, or judicial review; or

(e) is under sentence of death, or other sentence of imprisonment imposed on him by any court; or

(f) is not qualified to be registered as a voter under any law relating to public elections; or

(g) is otherwise disqualified by a law in force on the nomination day.

(3) The disqualifications specified in paragraphs (c), (d) and (e) of subsection (2) of this section are not subject to a grant of pardon, or lapse of time.

(4) For the purpose of paragraph (d) of subsection (2) of this section, in the case of a finding made by a commission, or committee of inquiry which is not a judicial, or quasi-judicial commission, or committee of inquiry, without prejudice to any appeal against, or judicial review of that finding, the finding shall not have the effect of disqualifying a person under that paragraph, unless it has been confirmed by a Government white paper.

(5) A person shall not be eligible to be elected as the President of Ghana if he –

(a) is prohibited from standing for election by a law in force in Ghana, by reason of his holding, or acting in an office the functions of which involve a responsibility for, or are connected with the conduct of an election, or responsibility for the compilation, or revision of an electoral register; or

(b) is a member of the Police Service, the Prison Service, the Armed Forces, the Judicial Service, the Legal Service, the Civil Service, the Audit Service, the Parliamentary Service, the Statistical Service, the Fire Service, the Customs, Excise and Preventive Service, the Immigration Service, or the Internal Revenue Service, or

(c) is a chief; or

- (d) has not declared his assets in accordance with the provisions of the Public and Political Office Holders (Declaration of Assets and Eligibility) Law, 1992, (P.N.D.C.L. 280).

Qualifications and disqualifications of Vice-President.

2. The qualifications and disqualifications specified in section 1 of this Law, shall apply to a candidate for the office of Vice-President.

Election of President.

3. (1) No person shall be a candidate in a presidential election, unless he is nominated for election as President, by a document which –

- (a) is signed by him;
- (b) is signed by not less than two persons who are registered voters resident in the area of authority of each district assembly;
- (c) is delivered to the Commission on, or before the day appointed as nomination day in relation to the election; and
- (d) designates a person to serve as Vice-President.

(2) The document referred to in subsection (1) of this section, shall be accompanied with –

- (a) a statutory declaration in the form specified in the Schedule to this Law, made by the candidate; and
- (b) a deposit of such sum, as the Commission shall direct.

(3) The statutory declaration shall be made before a magistrate, notary public, commissioner for oaths, or any other person authorized by law, to administer an oath, who shall certify it under his signature.

(4) The statutory declaration provided in paragraph (a) of subsection (2), shall also be made by a person seeking election as Vice-President.

(5) A person who makes a statutory declaration under this section, which he knows to be false in a material particular, or recklessly, whether it is true or not, shall be guilty of an offence, and liable on summary conviction, to a fine not exceeding ₦1 million, or a term of imprisonment not exceeding two years, or both, and his deposit shall be forfeited to the State.

(6) Subject to subsection (5) of this section, a deposit made by a candidate under this section, shall be refunded to him, if he polls more than twenty-five per cent of the total votes cast in the election.

Election result for Presidency.

4. (1) A person shall not be elected as President of Ghana, unless at the presidential election, the number of votes cast in his favour is more than fifty per cent of the total number of valid votes cast, at the election.

(2) Where at a presidential election there are more than two candidates, and no candidate obtains the number, or percentage of votes specified in subsection (1) of this section, a second election shall be held, within twenty-one days after the previous election.

(3) The candidates for a presidential election under subsection (2) of this section, shall be the candidates who obtained the two highest numbers of votes at the previous election, and the candidate who obtains the highest number of votes, shall be declared elected.

(4) An instrument which –

(a) is executed under the hand of the Chairman of the Commission; and

(b) states that the person named in the instrument was declared elected as the President of Ghana, at the election of the President,

shall be prima facie evidence, that the person named was so elected.

Challenge of election of President.

5. (1) The validity of the election of the President, may be challenged only by a citizen of Ghana, who may present a petition for the purpose, to the Supreme Court, within twenty-one days after the declaration of the result of the election, in respect of which the petition is presented.

(2) A declaration by the Supreme Court, that the election of the President is not valid, shall be without prejudice to anything done by the President, before the declaration.

(3) The Rules of Court Committee may, by legislative instrument, make Rules of Court for the practice and procedure for petitions to the Supreme Court, challenging the election of a President.

(4) Until rules are made under subsection (3) of this section, the Supreme Court may direct the procedure to be followed in relation to the presentation and hearing of a petition, for the purposes of this Law.

Application of existing electoral laws.

6. Subject to this Law, the provisions of the following enactments, shall apply to the election of the President, with such modifications as the Commission may direct –

- (a) Representation of the People Law, 1992, (P.N.D.C.L.284); and
- (b) Public Elections Regulations, 1992, (L.I. 1537).

Interpretation.

7. In this Law, unless the context otherwise requires –

“Commission” means the Interim National Electoral Commission.

“nomination day” means the day appointed for the nomination of candidates, by the Commission.

Repeals.

8. The following enactments are hereby repealed –

Presidential Elections Decree, 1979, (S.M.C.D. 228);

Presidential Elections (Amendment) Decree, 1979, (S.M.C.D. 232);

Presidential and Members of Parliament (Elections) (Amendment) Decree, 1979, (A.F.R.C. 1); and

Presidential Elections (Challenge) Decree, 1979, (A.F.R.C.D. 2).

NOTE: STATUTORY DECLARATION OF A PERSON NOMINATED AS A CANDIDATE FOR ELECTION AS PRESIDENT/VICE PRESIDENT OF GHANA. ***(SEE APPENDIX)***

5.5 ARTICLES 49 AND 50, (1992 Constitution)

49. (1) At any public election or referendum, voting shall be by secret ballot.

(2) Immediately after the close of the poll, the presiding officer shall, in the presence of such candidates, or their representatives, and their polling agents, as are present, proceed to count at that polling station, the ballot papers of that station, and record the votes cast in favour of each candidate, or question.

(2) The presiding officer, the candidates or their representatives and, in the case of a referendum, the parties contesting, or their agents and the polling agents if any, shall then sign a declaration stating –

(a) the polling station; and

(b) the number of votes cast in favour of each candidate, or question;

and the presiding officer shall, there and then, announce the results of the voting at that polling station, before communicating them to the returning officer.

(3) Subject to the provisions of this Constitution, an issue for determination by referendum, shall not be taken to be determined, unless at least thirty-five percent of the persons entitled to vote at the referendum voted and, of the votes cast, at least seventy percent voted in favour of the issue.

Election of Candidates.

50. (1) Subject to the provisions of this Constitution, where at the close of nominations, and on the day before a public election –

(a) two or more candidates have been nominated, the election shall be held, and the candidate who receives the largest number of votes cast, shall be declared elected;
or

(b) only one candidate is nominated, there shall be no election, and that candidate shall be declared elected.

1. Where for the purposes of a public election two or more candidates are nominated, but at the close of the nominations, and on the day before the election, only one candidate stands nominated, a further period of ten days shall be allowed for nomination of other candidates, and it shall not be lawful for any person nominated within that period of ten days, to withdraw his nomination.

(3) Where at the close of nominations under clause (2) of this article only one candidate stands nominated, there shall be no election, and that candidate shall be declared elected.

(4) Where at the close of nomination, but before the election, one of the candidates dies, a further period of ten days shall be allowed for nominations; and where the death occurs at any time within twenty-five days before the election, the election in that constituency, or unit, shall be postponed for twenty-one days.

5.6 REFERENDUM LAW 1992, PNDCL 277

PART I – GENERAL PROVISIONS

Referendum to approve Constitution.

1. (1) Notwithstanding any law to the contrary, the provisions of this Law, shall govern the conduct of the referendum to approve the draft Constitution, presented by the Consultative Assembly to the Provisional National Defence Council on Tuesday 31st March, 1992, and published in the Gazette.

(2) For the purpose of conducting the referendum, the Commission shall divide the country into electoral areas, and each electoral area shall be divided into such zones, and units as the Commission shall by legislative instrument, prescribe.

Election Committees and Returning Officers.

2. (1) The Commission shall appoint an election committee for each area, which shall consist of not less than three persons, or more than five persons.

(2) The members of an election committee, shall be appointed from the registered voters in the relevant area.

(3) One of the members of an election committee, shall be appointed as the presiding member by the Commission.

(4) The presiding member of each election committee, shall be the returning officer for the area concerned.

(5) A returning officer, may with the prior approval of the Commission, appoint a deputy to be known as the deputy returning officer.

(6) Subject to directions given by the Commission, any powers conferred or any duties imposed by this Law on a returning officer, may be exercised, or performed by his deputy.

(7) An election committee, shall be charged with the responsibility for the conduct, and supervision of the referendum in the area under the supervision, and direction, of the Commission.

Register of voters.

3. (1) There shall be a voters register for each polling zone, unit or station.

(2) The voters registers of all the polling zones, units and stations in an area, shall together form the register of the area.

Qualification for voting at referendum.

4. No person shall qualify to vote at the referendum unless –

(a) he is a registered voter; and

(b) he is not disqualified by any law for the time being in force, from voting at public elections.

Proxy Voting.

5. (1) A voter who is resident outside Ghana, may apply to the Commission not later than fourteen days before the polling day, for the issue to him of a proxy paper, for the appointment of a proxy.

(2) A person shall not be entitled to have more than one person at a time appointed as a proxy, to vote for him at the referendum.

(3) A person shall not be qualified to be appointed to vote as a proxy at the referendum, unless he is a registered voter.

(4) A person shall not be entitled to vote as a proxy at the referendum in any polling zone, unit or station, on behalf of more than two voters, of whom that person is not the husband, wife, parent, grandchild, nephew, uncle or niece.

(5) The Commission, shall issue a proxy paper for any application duly made to it for the appointment of a proxy, if it is satisfied –

(a) that the applicant is registered as a voter for the referendum; and

(b) that the proxy is qualified to be, and is willing to be, appointed.

(6) The appointment of a proxy may be cancelled by the Commission, if a notice in that behalf is given by the person who made the application for the appointment of the proxy.

(7) The Commission, shall keep a record of persons for whom proxies have been appointed, and the names and addresses of the proxies so appointed.

Results of referendum.

6. The issue for determination at the referendum to be conducted in pursuance of subsection (1) of section 15 of the Consultative Assembly Law, 1991 (P.N.D.C.L. 253), shall be determined by a simple majority of the votes cast, at the referendum.

PART II – REFERENDUM OFFENCES

Offences relating to referendum.

7. Any person who –

- (a) forges, or fraudulently defaces, or fraudulently destroys any official document relating to the holding of the referendum, or alters such a document, or delivers to the returning officer any document, which he knows to be forged; or
- (b) forges, or counterfeits, or fraudulently destroys a ballot paper, or the official mark on a ballot paper; or
- (c) without authority, supplies any ballot paper to any person; or
- (d) sells, or offers to sell an official document relating to the holding of the referendum without authority to any person, or purchases, or offers to purchase such a document from any person; or
- (e) not being a person entitled under this Law to be in possession of a document relating to the holding of the referendum, has such a document in his possession; or
- (f) knowingly, and intentionally puts into any ballot box, anything other than the ballot paper which he is authorized by law, to put in; or
- (g) without authority, takes out of a polling station, a ballot paper, or other document relating to the referendum, or is found in possession of a ballot paper, or such document outside a polling station; or
- (h) without authority, destroys, takes, opens, or otherwise interferes with a ballot box, ballot document, or other property in use, or intended to be used for the purposes of the referendum; or
- (i) without authority, prints any ballot paper, or what purports to be or is capable of being used as a ballot paper, at the referendum; or
- (j) without authority under this Law, makes any mark on a ballot paper issued to a person, other than himself, with intent that the ballot paper shall be used to record the vote of the other person,

commits an offence, and is liable on summary conviction, to a minimum fine of ₪50,000.00, or to imprisonment for a term not exceeding two years, or both.

Unauthorized voting.

8. A person who knowingly –

- (a) votes at a referendum at which he is not entitled to vote; or
- (b) votes more than once at a referendum,

commits an offence, and is liable on summary conviction, to a minimum fine of ₪50,000.00, or to imprisonment for a term not exceeding two years, or both.

Offences by referendum officers.

9. A referendum officer, clerk, interpreter or other person who has a duty, whether under this Law or otherwise, in relation to the referendum who –

- (a) makes in any record, return or other document which he is required to keep, or makes in pursuance of this Law any entry which he knows, or has reasonable cause to believe to be false, or does not believe to be true, or
- (b) permits a person whom he knows, or has reasonable cause to believe not to be a person who is blind, or incapacitated from voting by other physical cause to vote in the manner provided for such persons; or
- (c) refuses to permit any person whom he knows, or has reasonable cause to believe to be a person who is blind, or incapacitated from voting by other physical cause, or incapacitated from voting by other physical cause to vote in the manner provided for such persons; or
- (d) wilfully prevents any person from voting at the polling station at which he knows, or has reasonable cause to believe the person is entitled to vote; or
- (e) wilfully, rejects, or refuses to count any ballot paper which he knows, or has reasonable cause to believe is validly cast in favour of the issue; or
- (f) wilfully counts a ballot paper as being cast in favour of the issue which he knows, or has reasonable cause to believe, was not validly cast for the issue; or
- (g) without reasonable cause, acts or fails to act, in breach of his official duty,

commits an offence, and is liable on summary conviction, to a minimum fine of ₪50,000.00, or to imprisonment for a term not exceeding two years, or both.

Unlawful communication at referendum.

10 (1) Every referendum officer, clerk or interpreter on duty at a polling station, shall maintain and help maintain the secrecy of voting, and shall not, except for a purpose authorized by law, communicate to any person, any information as to –

- (a) the name of any voter who has not applied for a ballot paper, or voted at a polling station; or
- (b) the number on the register of any voter who has or has, not applied for a ballot paper, or voted at a polling station; or
- (c) the official mark.

(2) Every person on duty at the counting of votes, shall maintain and help maintain the secrecy of voting, and shall not communicate any information obtained at the counting of the votes, as to how anyone voted.

(3) No person shall –

- (a) interfere with, or attempt to interfere with a voter, when the voter is casting his vote; or
- (b) otherwise obtain, or attempt to obtain in a polling station, information as to the issue in favour of which a voter in that station, is about to vote, or has voted; or
- (c) communicate to any person, any information obtained in a polling station as to the issue, in favour of which a voter in that station has voted, or is about to vote, or as to the number of the ballot paper given to a voter at that station; or
- (d) directly, or indirectly induce a voter to display his ballot paper, after he has marked or selected it, so as to make known to any person, the issue in favour of which he has, or has not voted.

(4) No person who has undertaken to assist –

- (a) a blind voter to vote, or
- (b) a voter who is incapacitated from voting by any other physical cause to vote,

shall communicate to any person, information as to how that voter intends to vote, or has voted, or as to the number on the ballot paper, for the use of that voter.

(5) A person who contravenes any provision of this section, commits an offence, and is liable on summary conviction, to a minimum fine of ₪50,000.00, or to imprisonment for a term not exceeding two years, or both.

Personation.

11. A person commits the offence of personation, where he –

- (a) votes as another person, whether that other person is living, or dead, or is a fictitious person; or
- (b) votes for a person whom he knows, or has reasonable grounds to believe, to be dead.

Bribery.

12. (1) A person commits the offence of bribery –

- (a) if he directly or indirectly, or through another person –
 - (i) gives money, or obtains an office for a voter in order to induce the voter to vote, or refrain from voting; or
 - (ii) corruptly does such an act on account of a voter having voted, or refrained from voting; or
 - (iii) gives money, or makes any procurement to any person in order to induce that person, to falsify any record, or document relating to the referendum;
- (b) if as a result of any gift, he procures or agrees, promises, or endeavours to procure the declaration of a majority of votes in favour of the issue, or against the issue; or
- (c) if he advances, or pays any money, or causes any money to be paid to, or for the use of any other person, with the intention that the money shall be expended in bribery at the referendum, or knowingly pays money, or causes money to be paid to any person in discharge, or repayment of any money expended in bribery at the referendum; or
- (d) if before, or during the referendum, he directly, or indirectly by himself, or through another person acting on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, or an office, place or employment for himself, or for any other person for voting, or agreeing to vote, or for refraining, or agreeing to refrain from voting; or

- (e) if after the referendum, he directly, or indirectly himself, or through another person acting on his behalf, receives any money, or valuable consideration on account of any person having voted, or refrained from voting, or having induced any other person to vote, or to refrain from voting.
- (2) For the purpose of subsection (1) of this section –
- (a) references to giving money include giving, lending, agreeing to give, or lend, offering, promising and promising to procure, or to endeavour to procure any money, or valuable consideration; and
 - (b) references to procuring office include giving, procuring, agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure any office, place or employment.

Treating.

13. A person commits the offence of treating –

- (a) if he corruptly by himself, or through another person either before, during, or after the referendum directly or indirectly gives or provides, or pays wholly, or in part the expenses of giving, or providing any meat, drink, entertainment, or provision to, or for any person;
 - (i) for the purpose of corruptly influencing that person, or any other person, to vote or, refrain from voting; or
 - (ii) on account of that person, or any other person having voted, or refrained from voting or being about to vote, or refrain from voting; or
- (b) if he corruptly accepts, or takes any meat, drink, entertainment, or provision offered in the circumstances, and for the purposes mentioned in paragraph (a), of this section.

Undue influence.

14. A person commits the offence of undue influence –

- (a) if he directly by himself, or through another person, acting on his behalf –
 - (i) makes use of, or threatens to make use of, any force, violence or restraint; or
 - (ii) inflicts, or threatens to inflict on another person, any temporal or spiritual injury, damage, harm or loss;

in order to induce, or compel that person to vote, or refrain from voting, or on account of that person having voted, or refrained from voting; or

- (b) if by abduction, duress or any fraudulent device or contrivance, he impedes or prevails upon a voter, either to vote, or to refrain from voting.

Penalty.

15. A person who contravenes sections 11, 12, 13 or 14, commits an offence and shall upon summary conviction, be liable to a minimum fine of ₡50,000.00, or to a term of imprisonment not exceeding two years, or both.

Activities prohibited on polling day.

16. (1) During the hours when a poll is open on polling day, no person shall, within four hundred metres of any polling station, seek to influence, in whatever manner, any person to vote for, or against, issue or to ascertain for which answer any voter intends to vote, or has voted.

(2) During the hours when a poll is open on polling day, no person shall, within four hundred metres of the polling station, sell any intoxicating liquor.

(3) A person who contravenes subsections (1) or (2) commits an offence, and is liable on summary conviction, to a minimum fine of ₡10,000.00, or to a term of imprisonment not exceeding twelve months, or both.

Defacement of notices.

- ii. (1) A person who without lawful excuse, the proof of which shall be on him, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Law, or any document which is made available for inspection in pursuance of this Law, commits an offence, and is liable on conviction, to a fine not exceeding ₡2000,000.00, or to a term of imprisonment not exceeding six months, or both.

(2) A court convicting a person of an offence under this section shall, within fourteen days of the conviction, report the conviction in writing, to the Commission.

Obstruction of officers.

- iii. A person who wilfully obstructs or interferes with a referendum officer in the execution of his duty, commits an offence and is liable on summary conviction, to a minimum fine of ₱50,000.00, or to imprisonment for a term not exceeding two years, or both.

Unidentified publications.

- iv. A person who prints, publishes or, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard, poster or any such document which refers to the referendum and which does not bear upon its face the name and address of its printer and publisher, commits an offence, and is liable on summary conviction, to a minimum fine of ₱50,000.00, or to a term of imprisonment not exceeding two years, or both.

Consent to prosecution.

20. (1) A person shall not be prosecuted for an offence under this Law, without the consent in writing of the Attorney-General.

(2) Subsection (1), shall not prevent a person from being –

- (a) charged with such an offence; or
- (b) arrested with, or without warrant, in respect of any such offence, or
- (c) remanded on bail, or in custody, in respect of any such offence,

without the consent of the Attorney-General.

(3) In a prosecution for an offence under this Law, in relation to a ballot box, ballot paper or any other document, the property in the ballot box, ballot paper or other document, as well as the property in the counterfoil of any ballot papers, shall be stated to be in the Commission.

PART III – DETERMINATION OF REFERENDUM PETITION

Method of testing results of voting.

21. The validity of the results of the voting in each polling station may be questioned by a petition brought for that purpose under this Part of this Law, subject to the right of appeal conferred by section 32.

Presentation of referendum petition.

22. A petition may be presented to the High Court of Justice by one, or more of the following persons –

- (a) a person who lawfully voted, or had a right to vote, at the referendum to which the petition relates; or
- (b) a person claiming to have had a right to vote, at the referendum.

Security for costs.

23. The presentation of a petition shall not be valid, unless within the time limited by section 24, the person seeking to present the petition, gives security for costs amounting to €20,000.00.

Time for presentation of election petition.

24. (1) Subject to this section, a referendum petition shall be presented within seven days after the date of the publication in the Gazette, of the results of the referendum.

(2) A petition questioning the results of the voting in a polling station, upon an allegation of corrupt practices, and specifically alleging the payment of money, or other reward to have been made by any person, or on his account, or with his privity, in furtherance of the alleged corrupt practice, may be presented within seven days, after the date of payment.

(3) The time limit provided by this section for the presentation, shall not be extended.

Relief which may be granted.

25. After the hearing of a petition, the High Court may –

- (a) grant a declaration that the voting in a polling station to which the petition relates is void; or
- (b) dismiss the petition, and declare that the voting in the polling station to which the petition relates was regular.

Grounds for avoidance of results of referendum.

26. (1) The voting in a polling station, shall be declared void on a petition, if any of the following matters are proved to the satisfaction of the High Court –

- (a) that general bribery, general treating, general intimidation or other misconduct or circumstances, whether similar to those already enumerated in this Law or not, have so extensively prevailed that they may be reasonably supposed to have affected the results of the voting; or
- (b) that there has been non-compliance with any provisions of this Law, if it appears that the voting was not conducted in accordance with the principles laid down in any such provision or instruction, and that the non-compliance affected the results of the voting; or
- (c) that a corrupt practice was committed in connection with the voting.

(2) Notwithstanding subsection (1) of this section -

- (a) where on the hearing of a petition the High Court finds, after giving the Attorney-General an opportunity of being heard, that it has been proved to the High Court -
 - (i) that no corrupt practice was committed on an extensive scale, as to affect the results of the voting in a polling station; and
 - (ii) that any person mentioned in connection with any corrupt practice, took all reasonable means for preventing the commission of corrupt practice at the voting, and
 - (iii) that in all other respects, the voting was free from any corrupt practice on the part of the person mentioned,

Then, the High Court may declare that the voting at the polling station shall not, by reason of any such practice, be void; or

- (b) where upon the trial of a petition, the High Court finds that there has been failure to comply with any provisions of this Law, and the High Court further finds, after giving the Attorney-General an opportunity of being heard, that it is satisfied -
 - (i) that the voting was conducted in accordance with the principles laid down in this Law; and
 - (ii) that, such failure did not affect the result of the voting,

the voting in that polling station shall not, by reason of such failure, be void.

Scrutiny.

27. (1) Where on a petition, it is claimed that the question attracted more votes than that declared in favour of that question, the High Court may direct an examination of the votes cast at the voting in the polling station concerned.

(2) On a scrutiny, the following votes shall be struck off –

(a) the vote of any person –

(i) whose name was not included in that part of the register which contains the names of the registered voters assigned to the polling station at which the vote was recorded; or

(ii) who was not otherwise authorized under this Law to vote at the polling station at which his vote was recorded;

(b) the vote of any person whose vote was procured by bribery, treating or undue influence.

(c) the vote of any person who committed or procured the commission of personation at the voting; and

(d) the vote of any person proved to have voted more than once at the voting or, in more than one polling station.

(3) The vote of a registered voter shall not be struck off on a scrutiny by reason only of the fact that the voter was not qualified to have his name entered on the register.

(4) Any tendered ballot paper proved on a scrutiny to be a valid vote, shall be added to the poll.

Certification of decision.

28. (1) At the conclusion of the hearing of a petition, the High Court shall certify its decision to the Commission, which shall cause the return by the returning officer, in respect of the voting to which the petition relates, to be confirmed or altered accordingly.

(2) Where the decision certified by the High Court under subsection (1) is to the effect that the voting to which the petition relates is void, a writ shall be issued for a fresh voting in the polling station concerned.

Report of court as to corrupt practices.

29. At the conclusion of the hearing of a petition, the High Court shall, if it is of the opinion that any person has been proved to have committed the offence of a corrupt practice, in connection with the voting to which the petition relates, send a written report to the Attorney–

General, giving the name and description of the person, and the nature of the practice, and such other information as the High Court considers relevant, and appropriate.

Prohibition of disclosure of vote.

30. No person who has voted in the referendum shall, in any proceedings relating to the voting in a polling station, be required to state for which question he has voted.

Procedure.

31. (1) The hearing of referendum petition, shall be conducted in accordance with the law relating to the hearing of a civil case or matter by the High Court, in the exercise of its original jurisdiction.

(2) The High Court shall have, for the purpose of the hearing, the same powers, jurisdiction and authority, as it has for the hearing of civil cases or matters.

Appeal.

32. (1) Any person aggrieved by the decision of the High Court, may appeal to the Court of Appeal, against the decision.

(2) An appeal under subsection (1), shall be lodged not later than seven days after the decision of the High Court.

PART IV – MISCELLANEOUS PROVISIONS

Inaccurate description.

33. No misnomer, or inaccurate description, of a person, or place named, or described in any register, notice or other document issued under this Law shall, if the person or place is so designated as to be commonly identifiable or understood, affect that person or place, the validity of that register, notice or document, or the operation of this Law in question.

Exemption from stamp duty.

34. Declaration of secrecy made for the purposes of the referendum, shall not constitute an instrument liable for duty, under any law relating to stamp duties.

Interpretation.

35. In this Law, unless the context otherwise requires –

“area” means the area of authority, of a District Assembly;

“Commission” means the Interim National Electoral Commission;

“Consultative Assembly” means the Consultative Assembly, established under the Consultative Assembly Law, 1991, (P.N.D.C.L. 253);

“corrupt practice” means the offence of personation, bribery, treating or undue influence, or of aiding abetting, counseling, or attempting the commission of any such offence;

“issue” means the question submitted to a vote in the referendum, to ascertain the wishes of the citizens of Ghana;

“official mark” means the official mark with which a ballot paper is perforated, or stamped;

“polling day” in relation to the referendum, means the day appointed for the taking of a poll;

“polling station” means one of the polling stations, within a zone or unit;

“polling zone or unit” means one of the polling zones and units into which an area is for the time being, divided under section 1 of this Law;

“presiding officer” means the presiding officer of a polling station at the referendum;

CHAPTER 6 – ELECTIONS LAWS FOR OTHER ORGANIZATIONS

6.1 C.I. 1: ELECTION OF REGIONAL REPRESENTATIVE ON COUNCIL OF STATE

Regional representatives of Council of State.

1. In accordance with paragraph (c) of clause (2), of article 89 of the Constitution, there shall be elected, one representative from each region of Ghana, as a member of the Council of State

Qualification of representatives.

2. No person is qualified to be elected as a regional representative to the Council of State who –

(a) is not a citizen of Ghana;

(b) is not a registered voter;

- (c) is not resident in, or does not hail from the region for which he seeks representation;
- (d) has been adjudged or otherwise declared –
 - (i) bankrupt under any law in force in Ghana, and has not been discharged; or
 - (ii) to be of unsound mind, or is detained as a criminal lunatic under any law in force in Ghana; or
- (e) has been convicted –
 - (i) for high crime under the Constitution, or high treason, or treason, or for an offence involving the security of the State, fraud, dishonesty, or moral turpitude; or
 - (ii) for any other offence punishable by death, or by a sentence of not less than ten years; or
- (f) has been found by the report of a commission, or a committee of inquiry to be incompetent to hold public office, or is a person in respect of whom a commission, or committee of inquiry has found that, while being a public officer, he acquired assets unlawfully, or defrauded the State, or mis-used his office, or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal, or judicial review; or
- (g) is under sentence of death, or other sentence of imprisonment imposed on them by any court; or
- (h) is a member of the electoral college, constituted under paragraph 3 of this Instrument; or
- (i) is otherwise disqualified by a law, for the time being, in force.

Electoral college.

3. There shall be constituted an electoral college, in every Region of Ghana, for the purpose of electing a Regional representative to the Council of State.

Composition of electoral college.

4. The electoral college, shall comprise two representatives from each of the districts in the region, nominated by the District Assemblies in the region.

Meeting of electoral college.

5. Each electoral college, shall meet on such date, time and place as the Electoral Commission may determine, for the purpose of electing the regional representatives to the Council of State.

Nomination of candidates.

6. (1) A candidate shall be nominated on a nomination form provided by the Commission, and the form shall be delivered by the candidate, or his proposer, to the regional representative of the Commission, at a date and time directed by the Commission.

(2) The nomination paper, shall be witnessed by the signature, or mark of two registered voters, as proposer and seconder, and supported by twenty voters registered in the Region, as assenting to the nomination.

(3) For the purpose of the first election under this Instrument, the nomination day shall not be less than five days, or more than seven days, from the date of the coming into force of this Instrument.

Candidate's photograph.

7. A candidate shall, at the time of his nomination, deliver to the returning officer, two post-card size copies of his photograph (bust).

Holding of election.

8. The election shall be held –

(a) within fourteen days, after the close of nominations; and

(b) at the same date and time, in all the regional capitals, except that where circumstances demand, the Commission may permit the holding of an election in a regional capital, at a different date and time.

Procedure for the election.

9. (1) The Commission shall supervise the election of a regional representative to the Council of State.

(2) The election shall be by secret ballot.

(3) The person who obtains the highest valid votes cast at the election, shall be declared elected.

(4) Where two candidates obtain the highest number of valid votes cast, then unless there is a withdrawal, the process shall be continued, until one candidate is elected.

Application of existing electoral laws.

10. Except as otherwise provided in this Instrument, the provisions of existing electoral laws shall apply to elections under this Instrument, with such modifications and adaptations as may be necessary.

Notification of election results.

11. The Electoral Commission, shall furnish the President with the names of the elected members, and shall publish the results of the election, in the Gazette and the media.

Interpretation.

12. In this Instrument, unless the context otherwise requires –

“Commission” means the Electoral Commission;

“District Assembly” includes a Municipal or Metropolitan Assembly;

“Electoral Commission” includes the Interim National Electoral Commission.

6.2 CHIEFTAINCY ACT, 1971., ACT 370

PART I – NATIONAL HOUSE OF CHIEFS

National House of Chiefs.

1. (1) There is hereby established a National House of Chiefs.

(2) The membership of the National House of Chiefs, shall be composed of five chiefs from each Region of Ghana, elected by the House of Chiefs of the Region.

(3) The National House of Chiefs, shall have a President, who shall be Head of the National House of Chiefs.

(4) The President of the National House of chiefs, shall be a chief elected by the members of the National House of Chiefs, from among their number.

(5) There shall also be a Vice-President of the National House of Chiefs, who shall be a chief elected by the said House from among their number, and who shall act as the Head of that House, in the absence of the President.

(6) The Electoral Commissioner, shall supervise any election of a person as President, Vice-President, or member of the National House of Chiefs, and he or any public officer nominated by him in writing, shall be the returning officer for any such election.

(7) The body known immediately before the commencement of this Act as the National House of Chiefs, shall be deemed to be the National House of Chiefs, for the purposes of this Act.

(8) Any person holding the office of President, or Vice-President of the said House, or who was a member of that House immediately before the commencement of this Act, shall be deemed to have been duly elected for the purposes of this Act, with effect from the commencement of this Act.

(9) A person elected President or Vice-President, or member of the National House of Chiefs, shall hold office for three years, but shall upon the expiration of his term of office, be eligible for re-election, so however that, no person shall be eligible to hold office as President for more than two terms in succession.

(10) No person shall be qualified to be President or Vice-President of the National House of Chiefs –

- (a) if he has been sentenced to death, or to a term of imprisonment exceeding twelve months without the option of a fine, or has been convicted of an offence involving dishonesty, or moral turpitude, and in each case, has not been granted a free pardon; or
- (b) if he is adjudged to be a person of unsound mind; or
- (c) if, having been declared as an insolvent or bankrupt under any law for the time being in force in Ghana, or in any other country, he is an undischarged insolvent or bankrupt; or
- (d) if being a person possessed of professional qualifications, he is disqualified from practising his profession by the order of any competent authority, made in respect of him personally, not being an order made at his own request, or within five years previously;

Provided that a person shall not be deemed to be disqualified under paragraph (a) of this subsection, if 5 years or more have elapsed since the date of the conviction, or the end of the sentence, whichever is the later.

(11) Where a vacancy occurs in the office of the President, Vice-President or a member of the national House of Chiefs the Registrar of that House, shall notify the Electoral Commissioner in writing, of the occurrence of that vacancy within 14 days of such occurrence, and the Electoral Commissioner shall, by notice published in the *Local Government Bulletin*, and in such other manner as the Electoral Commission may think fit, summon a meeting of the National House of Chiefs, or the respective Regional House of Chiefs, as the case may be, within twenty-one days after being notified of the vacancy, for the election of a President, Vice-President or a member of the National House of Chiefs, as the case may be.

(12) The Electoral Commissioner, may by legislative instrument, make such rules as he may think appropriate, for regulating the conduct of elections of the President, Vice-President and members of the National House of Chiefs.

Functions and committees of National House of Chiefs.

2. (1) The National House of Chiefs, shall have the functions conferred on it by article 154 of the Constitution, and also such other functions as are conferred on it by this Act, or as may be conferred on it from time to time, by any other enactment.

(2) Subject to the provisions of this Act, the National House of chiefs, may appoint such committees comprising such persons, as it may determine, to assist it in the discharge of its functions and subject, as aforesaid, may delegate to any such committee, such of its functions, as it may think fit.

(3) Standing Orders made under section 4 of this Act, may regulate the composition, tenure of office and procedure of such committees, and may also make such other provision in relation to such committees as may appear to the National House of Chiefs, to be expedient.

Matters for consideration and advice.

3. The National House of Chiefs, shall be responsible for advising any person or authority charged by the Constitution, or any other enactment, with any responsibility for any matter relating to chieftaincy.

Standing Orders of the National House of Chiefs.

4. The National House of Chiefs, may make Standing Orders for the regulation and orderly conduct of its business.

Meetings of the National House of Chiefs.

5. (1) The National House of Chiefs, shall meet for the dispatch of its business at such place and time, as that House may determine, but shall meet not less than twice in any year.

(2) The Registrar of the National House of Chiefs, shall also call a special meeting of the House upon a request made in writing in that behalf, and signed by the President of that House, or not less than one-half of the total number of members of the House.

(3) No business except that of adjournment, shall be transacted at any meeting of the National House of Chiefs at which there are present, less than one-half of the total number of members of the House.

(4) The President of the National House of Chiefs shall, if present at any meeting of the House, preside at that meeting, and in his absence, the Vice-President shall preside, and in the absence of the Vice-President, a member of the House elected by the members present from among their number, shall preside at that meeting.

(5) Any question arising for decision by the National House of Chiefs, shall be determined by the votes of the majority of the members present, and voting, and in the event of an equality of votes, the President, or other person presiding at that meeting, shall have a second, or casting vote :

Provided that standing orders of the National House of Chiefs may provide for the participation in the proceedings of the said House by a member through a representative, and the casting of votes by proxy, or by any other means of representation, permitted by customary law.

(6) The validity of the proceedings at any meeting of the National House of Chiefs, shall not be affected by any vacancy in the office of the President, or Vice-President, or in the membership of that House, or by any defect in the appointment, or election of any person holding such office.

PART II – REGIONAL HOUSES OF CHIEFS

Regional Houses of Chiefs.

6. (1) There is hereby established for each Region of Ghana, a Regional House of Chiefs.

(2) Each Regional House of Chiefs, shall consist of such members as may be specified in relation thereto by legislative instrument made by the President, acting in consultation with the Prime Minister.

(3) There shall be a President of each Regional House of Chiefs, who shall,

(a) be the Head of that House.

(b) in the case of the Ashanti Regional House of Chiefs, be the Asantehene, and

(c) in the case of any other Regional House of Chiefs, be a chief elected in the manner specified by an instrument made under subsection (2), of this section.

(4) There shall also be a Vice-President of each such House, who shall be a chief elected by the members of that House from their number, and shall act as Head of that House in the absence of the President, and shall perform the functions of the President, in the absence of the President.

(5) A President, other than the President of the Ashanti Regional House of Chiefs, and a Vice-President, shall hold office for three years, and shall be eligible for re-election, so however that no person shall be eligible for election as President, for more than two terms in succession.

(6) Where the seat of a member of a Regional House of Chiefs becomes vacant, and his successor is required by an instrument made under subsection (2) of this section, to be drawn from a specified group of Chiefs –

(a) the Registrar of the said House, shall notify the Electoral Commissioner in writing of the occurrence of the vacancy, within fourteen days of such occurrence;

(b) a meeting of the group, shall be convened by the Electoral Commissioner, by a notice published in the *Local Government Bulletin*;

(c) subject to the following subsection, the meeting shall proceed to the election of a new member, who shall be taken to be elected, if he secures a simple majority of the votes cast;

(d) the Electoral Commissioner, shall cause to be published in the *Local Government Bulletin* notice of the result of the election, which notice shall be signed by him, or any public officer authorized by him in writing.

(7) An election shall not be held under subsection (6) of this section, if less than one-half of the chiefs in the group are present and where –

(a) an insufficient number of chiefs is present, or

(b) no chief obtains a majority of votes cast,

the new member shall be nominated by the Regional House of Chiefs, from among the chiefs in the group, to which the election relates.

(8) A new member elected, or nominated under subsection (6) or (7) of this section, shall hold office for two years, and shall then vacate his seat, and any such member vacating his seat, shall be eligible to fill the vacancy.

Election of President of Regional House of Chiefs.

7. Where the office of the President of a Regional House of Chiefs becomes vacant, and his successor is required by an instrument made under subsection (2) of section 6 of this Act to be elected from among the members, or a specified group of members –

- (a) the Registrar of the Regional House of Chiefs, shall notify the Electoral Commissioner in writing of the occurrence of the vacancy, within fourteen days after the said occurrence.
- (b) A meeting of the Regional House of Chiefs, shall be convened by the Electoral Commissioner, by notice published in the *Local Government Bulletin*,
- (c) Subsection (3) of section 11 of this Act: the meeting shall proceed to the election under the supervision of the Electoral Commissioner, or any public officer authorized by him in writing, by secret ballot of the President, who shall be taken to be elected, if he secures a simple majority of the votes cast,
- (d) The Electoral Commissioner shall publish the result of the election in the *Local Government Bulletin*, giving the total number of votes cast, and the number cast in favour of the successful candidate.

Existing Regional Houses of Chiefs to continue.

8. (1) The Regional Houses of Chiefs in existence immediately before the commencement of this Act, shall be deemed to be the Regional Houses of Chiefs, for the purposes of this Act.

(2) Until an instrument is made under subsection (2) of section 6 of this Act prescribing the membership of any Regional House of Chiefs, the membership of that House shall be as it was, immediately before the commencement of this Act.

(3) Any person holding the office of Head, or Deputy Head, (howsoever called) or member of any such House of Chiefs immediately before the commencement of this Act, shall continue to hold such office, subject to the provisions of this Act, so however that any such person holding office as Head or Deputy Head shall after the commencement of this Act, be referred to as the President, or Vice-President respectively, of that House.

(4) Where a person to whom subsection (3) of this section applies is required by this Act to be elected he shall be deemed to have been duly elected, with effect from the commencement of this Act.

Functions and committees of Regional Houses of Chiefs.

9. (1) The authority of a Regional House of Chiefs, shall apply within its Region.

(2) Each Regional House of Chiefs, shall have in relation to its Region, the functions conferred on it by article 155 of the Constitution, and also such other functions as are conferred on it by this Act, or as may be conferred on it, from time to time, by any other enactment.

(3) If any matter is referred to it by the National Assembly, or the Minister, or any authority charged by any enactment with responsibility for any matter relating to chieftaincy, a Regional House of Chiefs shall give consideration to the matter, and report on it as may be required.

(4) Subject to the provisions of this Act, a Regional House of Chiefs may appoint such committees comprising such persons as it may determine, to assist it in the discharge of its functions, and subject as aforesaid, may delegate to any such committee such of its functions, as it may think fit.

(5) Standing Orders made under section 10 of this Act, may regulate the composition, tenure of office, and procedure of such committees, and may also make such other provision in relation to such committees, as may appear to the House of Chiefs, making the Standing Orders to be expedient.

Regional Houses of Chiefs to make Standing Orders.

10. Each Regional House of Chiefs, may make Standing Orders, for the regulation and orderly conduct of its business.

Meetings of Regional Houses of Chiefs.

11. (1) Each Regional House of Chiefs, shall meet for the dispatch of its business at such place and time as that House may determine, but shall meet not less than twice in any year.

(2) The Registrar of each Regional House of Chiefs shall also call a special meeting of the House upon a request made in that behalf, and signed by the President of that House, or not less than one-half of the total number of members of that House.

(3) No business, except that of adjournment, shall be transacted at any meeting of a Regional House of Chiefs, at which there are present less than one-half of the total number of members of that House.

(4) The President of each Regional House of Chiefs shall, if present at any meeting of the House, preside at that meeting and in his absence, the Vice-President, or in the absence of the Vice-President, a member of the House elected by the members present from among their number, shall preside at that meeting.

(5) Any question arising for decision by any Regional House of Chiefs, shall be determined by the votes of the majority of persons present, and voting, and in the event of an equality of votes, the President, or other person presiding at that meeting, shall have a second or casting vote:

Provided that Standing Orders of the Regional House of Chiefs may provide for participation in the proceedings of the said House by a member through a representative, and the casting of votes by proxy or any other means of representation, permitted by customary law.

(6) The validity of the proceedings at any meeting of Regional House of Chiefs, shall not be affected by any vacancy in the office of President, or Vice-President of, or in the membership of the House, or by any defect in the appointment, or election of any person holding such office.

PART III – TRADITIONAL COUNCILS

Traditional Councils.

12. (1) There shall be a Traditional Council for each traditional area, and the Traditional Councils in existence immediately before the commencement of this Act, shall continue in existence for the traditional areas in respect of which they existed, immediately before the said commencement.

(2) The name of every Traditional Council, shall be shown in the National Register of Chiefs, maintained under section 50 of this Act.

President of Council.

13. (1) Except in the case of a joint Council, the Paramount Chief of a traditional area or, in the case of the Kumasi traditional area, the Asantehene, shall be the President of the Traditional Council.

(2) In the case of a joint Council, the President shall be such of the Paramount Chiefs exercising jurisdiction in the traditional area in question as the Minister may, acting on the

advice of the National House of Chiefs, by notice published in the *Local Government Bulletin* direct.

Membership.

14. (1) Subject to the provisions of this section, a Traditional Council shall consist, in addition to the President, of the persons shown in the National Register of Chiefs, as the members thereof.

(2) Subject to subsection (4) of this section, the membership of a Traditional Council in the first instance, shall be the same as the membership of that Council immediately before the commencement of this Act.

(3) As soon as practicable, after any change occurs in the membership of a Traditional Council, the Council shall notify the Regional House of Chiefs thereof, which shall in turn notify the National House of Chiefs and, subject to the following subsection, the National House of Chiefs shall cause the said Register to be altered accordingly.

(4) If the National House of Chiefs is satisfied after consultation with the appropriate Regional House of Chiefs, that any person should, or that any person should not, be a member of a Traditional Council, the National House of Chiefs may amend the Register accordingly.

Jurisdiction in chieftaincy disputes.

15. (1) Subject to the provisions of this Act, and to any appeal therefrom, a Traditional Council shall have exclusive jurisdiction to hear and determine any cause or matter affecting chieftaincy which arises within its area, not being one to which the Asantehene or a Paramount Chief is a party.

(2) The jurisdiction conferred by this section, shall be exercised in accordance with Part V of this Act.

Meetings.

16. (1) Meetings of a Traditional Council, shall be held at such times and places as the President of the Council may appoint, or in his absence, inability or refusal to act, as may be demanded by not less than one-half of the members of the Traditional Council.

(2) Where the President is from any cause unable to attend a meeting, the Chief next in seniority on the Council, shall preside over the meeting.

(3) No business, except that of adjournment, shall be transacted if less than one-half of the total number of members are present.

Duty of persons to assist Traditional Councils.

17. (1) It shall be the duty of every person who, under customary law, is required to perform any specific duty when so required by the appropriate Traditional Council, to assist in carrying out the functions imposed upon the Council by customary law.

(2) A person who fails without reasonable excuse to comply with a requirement under the preceding subsection, shall be guilty of an offence, and liable to a fine not exceeding ₦100.00.

PART IV – DIVISIONAL COUNCILS

Division.

18. A division is any area which is specified in the National Register of Chiefs, as a division.

Divisional Councils.

19. (1) Where a division falls within a traditional area, the Traditional Council concerned may create in respect of that division, a Divisional Council which shall comprise such members, as that Traditional Council may determine.

(2) Where a Division does not fall within a traditional area, the Regional House of Chiefs of the Region in which the division falls, may create a Divisional Council in respect of that division, comprising such members as the Regional House of Chiefs may determine.

Meetings.

20. (1) There shall be a President of a Divisional Council, who shall be such person as may –
- (a) in the case of a Divisional Council created under subsection (1) of section 19, be determined by the Traditional Council concerned, or
 - (b) in the case of a Council created under subsection (2) of section 19, be determined by the Regional House of Chiefs concerned.

- (2) Meetings of a Divisional Council, shall be held at such times and places as the President may appoint, or as may be demanded by not less than one-half of the members of the Council.
- (3) Where the President is from any cause unable to attend a meeting, a member of the Council elected by the members present from among their number, shall preside at that meeting.
- (4) No business except that of adjournment, shall be transacted if less than one-half of the total number of members are present.

Functions of Divisional Councils.

21. (1) The Minister may, acting in accordance with the advice of the Traditional Council concerned or where there is no Traditional Council for the area, acting in accordance with the advice of the National House of Chiefs, assign functions to a Divisional Council, including functions with respect to any cause, or matter affecting chieftaincy.

(2) Where the function of hearing and determining any cause or matter affecting chieftaincy has been conferred on a Divisional Council under subsection (1) of this section, the provisions of this Act relating to the exercise by a Traditional Council of that function shall, with the necessary modifications, apply to the Divisional Council, as they apply to a Traditional Council.

PART V – PROCEEDINGS AFFECTING CHIEFTAINCY

Judicial functions of National House of Chiefs. Article 154 (3) (a) of Constitution.

22. (1) The National House of Chiefs shall have appellate jurisdiction in any matter relating to chieftaincy, which has been determined by the House of Chiefs in a Region, from which appellate jurisdiction there shall be an appeal with the leave of the Supreme Court, or the National House of Chiefs to the Supreme Court.

(2) Any person aggrieved by any judgment or order of a Regional House of Chiefs in the exercise of its original or appellate jurisdiction, may appeal to the National House of Chiefs as of right, against such judgment or order.

- (2) The appellate jurisdiction conferred on the National House of Chiefs shall be exercised by a judicial committee of that House, comprising five persons appointed by that House.

- (3) A judicial committee shall be assisted by counsel, who shall be a lawyer of not less than seven years' standing as a lawyer, appointed by the National House of Chiefs on the recommendation of the Attorney-General.
- (4) An appeal to the National House of Chiefs against a judgment, or order of a Regional House of Chiefs, shall be lodged within thirty days after the decision appealed against :

Provided that the Regional House of Chiefs or the National House of Chiefs may if it appears to it just so to do extend such period for a further period expiring not later than two months from the date of the decision appealed against.

- (5) Upon any such appeal, the National House of Chiefs may, subject to the provisions of this section, confirm, reverse or vary the decision appealed against, or remit the matter or any part thereof for reconsideration by the Regional House of Chiefs, from whose decision the appeal is brought, and in each case, subject to such conditions or directions, as the National House of Chiefs may consider fit.

Original and appellate jurisdiction of Regional House of Chiefs. Article 155 (1).

23. (1) Each Regional House of Chiefs shall have the following original and appellate jurisdiction: –

- (a) original jurisdiction in all matters relating to a paramount stool, or the occupant of a paramount stool, and
 - (b) appellate jurisdiction to hear and determine, subject to the provisions of clause (3) of article 105 of the Constitution, appeals from the highest Traditional Councils within the area of authority of the Traditional Authority within which they are established, in respect of the nomination, election, appointment, installation, or deposition of any person as a Chief.
- (2) Each such House of Chiefs, shall also have jurisdiction to hear and determine appeals against any judgment, or order given, or made by any Traditional Council in any other cause, or matter affecting chieftaincy.
- (3) Any person aggrieved by any judgment or order made by a Traditional Council in any cause or matter affecting chieftaincy, may appeal to the House of Chiefs of the Region, as of right, against the judgment, or order.
- (4) The original and appellate jurisdiction conferred on each Regional House of Chiefs, shall be exercised by a judicial committee of that House, comprising three persons appointed by that House.

(5) A judicial committee appointed under this section, shall be assisted by Counsel who shall be a lawyer of not less than five years' standing as a lawyer, appointed by the Regional House of Chiefs on the recommendation of the Attorney-General.

(6) Any appeal to a Regional House of Chiefs against a judgment, or order of a Traditional Council, shall be lodged within thirty days after the judgment, or order appealed against :

Provided that a Regional House of Chiefs may, if it appears to it to be just so to do, extend the said period in any particular case for a further period expiring not later than two months, after the date of the decision appealed against.

(6) Upon any such appeal, a Regional House of Chiefs may, subject to the provisions of this section confirm, reverse or vary the decision appealed against, or remit the matter, or any part thereof, for reconsideration to the Traditional Council from which the appeal is brought and in each case, subject to such conditions, or directions as the Regional House of Chiefs may consider fit.

Evidence before judicial committee.

24. (1) A judicial committee, may receive in evidence, any matter (including hearsay) which tends to prove, or disprove any fact relevant to the subject matter, before the committee.

(2) Any such committee, may in connection with any such matter, do all or any of the following acts, as may be done by the High Court in proceedings before the High Court:-

(a) make presumptions of law or fact,

(b) take cognizance of matters which are so notorious, or clearly established that evidence of their existence is deemed unnecessary,

(c) draw inferences from facts already in evidence.

(3) Notwithstanding anything in this section, a judicial committee shall not make any finding of fact, or draw any inference from any fact based solely on hearsay evidence.

(4) Any party to proceedings before a judicial committee, may appear in person, or by counsel, and any other person required, or entitled to appear, may appear either in person, or with leave of the committee, by counsel.

(5) The following provisions of this section, shall apply for the purpose of ascertainment of customary law, in proceedings before a judicial committee.

(6) Any question as to the existence, or content of a rule of customary law, is a question of law for the committee, and not a question of fact.

(7) If the committee entertains any doubt as to the existence or content of a rule of customary law relevant in any proceedings after considering such submissions thereon, as may be made by, or on behalf of the parties, and consulting such reported cases, textbooks and other sources as may be appropriate, the committee shall adjourn the proceedings to enable an enquiry to take place, under the next subsection.

(8) The inquiry shall be held as part of the proceedings in such matter as the committee considers expedient, and the provisions of this Act relating to the attendance and testimony of witnesses shall apply for the purpose of the tendering of opinions to the committee at the inquiry, but shall apply, subject to such modifications as may appear to the committee, to be necessary:

Provided that –

- (a) the decision as to the persons who are to be heard at the inquiry shall be one for the committee, after hearing such submissions thereon, as may be made by, or on behalf of the parties;
- (b) the committee may request any authority, or body possessing knowledge of the customary law in question, to state its opinion, which may be laid before the inquiry in written form.

Security for costs, etc. in proceedings before judicial committee.

25. (1) A judicial committee, may require the applicant in proceedings before it, to give security for costs of the application.

(2) In every case determined by a judicial committee, the costs shall be in the discretion of the committee.

(3) For the purposes of the recovery of costs, a certificate of the committee setting forth the particulars may be filed without payment of any fee with the High Court, and when so filed, shall be accepted by that Court as sufficient evidence of the facts so certified, and costs imposed under this section may be taxed, as if imposed by the High Court.

General provisions relating to judicial proceedings before Houses of Chiefs.

26. (1) The National House of Chiefs, or a Regional House of Chiefs, shall have in relation to any appeal coming before it, all the powers of the tribunal, from which the appeal is brought.

(2) In the exercise of the judicial powers of the National House of Chiefs, and a Regional House of Chiefs, each such house shall have such powers, rights and privileges as are vested in the High Court of Justice, or a judge thereof, at a trial in respect of –

- (a) enforcing the attendance of witnesses, and examining them on oath, affirmation or otherwise,
- (b) compelling the production of documents, and the issue of a commission, or request to examine witnesses abroad.

(3) Subject to the provisions of this Act, the practice and procedure of the National House of Chiefs, and of a Regional House of Chiefs, in the exercise of their judicial functions, shall be regulated by rules made in consultation with the respective House, by the Rules of Court Committee, established by article 121 of the Constitution.

(4) A member of any judicial committee appointed under this Act, or the Counsel thereto, shall not be liable to any action, or suit in respect of any matter, or thing done by him in the performance of his functions under this Act.

(5) Any member of such Committee, or the Counsel thereto, shall in relation to the exercise of any function under this Act, be deemed to be a public officer for the purposes of the Criminal Code, 1960 (Act 29).

(6) A person who does anything in relation to the exercise of the judicial functions of the National House of Chiefs, or a Regional House of Chiefs, which if done in relation to the High Court, will constitute a contempt of that court, shall be guilty of contempt of that House.

(7) Where it appears to a judicial committee that any person has committed contempt of the House of Chiefs, by which that committee was appointed, it shall certify that fact to the High Court, and the High Court shall after inquiring into the matter, take steps for the punishment of the person in question, if it is satisfied that he is guilty of contempt, and shall otherwise acquit that person.

(8) The functions of any counsel appointed to assist any judicial committee under section 22, or 23 of this Act, shall be to advise the committee on all matters of law, including in particular, evidence, procedure and interpretation of documents and statutes.

Appeal to operate as stay of execution.

27. An appeal to the National House of Chiefs, or to a Regional House of Chiefs, shall operate as a stay of execution of the judgment, or order appealed against, and any other order made consequentially upon it, unless the appellate tribunal otherwise directs.

Proceedings before a Traditional Council.

28. (1) In the exercise of the jurisdiction conferred upon it by section 15 of this Act, a Traditional Council shall, subject to the provisions of this section, conduct its proceedings according to customary law, but for the purpose of compelling the attendance of parties and

witnesses and the production of documents, a Traditional Council shall have the like powers as are possessed by a District Court, in the exercise of its civil jurisdiction.

(2) The said jurisdiction shall be exercised by a judicial committee of the Traditional Council, comprising three or five persons appointed by that Council; and accordingly the provisions of this Act, relating to proceedings and functions of a judicial committee of a Regional House of Chiefs shall, with such modifications as may be prescribed by the Minister by regulations made under section 62 of this Act, apply to proceedings and functions of a judicial committee of a Traditional Council.

(3) A Traditional Council, may in respect of any cause or matter affecting chieftaincy determined by it, make any award of a civil nature, including any award of amends to an injured person.

(4) Nothing in this section, shall be deemed to authorize a Traditional Council to punish any person by imposing a fine, or awarding a term of imprisonment, and, subject to the provisions of Part VI of this Act, and except in the case of stool property, no award shall be made which would involve the delivery or disposal of property, or the payment of money exceeding ₦400.00 in value.

(5) A Traditional Council shall, within thirty days after deciding any cause or matter affecting chieftaincy, report its decision to the Regional House of Chiefs in the Region.

Preservation of property affected by chieftaincy proceedings.

29. (1) The Minister, in consultation with the Traditional Council of the area, may by executive instrument published in the Gazette, order any person to take possession of any stool property affected by any proceedings under this Act, in respect of a cause or matter affecting chieftaincy.

(2) Any person who takes possession of stool property under this section, shall as soon as practicable, prepare an inventory of the property and transmit a copy of the inventory to the Minister, together with a signed certificate of its correctness.

(3) Where the need for the retention of any property taken possession of under this section has passed, the Minister shall by executive instrument published in the Gazette, order the restoration of the property to the stool concerned.

(4) Any person who wilfully obstructs a person ordered under this section to take possession of any stool property, shall be guilty of a misdemeanour.

Enforcement of judgment of Houses of Chiefs or Traditional Councils.

30. (1) Upon an application made by a party to any proceedings before a judicial committee of a House of Chiefs in whose favour a judgment or order was made by that committee, that committee shall forward a copy of the judgment, or order, to the High Court, with a request for

execution, and upon the payment by the applicant of the necessary fees, the High Court shall take such steps and issue such process, as may be necessary for the purpose of the execution of the said judgment, or order, as it would take or issue, if it were a judgment, or order, of that court.

(2) Upon an application made by a party to the proceedings before a judicial committee of a Traditional Council, in whose favour a judgment, or order was made by the Council, that Council shall forward a copy of the judgment, or order of the council in those proceedings, to the Circuit Court having jurisdiction in the traditional area in question, with a request for execution.

(3) Upon the payment by the applicant of the necessary fees, the said Circuit Court shall take such steps and issue such processes as may be necessary for the purpose of the execution of the judgment, or order, as it would take or issue, if it were a judgment, or order, of that court.

Protection of parties, counsel and witnesses.

31. (1) Any party, counsel or witness before a judicial committee, shall enjoy the same protection in respect of statements made by him in the course of, and for the purposes of the proceedings of the said tribunal, as he would have enjoyed before the High Court.

(2) Any witness before a judicial committee, shall have the same privileges as he would have had, before the High Court.

Obstruction of proceedings, etc.

32. Subject to section 31 of this Act, any person who in proceeding before a judicial committee, and without lawful excuse (proof of which shall be on him) –

(a) fails when required by the said committee, to produce or deliver up any document, answer any question or sign any document, or

(b) wilfully obstructs the proceedings of the said committee, at any stage thereof

shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding N¢200.00, or to a term of imprisonment not exceeding twelve months, or to both.

Right to bring proceedings for destoolment.

33. No person shall be deemed to be entitled by this Act to institute proceedings for the destoolment of a Chief, unless he is entitled to do so under customary law.

Proceedings in chieftaincy matter to be recorded in writing.

34. The proceedings of a National or Regional House of Chiefs, and a Traditional Council, in any cause or matter affecting chieftaincy, shall be recorded in writing.

Applications to the tribunals.

35. Where under this Act an application is required to be made either to one tribunal or another, the application shall first be made to the lower tribunal, but if that tribunal refuses the application, the applicant shall then be entitled to have the application determined by the higher tribunal.

PART VI – STOOL PROPERTY

What is Stool Property.

36. Stool property consists of the following –

- (a) the stool itself, and all the insignia of the stool;
- (b) such other movable property, and land as was handed over, or declared as stool property to the Chief, on his installation;
- (c) any property movable or immovable, acquired as stool property after the installation of the Chief.

Alienation of stool property requires consent of Traditional Council.

37. In addition to the consent and concurrence of the Lands Commission required by clause (3) of article 164 of the Constitution, any transaction purporting to alienate, or pledge any stool property, whether movable or immovable, shall be voidable, unless made, or entered into, with the consent of the Traditional Council concerned.

Prohibition upon execution.

38. No stool property, whether movable or immovable, shall be seized in execution at the suit of any person, except with the written consent of the Minister.

Recovery of stool property.

39. Where a judicial committee makes any order for the delivery up of stool property, any person who fails to comply with that order, shall be guilty of an offence and liable on summary conviction, to a fine not exceeding ₡200.00, or to a term of imprisonment not exceeding twelve months, or to both, and also to a further fine not exceeding ₡10.00 for each day, for which the offence continues.

PART VII – CUSTOMARY LAW

National House of Chiefs to promote the development of customary law.

40. The National House of Chiefs shall, subject to clause (2) of article 126 of the Constitution, undertake the progressive study, interpretation and codification of customary law, with a view to evolving, in appropriate cases, a unified system of rules of customary law.

Functions of Traditional Councils relating to customary law.

41. If a Traditional Council considers the customary law which is in force within its area to be uncertain, or considers it desirable that it should be modified, or assimilated by the common law, the Council shall make representations on the matter, to the House of Chiefs in the region.

Declaration of customary law.

42. (1) A Regional House of Chiefs may, either after receiving representations from a Traditional Council, or on its own initiative, and shall if so requested in writing by the National House of Chiefs, draft a declaration of what in its opinion is the customary law rule relating to any subject in force in its region, or any part thereof.

(2) A draft prepared under subsection (1) of this section, shall be submitted to the National House of Chiefs and if the said House after considering it, and after consultation with the Regional House of Chiefs concerned, is satisfied that the draft, either as submitted or with such modifications as it considers necessary, is a correct statement of the customary rule in question, it shall submit a request in writing to the President, to the effect that that statement of the customary law rule be given effect to, in the area in question.

(3) The President, may upon receiving a request made by the National House of Chiefs under subsection (2) of this section, and after consultation with the Chief Justice, make a legislative instrument giving effect to the recommendations submitted to him by the said House, and providing that the rule in question shall have effect within the area in question, in the form set out in the instrument.

Alteration of customary law.

43. (1) A Regional House of Chiefs, may either after receiving representations from a Traditional Council, or on its own initiative, and shall if so requested in writing by the National House of Chiefs, draft a statement of alterations it thinks desirable in any customary law rule in force in its region, or any part thereof.

(2) A draft prepared under subsection (1) of this section, shall be submitted to the National House of Chiefs, and if the said House is satisfied after consultation with the Regional House of Chiefs concerned, that effect should be given to the draft, either as submitted or with such modifications as it considers necessary, it shall submit a request in writing to the President, to the effect that that statement of the rule, as modified by the draft, be given effect in the area in question.

(3) The President may, upon receiving a request made by the National House of Chiefs under subsection (2) of this section, and after consultation with the Chief Justice, make a legislative instrument giving effect to the recommendations submitted to him by the said House, under the said subsection (2), and providing that the rule shall have effect within the area in question, in the form set out therein.

Regional House of Chiefs affected by same rule of customary law.

44. (1) Where a question affecting the customary law is common to more than one Regional House of Chiefs, there shall be a joint committee of the Houses of Chiefs affected, to consider that question.

(2) The joint committee mentioned in subsection (1) of this section, shall be made up of a committee of each House, set up for the purpose.

(3) The joint committee under this section, shall have the same authority as if the question before it were before a Regional House of Chiefs, and the provisions of this Part, shall apply accordingly.

Assimilation of customary law.

45. (1) The National House of Chiefs, may on its own initiative, and shall, upon request so to do, made to it in writing by the President, or by a joint committee referred to in section 44 of this Act, comprising representatives of all the Regional House of Chiefs, consider whether a rule of customary law, should be assimilated by the common law.

(2) If after considering such evidence, and representations as may be submitted to it, and carrying out such investigations as it may think fit, the National House of Chiefs is of the opinion that the rule should be assimilated by the common law, it shall draft a declaration describing the rule, with such modifications as it may consider desirable.

(3) A draft prepared under subsection (2) of this section, shall be submitted to the President, who may after consultation with the Chief Justice, make a legislative instrument giving effect to the recommendations of the National House of Chiefs, and declaring the rule to be assimilated in the form specified in the instrument.

Effect of assimilation.

46. (1) Where a rule is declared to be assimilated under subsection (3), of section 45 of this Act, it may be referred to, as a common law rule of customary origin.

(2) A common law rule of customary origin, shall apply to every issue within its scope, whether or not that issue would, if assimilation had not taken place, have been determined according to the common law, or any system of customary law.

(3) Where an issue fails to be determined by a combination of two or more rules, nothing in this Part shall prevent any rule of common law or customary law which is not within the scope of a relevant common law rule of customary origin from being applied, in accordance with paragraph 64 of the Courts Decree, 1966, (N.L.C.D. 84) in combination with the said rule of customary origin.

(4) Subject to the provisions of this Part, in applying a common law rule of customary origin, the court may have regard to such textbooks and other sources indicating the content of the rule as would be available, if it had not been assimilated, and shall treat the rule in the same way as any other common law rule.

(5) Nothing in this section shall be taken to modify the provisions of section 17 and 18 of the Interpretation Act, 1960 (C.A.4), (which explain the meaning of the expression “the common law “ and “customary law”).

Power to include traditional provisions.

47. A legislative instrument made under this Part of this Act, may contain such transitional provisions as the President, acting on the advice of the National House of Chiefs, and in consultation with the Chief Justice, may consider necessary, in relation to cases pending at the date when the instrument is made, or otherwise.

PART VIII – CHIEFS

48. (1) A Chief is an individual who has, in accordance with customary law, been nominated, elected and installed as a Chief, or as the case may be, appointed and installed as such, and whose name for the time being, appears as a Chief on the National Register of Chiefs:

Provided that no person shall be deemed to be a Chief for the purposes of the exercise by him of any function under this Act, or under any other enactment, unless he has been recognized as such by the Minister, by notice published in the Local Government Bulletin.

(2) subject to the foregoing subsection (1), the name of any person who has been installed as a Chief, shall be entered by the National House of Chiefs in the National Register of Chiefs, not later than one month from the date of the receipt of the notification of such installation.

Categories of Chiefs.

49. The following are the categories of Chiefs –

- (a) the Asantehene and Paramount Chiefs;
- (b) Divisional Chiefs;
- (c) Sub-divisional Chiefs;
- (d) Adikrofo; and
- (e) such other Chiefs not falling within any of the preceding categories as are recognized by the Regional House of Chiefs.

National Register of Chiefs.

50. (1) The National House of Chiefs, shall maintain a register to be known as “the National Register of Chiefs”, in this Part referred to as “the Register”.

(2) The National House of Chiefs, shall cause to be recorded on the Register, such particulars relating to chieftaincy as it may think fit, or as may be required by this Act, or any other enactment to be recorded thereon.

(3) The Minister, or any person authorized by him in writing, may request to be supplied with a copy of the Register, or an extract thereof, and upon such request the National House of Chiefs, shall cause to be supplied accordingly, a copy of the Register, or an extract thereof, in each case duly certified to be true by the Registrar, or a public officer authorized in writing by him.

(4) The Minister may also request such other information in connection with the maintenance of the Register, as may be necessary, for the due administration of this Act, and the National House of Chiefs shall comply with such request.

(5) The Minister or any public officer authorised by him in writing, may at any reasonable time, enter the premises where the Register is kept, and take extracts thereof.

(6) Any other person shall, upon the payment of the fee prescribed in that behalf by regulations made under section 62 of this Act, be entitled –

(a) at any reasonable time, to enter the premises where the Register is kept, and inspect the Register,

(b) to have supplied to him, an extract of the contents of the Register, or any part thereof, duly certified by the Registrar, or any public officer authorised by him in writing, to be true.

(7) Any person aggrieved by the refusal by the National House of Chiefs to register him as a Chief, may within thirty days after the decision, appeal against the decision, to the Supreme Court.

(8) The contents of the Register, shall be prima facie evidence of the existence of any facts, or particulars stated therein.

(9) In any legal proceeding, the contents of the Register or any part thereof, may be proved by a copy thereof, duly certified under the hand of the Registrar to the National House of Chiefs, or any public officer authorised by him in writing, to be a true copy of the contents, or of that part.

Enstoolments, destoolments etc. of Chiefs to be reported to Minister.

51. (1) All enstoolments, destoolments, abdications and deaths of Chiefs in any Region, as well as all such other changes in the status of Chiefs as may be prescribed by regulations made under section 62 of this Act, shall as soon as practicable after their occurrence, be reported in writing to the Minister, by the Regional House of Chiefs of the Region, through the National House of Chiefs.

(2) Subject to section 48 of this Act, the Minister shall upon receipt of any such report, cause its contents to be published in the Local Government Bulletin, for the information of the general public.

Prohibition of persons purporting to act a Chief.

52. (1) If it appears to him to be necessary, so to do, in the interest of public order, the Minister may, by executive instrument –

- (a) prohibit any person who is not a Chief (whether or not he was formerly, a Chief), from purporting to exercise any of the functions of a Chief,
- (b) require that no person shall treat as a Chief, a person subject to such prohibition.

(2) The Minister may also in the interest of public order, direct in writing, any person described in subsection (1) (a) of this section, to reside or not to enter, or remain in an area specified by the Minister, being an area which is, or includes to be a Chief, or in relation to which any other person wrongfully treats him as a Chief:

Provided that any direction given under this subsection, shall be reviewed by the Minister at monthly intervals, and unless renewed, shall cease to have effect after three months.

(3) Any person, who without lawful excuse (proof of which shall be on him), fails to comply with an executive instrument, or direction made, or given under this section, shall be guilty of an offence, and shall be liable on summary conviction, to a fine not exceeding ₦400.00, or to a term of imprisonment not exceeding twelve months, or to both.

Certain offences in connection with Chiefs.

53. Any person who –

- (a) knowingly uses disrespectful or insulting language, or offers any insult whether by word or conduct to a Chief, or
- (b) being a person in possession of stool property, fails upon being requested so to do, and without reasonable excuse (proof of which shall be on him) to surrender the said property, the person who for the time being is entitled to possession thereof, according to customary law,

shall be guilty of an offence and shall, upon summary conviction, be liable to a fine not exceeding ₦5.00 for each day, on which the offence continues.

PART IX – MISCELLANEOUS

Staff

Staff of Houses of Chiefs.

54. (1) The National House of Chiefs, and each Regional House of Chiefs, shall have a Registrar to that House, as well as such other staff as the President, acting on the advice of the Public Services Commission, may determine.

(2) Subject to articles 120 and 122 of the Constitution, the members of the staff of the National House of Chiefs, and of each Regional House of Chiefs, shall hold office upon such terms and conditions as the President, after consultation with the Public Services Commission, may determine.

(3) All appointments to, and changes in the appointments to the office of Registrar, to the National House of Chiefs, and each Regional House of Chiefs, shall be published in the Local Government Bulletin and same shall, if the National House of Chiefs so directs, apply in respect of the offices of all, or any of the other members of staff of the National House of Chiefs, and each Regional House of Chiefs.

Functions of Registrar to a House of Chiefs.

55. (1) The Registrar of the National House of Chiefs, and of each Regional House of Chiefs, shall be the chief administrative officer of the House of Chiefs concerned, and shall have control over the other members of staff, of that House.

(2) The Registrar shall perform such duties in relation to the functions of the House of Chiefs concerned, and shall have control over the other members of staff, of that House.

(3) The Registrar shall, without prejudice to the generality of the foregoing provisions of this section, cause to be kept, minutes of the proceedings of the said House of Chiefs, and shall have custody of all records, and other documents of that House.

Traditional Councils.

56. A Traditional Council, shall have such staff as the President on the advice of the Public Services Commission, may determine.

Funds of Houses of Chiefs and Traditional Councils.

57. Subject to the provisions of this Part, the National House of Chiefs, a Regional House of Chiefs and a Traditional Council, shall each have such funds for the discharge of its functions as Parliament may, from time to time, provide.

Estimates of Houses of Chiefs.

58. (1) The National House of Chiefs, and each Regional House of Chiefs, shall in each year, and by such date as the Minister may direct, submit to the Minister for the approval of the Government, estimates of revenue and expenditure in respect of the succeeding year.

(2) The estimates, when approved by the Government, shall be submitted to the National Assembly.

(3) All expenses incurred by the National House of Chiefs, or a Regional House of chiefs, in respect of the exercise of its judicial functions, are hereby charged on the Consolidated Fund.

Accounts and audit.

59. (1) The National House of Chiefs, a Regional House of Chiefs, and a Traditional Council, shall keep proper books of accounts, and proper records in relation thereto, and the said accounts shall be kept in such form, as the Auditor-General may approve.

(2) The said accounts, shall be audited by the Auditor-General, and accordingly, the provisions to article 135 of the Constitution, shall apply in relation thereto.

Power of Minister to give financial instructions.

60. (1) The Minister, may after consultation with the Minister responsible for Finance and the Auditor-General, issue in writing, instructions, not inconsistent with this Act, for the better control and management of the financial affairs of the National House of Chiefs, or the Regional Houses, or Traditional Councils.

(2) The instructions may be of a general, or special nature, and each such House, or Council, shall be bound to comply with such instructions.

Actions by or against Houses of Chiefs and Traditional Councils, etc.

61. The President of the National House of Chiefs, or a Regional House of Chiefs, or of a Traditional Council, may represent that House or Council in any action brought by, or against that House, or Council, but actions may otherwise be brought by, or against that House, or Council, as if it were a person.

General

Regulations.

62. The Minister, may by legislative instrument, make such regulations as may appear to him to be necessary, or expedient for giving full effect to the provisions of this Act, including,

without prejudice to the generality of the foregoing, the making of regulations prescribing fees in respect of anything done under this act, or under regulations made thereunder.

Saving of rights of allegiance and rights over land, etc.

63. Nothing in this Act, shall be deemed to prejudice any right of allegiance, to which a chief in one Region is entitled from a chief in another Region or any right of a stool in one Region to any property, movable or immovable, situate or existing in another Region.

Stool Lands Accounts for each Region.

64. Subject to clause (2) of article 164 of the Constitution, (which provides for the establishment of a Stool Lands Accounts for each stool), there shall be established for each Region, Stool Lands Account representing the total of the Stool Lands Accounts of all the stools within the Region.

Annual statement of accounts to be submitted to stools.

65. The person, or authority for the time being charged with responsibility for keeping Stool Lands Accounts shall, once in each year, submit to each stool whose account is kept by him, a statement of revenue and expenditure in respect of that account, in such form as the Minister may determine.

Interpretation.

66. In this Act –

“Asantehene” means the occupant of the Golden Stool of Ashanti;

“cause or matter affecting chieftaincy” means any cause, matter, question or dispute relating to any of the following –

- (a) the nomination, election, appointment or installation of any person as a Chief, or the claim of any person to be nominated, elected, appointed or installed as a Chief;
- (b) the destoolment, or abdication of any Chief;
- (c) the right of any person to take part in the nomination, election, appointment, or installation of any person as a Chief, or in the destoolment of any Chief;

- (d) the recovery, or delivery of stool property in connection with any such nomination, election, appointment, installation, destoolment, or abdication;
- (e) the constitutional relations under customary law, between Chiefs,

“Divisional Chief” means a Chief whose name for the time being, appears as a Divisional Chief on the National Register of Chiefs;

“judicial committee” means a committee appointed under section 22, 23 or 28 of this Act;

“Minister” means the Minister responsible for Chieftaincy matters;

“Paramount Chief” means a person who has been nominated, elected or appointed and installed as such, in accordance with customary law and usage;

“Stool” includes a Skin.

Repeals and Savings and transitional provisions.

67. (1) The enactments specified in the Schedule to this Act, are hereby repealed.
- (2) Any action pending immediately before the coming into force of the Constitution before a chieftaincy committee appointed under the Chieftaincy Act, 1961 (Act 81) shall be deemed to be pending before the House of Chiefs within whose Region the subject matter of the proceedings arose, and shall be proceeded with, and determined by that House, in accordance with this Act.
 - (3) Any matter pending before a Traditional Council immediately before the commencement of this Act, shall after the commencement of this Act, be deemed to be pending before that Council, and shall be proceeded with, and determined by that Council, in accordance with this Act.
 - (4) Any judgment, or order given, or made by a Traditional Council before the commencement of this Act, may be enforced in the same manner as a judgment, or order given, or made by a Traditional Council after the commencement of this Act, may be enforced.

L.I 746.

**6.3 CHIEFTAINCY (NATIONAL HOUSE OF CHIEFS)
ELECTION RULES, 1972.**

Election of members of the National House of Chiefs.

1. (1) The members of the House, shall be elected from each Region, by the House of Chiefs of that Region.

(2) The Commissioner shall, by notice published in the *Local Government Bulletin*, summon a meeting of each Regional House of Chiefs, for the election of members to the House, at such time and place as the Commissioner may specify, in the notice.

Registrar to notify Electoral Commissioner of vacancies in the National House of Chiefs.

2. (1) Where a vacancy has occurred in the office of the President, the Vice-President or a member of the House, the Registrar of the House, shall notify the Commissioner in writing, of the occurrence of the vacancy, within fourteen days of such occurrence.

(2) The Commissioner, shall by notice published in the *Local Government Bulletin*, summon a meeting of the House, or the respective Regional House of Chiefs, as the case may be, within twenty-one days after being notified of the vacancy, for the election of a President, Vice-President or a member of the House.

Notice.

3. The Commissioner shall specify in the notice referred to in Rules 1 (2) and 2 (2) of these Rules –

(a) the day, and place for the nomination of candidates; and

(b) the day, place, and hour, at which the poll shall be taken.

Nominations.

4. (1) A nomination in respect of the election of a President, Vice-President, or a member of the House, shall be in Form X in the Schedule to these Rules, and subscribed by signature, or mark of two members of the House, or the Regional House of Chiefs, as the case may be, as proposer and seconder.

(2) Such nomination, shall be assented to by a member of the House, or the Regional House of Chiefs, as the case may be, other than the proposer, or seconder, and endorsed with the consent of the nominee.

(3) The nomination form, when completed, shall be delivered to the Commissioner, or a public officer authorised by him, at the prescribed time and place.

(4) In the election of members to the House, a member of the Regional House of Chiefs, may subscribe to the nomination, of not more than five candidates.

(5) In the election of a President, or Vice-President of the House, no member shall nominate more than one candidate.

(6) For the purposes of these Rules, no member of the House, or the Regional House of Chiefs, shall nominate himself as candidate, for election.

Withdrawal of candidature.

5. (1) A candidate, may within four days before the day appointed for the election, withdraw his nomination by notice signed by him, and delivered to the Commissioner, or a public officer authorised by him.

(2) Where a candidate withdraws his nomination, the Commissioner shall notify the fact of that candidate's withdrawal, to the members of the House, or the Regional House of Chiefs, as the case may be, who nominated him.

(3) The members of the House, or the Regional House of Chiefs, as the case may be, shall be entitled within twenty-four hours before the day appointed for the election, to nominate another candidate.

Close of nomination.

6. At the close of nominations, the Commissioner shall publish a notice in the Local Government Bulletin, specifying the day and hour at which the poll shall be taken, and the names, addresses and chiefly titles, of the candidates nominated.

Unopposed candidate.

7. Where in the election of a President or Vice-President of the House only one candidate stands nominated at the expiration of the time appointed for nominations, that candidate shall be deemed to have been duly elected.

Contested election.

8. (1) Where two or more candidates stand nominated at the close of nominations, the Commissioner, or the presiding officer, shall, before the poll is taken to elect a President, Vice-President or a member of the House, call a roll of the members of the House, or the Regional House of Chiefs, as the case may be, to ensure that more than one-half of the total number of the members, is present.

(2) If less than one-half of the total number of the members of the House or the Regional House, of Chiefs, as the case may be, is present, or if before the poll is taken, one of the candidates dies, the Commissioner shall countermand the election, and the proceedings in connection with the election, shall be started afresh.

(3) Where at the close of the election no candidate secures a majority of the votes recorded, a fresh poll shall be taken so however that, if after five consecutive ballots no candidate is elected, the Commissioner shall adjourn the election for not more than seven days, and after which period fresh election, shall be held.

Declaration of secrecy.

9. Before a poll is taken, a declaration of secrecy in Form Z in the Schedule of these Rules, shall be made by –

- (a) the presiding officer, and his assistants;
- (b) all the members of the House, or the Regional House of Chiefs;
- (c) any person permitted by the presiding officer, to attend at the election.

Ballot papers.

10. (1) Each ballot paper, shall bear the symbol allocated to each candidate, except that a ballot paper for use in the election of a President or Vice-President of the House, shall bear only the names of the candidates contesting the election, with a column provided for marking therein a cross (X) against the name of the candidate, in whose favour a vote is recorded.

- (2) A ballot paper shall –
- (a) be capable of being folded up;
 - (b) have a serial number;
 - (c) have attached to it a counterfoil, bearing the same serial number.

Voting.

11. (1) In the election of a member of the House, if at the close of nominations two or more candidates stand nominated, the Commissioner shall allocate to each candidate a symbol chosen by that candidate from the group of symbols, not being symbols associated with any stool or skin, approved by the Commissioner for that election.

(2) The Commissioner shall, as soon as practicable after the allocation of the symbols to the candidates, notify the other members of the Regional House of Chiefs of the symbol allocated to each candidate.

(3) The presiding officer, or an officer authorised by him, shall, –

- (a) in the case of the election of a President, or Vice-President of the House, deliver one ballot paper to each member of the House, by which to record his vote;
- (b) in the case of the election of a members by the Regional House of Chiefs to the House, deliver to each member of the Regional House as many ballot papers as there are candidates contesting the election.

(4) Each ballot paper shall be stamped by the presiding officer, with the official mark selected by the Commissioners.

(5) The number of each member, as it appears in the register of the House, or the Regional House, as the case may be, shall be marked on the counterfoil of the ballot paper.

(6) In the election of a President, or Vice-President, each member of the House shall, on being given the ballot paper, secretly make a cross (X) in the column provided therefore against the name of the candidate for whom he wishes to vote, and shall fold up the ballot paper, and place it in the ballot box, in the full view of the other members of the House.

(7) In the election of members to the House, each member of the Regional House of Chiefs on being given the ballot paper, shall –

- (a) proceed to a screened compartment where he shall place in the receptacle provided for that purpose, the ballot papers in respect of candidates for whom he does not wish to vote;
- (b) fold up the remaining ballot paper, so as to conceal his vote, and place it in the ballot box in full view of the other members of the Regional House.

(8) A member of the House or the Regional House of Chiefs, as the case may be, who has inadvertently spoiled his ballot paper in such a manner that it cannot conveniently be used for the election, shall on delivering it to the presiding officer, obtain a new ballot paper.

(9) The presiding officer shall then mark the spoilt ballot paper, and the counterfoil, accordingly.

Counting of votes.

12. (1) As soon as practicable after the poll, the Commissioner or the presiding officer, shall proceed to count the ballot papers, and shall record the total number of votes recorded in favour of each candidate.

(2) The Commissioner, or the presiding officer, shall then complete and sign Form Y in the Schedule to these Rules.

(3) Any ballot paper –

- (a) which does not bear the official mark; or
- (b) on which anything is written, or marked, by which a member is identified;

shall be rejected as void, and not counted.

(4) The presiding officer, shall endorse the word “Rejected” on a ballot paper which has been rejected as void.

(5) The presiding officer, shall before any ballot paper is rejected by him, request the candidate in whose favour the vote was recorded, to express any objection he may have to the rejection of the ballot paper.

(6) Where a candidate objects to the rejection of a ballot paper, the presiding officer shall record the fact of his objection on the ballot paper.

Publication of results of election.

13. The Commissioner shall, as soon as practicable after the announcement of the results of the election, cause to be published in the *Local Government Bulletin*, a notice stating the name of the candidate elected, and the total number of votes recorded in favour of each candidate.

Disposal of documents.

14. (1) The presiding officer shall, as soon as practicable after the announcement of the results of the poll, in the presence of the members of the House, or the Regional House of Chiefs, as the case may be, cause to be made into separate packets sealed with his own seal, the counted, unused, spoilt and rejected ballot papers, the counterfoils of the ballot papers and the ballot papers account, and shall submit these documents to the Commissioner for disposal.

(2) The Commissioner, shall keep for a period of not less than six months, all documents connected with the election and shall, unless otherwise directed by a superior court of record, cause such documents to be destroyed, at the expiration of that period.

Interpretation.

15. In these Rules –

“Commissioner” means the Electoral Commissioner;

“House” means the National House of Chiefs.

6.4

L.I. 991

**CHIEFTAINCY (MEMBERSHIP OF REGIONAL HOUSES OF CHIEFS)
INSTRUMENT, 1974**

Members Ashanti Regional House of Chiefs.

1. (1) The members of the Ashanti Regional House of Chiefs shall consist of –

- (a) Asantehene
 - Omanhene of Mampong
 - Omanhene of Adansi
 - Omanhene of Agona
 - Omanhene of Asokore
 - Omanhene of Bekwai

Omanhene of Denyase
Omanhene of Ejisu
Omanhene of Essumeja
Omanhene of Juaben
Omanhene of Kokofu
Omanhene of Kumawu
Omanhene of Nsuta
Omanhene of Offinso.

(b) Adontenhene, Akwamuhene, Akyempimhene and Bantamahene all of the Kumasi Traditional area.

(2) The Asantehene shall be the President of the Ashanti Regional House of Chiefs.

Members Brong-Ahafo Regional House of Chiefs.

2. (1) The members of the Brong-Ahafo Regional House of Chiefs shall consist of –

- (a) Omanhene of Abease
- (b) Omanhene of Atebubu
- (c) Omanhene of Banda
- (d) Omanhene of Berekum
- (e) Omanhene of Dormaa
- (f) Omanhene of Drobo
- (g) Omanhene of Mo
- (h) Omanhene of Nkoranza
- (i) Omanhene of Suma
- (j) Omanhene of Techiman
- (k) Omanhene of Wenchi
- (l) Omanhene of Duayaw/Nkwanta
- (m) Yejihene
- (n) Pranghene
- (o) Dwanhene
- (p) Wiasehene
- (q) One of the following:–

Nkomihene
Basahene
Adjadihene
Akrosohene

(2) The President shall be elected from among the members specified, in sub-paragraph (1) (a) to (l), of this paragraph.

Members Central Regional House of Chiefs.

3. (1) The following chiefs, shall be members of the Central Regional House of Chiefs:-

Omanhene of Ekumfi
Omanhene of Anyan Abaasa
Omanhene of Ajumako
Omanhene of Asikuma
Omanhene of Esiam
Omanhene of Anyan-Maim
Omanhene of Mankessim
Omanhene of Abeamzi
Omanhene of Kwaman
Omanhene of Abura
Omanhene of Nkusukum
Omanhene of Anomabo
Omanhene of Denkyira
Omanhene of Awutu
Omanhene of Assin Apimanim
Omanhene of Agona Nyakrom
Omanhene of Edina
Omanhene of Effutu
Omanhene of Gomoa Ajumako
Omanhene of Assin (Gomoa)
Omanhene of Hemang
Omanhene of Oguaa
Omanhene of Assin Attandansu
Omanhene of Twifu
Omanhene of Komenda
Omanhene of Eguafo
Omanhene of Agona Nsaba
Omanhene of Anyan Denkyira
Omanhene of Abirem
Omanhene of Asebu.

(2) The President of the House, shall be elected from among the members.

Members Eastern Regional House of Chiefs.

4. (1) The membership of the Eastern Regional House of Chiefs, shall be as follows:-

- (a) Omanhene of Akim Abuakwa
- (b) Omanhene of Akim Busume
- (c) Omanhene of Akim Kotoku
- (d) Omanhene of Akwamu
- (e) Omanhene of Akwapim
- (f) Omanhene of Kwahu
- (g) Omanhene of New Juaben
- (h) Konor of Manya Krobo
- (i) Konor of Yilo Krobo
- (j) Ga Mantse
- (k) Ningo Mantse
- (l) Osudoku Mantse
- (m) Prampram Mantse
- (n) Shai Mantse
- (o) Ada Mantse
- (p) Kpone Mantse
- (q) Bosohene
- (r) Anumhene

(2) The President of the House, shall be elected from among the members specified in sub-paragraph (1) (a) to (o) of this paragraph.

Members Northern Regional House of Chiefs.

5. (1) The membership of the Northern Regional House of Chiefs, shall be as follows:-

(a) The following Paramount Chiefs:-

Nayiri of Mamprusi
Ya-Na of Dagomba
Yagbonwura of Gonja
Bimbila-Na of Nanumba

(b) three of the following Divisional Chiefs in the Mamprusi Traditional Area:-

Bunkpurugunaba	Wunaba
Soonaba	Yunyoorana.

Wulugunaba

(c) seven of the following Divisional Chiefs in the Dagomba Traditional Area:-

Gushie-Na	Yona of Savelugu
Gulkpe-Na	Korli-Na
Yelzori-Lana	Kumbungu-Na
Tolon-Na	Demon-Na
Sunson-Na	Nanton-Na
Karaga-Na	Chereponi Fame.
Mion-Lana	

(d) three of the following Divisional Chiefs in the Gonja Traditional Area:-

Buipewura	Bolewura
Wasipewura	Tulewewura
Kpembewura	Kusawguwura.

(e) two of the following Divisional Chiefs in the Nanumba Traditional Area:-

Dakpem-Na	Nakpa-Na
Jup-Na	

(f) one of the following village Chiefs in the Mo Traditional Area:-

Babatokoro	Bamboikoro
Carpenterkoro	Chiebriniokoro
Jamakoro	Jugboikoro.
Tasilimakoro	

(2) The President of the Northern Regional House of Chiefs, shall be elected from among the members specified in sub-paragraph (1) (a) of this paragraph.

Members Upper Regional House of Chiefs.

6. (1) The members of the Upper Regional House of Chiefs shall consist of -

(a) Wa-Na	Sandema-Nab
-----------	-------------

(b) the following Divisional Chiefs in the Lawra Confederacy Area:-

Jirapa-Na	Nandom-Na
Lawra-Na.	Lambussiekoro.

(c) the following Divisional Chiefs in the Frafra Area:-

Bolganaba	Sekotinaba
Bonaba	Tongorana.
Nangodinaba	

(d) The Bawku-Naba (Divisional Chief) and seven of the following eighteen canton Chiefs in the Kusasi Area:-

Binaba	Sinebaganaba
Bindurinaba	Tanganaba
Bugurinaba	Tempanenaba
Gagbirinaba	Teshienaba
Kugrinaba	Tillinaba
Kulungugunaba	Widinaba
Kusanaba	Worikambonaba
Pusiganaba	Zobillonaba
Sapelliganaba	Zongoirinaba.

(e) five of the following Divisional Chiefs in the Kassena-Nankana Confederacy Area:-

Navropio	Kotiiupio
Pagapio	Nankonnapiio
Chianapio	Mirigunaba
Kologunaba	Sirigunaba
Kayoropio	Naganaba.

(f) three of the following Divisional Chiefs in the Issala Confederacy Area:-

Wellembellikoro	Zinikoro
Gwollukoro	Pulimakoro
Tumukoro	

(g) six of the following Divisional Chiefs in the Wala Traditional Area:-

Nadawli-Na	Dorimon-Na
Busa-Na	Wonchiau-Na
Perisi-Na	Kojoperi-Na

Sing-Na
Issa-Na
Kaleo-Na
Guli-Na

Funsi-Koro
Busie-Na
Daffiama-Na

(h) three of the following Divisional Chiefs in the Builsa Traditional Area:-

Bachaunisinab
Doninganab
Fumbisinab
Gbedemnab
Kademnab
Kanjarganab

Seniessinab
Chuchulliganab
Wiaganab
Wiassinab
Bassinab
Gbemblissanab

(2) The President of the House, shall be elected from among the members specified in sub-paragraph (1) (a) of this paragraph, and the Presidents of the Confederacies.

Members: Volta Regional House of Chiefs.

7. (1) The members of the Volta Regional House of Chiefs, shall consist of:-

(a) Omanhene of Buem
Fiaga of Akpini
Fiaga of Anfoega
Osie of Vane-Avatime
Fiaga of Ho
Awoamefia of Anlo
Deiga of Peki
Krachiwura
Likpehene
Santrokofihene
Taphene
Nkonyahene
Giaga of Gbi
Fiaga of Ve.

(b) One of the following Ahemfo:-

Adele

Ntrubu

Atwode
Pai

Nchumuru
Akroso.

(c) One of the following Ahemfo:-

Kadjebi
Ahamanso
Pampawie
Ampeyo

Asato
Dodo
Papase

(d) One of the following Ahemfo:-

Worawora
Bowiri
Lolobi

Apesokubi
Akpafu

(e) One of the following Fiawo:-

Alavanyo
Gbefi
Leklebi
Liatl

Wli

Sovie
Tsome (North)
Fodome.

(f) One of the following Fiawo:-

Logba
Agate
Have

Tafi
Nyagbo
Woadze.

(g) One of the following Fiawo:-

Aveme
Wusuta
Botoku
Tsrukpe

Vakpo

Avate
Kpeve
Tsohor.

(h) One of the following Fiawo:-

Akome
Hoe
Dodome

Kpedze
Honuta
Klave

Ashanti-Kpoeta Dzolo.
Saviefe

(i) One of the following Fiawo:-

Hlefi	Kpale
Tsome (South)	Akrofu
Anfoeta	Akoviefe
Goviefe	Etodome.

(j) One of the following Fiawo:-

Taviefe	Matse
Lume	Shia
Atikpui	Ave
Ziave	

(k) Fia of Awudome

(l) One of the following Fiawo:-

Adaklu	Abutia
Sokode	Klefe
Agotime	Ziofe
Dakpa	Dzalele

(m) One of the following Fiawo:-

Tokokoe	Hodzo
Akoefe	Tanyigbe
Kpenoe	Takla
Nyive	

(n) One of the following Fiawo:-

Agave	Mafi
-------	------

(o) One of the following Fiawo:-

Fiervier	Mepe
----------	------

Bakpa
Sokpoe

Tefle
Vume

(p) One of the following Fiawo:-

Battor
Volo
Fodzoku

Duffor
Torgome

(q) One of the following Fiawo:-

Some
Avenor.

Aflao

(r) One of the following Fiawo:-

Weta
Afife.

Klikor

(s) One of the following Fiawo:-

Ave Afiadenyigba
Hevi

Dzodze
Penyi.

. (2) The President shall be elected, from among the members of the House.

Members Western Regional House of Chiefs.

8. (1) The membership of the Western Regional House of Chiefs, shall be as follows:-

Omanhene of Ahanta
Omanhene of Ajomoro
Omanhene of Aowin
Omanhene of Essikadu
Omanhene of Sekondi
Omanhene of Eastern Nzema
Omanhene of Western Nzema

Omanhene of Gwira
Omanhene of Lower Axim
Omanhene of Upper Axim
Omanhene of Lower Dixcove
Omanhene of Upper Dixcove
Omanhene of Mpohor
Omanhene of Nsein
Omanhene of Sefwi Anhwiaso
Omanhene of Sefwi Bekwai
Omanhene of Sefwi Wiawso
Omanhene of Wassa Amenfi
Omanhene of Wassa Fiase
Omanhene of Shama
Omanhene of Suaman (Dadieso).

(2) The President shall be elected, from among the members.

L.I. 980

6.5 GHANA LEGION REGULATIONS, 1974

PART I – ELECTION OF REGIONAL AND DISTRICT OFFICERS

General qualifications for Regional and District elections.

1. Every candidate for election to a Regional, or District Council of the Legion shall –
 - (a) have served in the Ghana Armed Forces, for not less than three years;
 - (b) be literate;
 - (c) possess a military discharge book, (Certificate of Service D.F.A. 4305) with at least very good conduct; and
 - (d) have registered with the Ghana Legion, and have the Ghana Legion Identity Card, and badge.

Qualifications for candidates for Regional elections.

2. In addition to the requirements in regulation 1 of these Regulations, a candidate for Regional Elections to the Legion, shall –
 - (a) be a responsible person, or a person holding a responsible office;

- (b) have movable, or immovable property, the value of which shall not be less than ₵500.00; and
- (c) have a qualification, not lower than the Middle School Leaving Certificate.

Disqualification of candidates.

3. No person shall be qualified as candidate for election to a Regional Council, if he has been convicted of a criminal offence, whether in Ghana or outside Ghana, involving fraud or dishonesty, and if –

- (a) he has not been granted a free pardon, in respect of any such offence, or
- (b) a period of five years has not elapsed since his conviction, and five or the expiration of a term of imprisonment for any of the offences referred to in this regulation.

Qualifications for voters.

4. Every ex-serviceman may register as a voter, and vote at an election of officers to a Regional, or District Council of the Legion, if he is –

- (a) in possession of the Ghana Legion Identity Card, and a Discharge Certificate Book (Certificate of Service D.F.A. 4305);
- (b) registered with the Ghana Legion; and
- (c) in possession of the Ghana Legion Identity Card and badge.

(2) Any ex-serviceman, wishing to be a voter at the elections, shall upon producing his identity card, register with his Regional or District Council, at least four weeks before the date fixed for voting, and there shall be maintained for this purpose, at each such office, a register of voters.

Chairman of the Regional Council.

5. The Chairman of the Regional Council shall, in addition to the requirements of the regulations 1 and 2, be –

- (a) not below the rank of an ex-sergeant;

- (b) holding at the time of his election, a responsible office in the Public Service, or elsewhere.

Chairman of the District Council.

6. The Chairman of the District Council, shall have a qualification not lower than the Middle School Leaving Certificate, or its equivalent.

Nomination of candidates.

6. A person wishing to be a candidate in any election to a Regional, or District Council, shall be sponsored in writing by two persons, one of whom shall be qualified to be a candidate for the election in question, and the other, a person qualified to vote at the said election.

Photographs of candidates.

8. (1) Every candidate standing for election to a Regional, or District Council, shall send to his Regional, or District Office, at least four weeks before the election, two postcard-size photographs of himself.

(2) One photograph of each candidate standing for election, shall be displayed on a notice board outside, or inside the Legion Hall, or Office of the respective Region, or District.

(3) There shall be as many ballot boxes as there are candidates, and the photograph of each candidate for the election, shall be displayed on one ballot box.

Procedure for voting.

9. (1) The Ghana Legion Identity Card of every registered voter present at the premises where the voting is taking place, and willing to vote, shall be used as a ballot card for voting.

(2) Every registered voter, shall permit his Ghana Legion Identity Card, to be inspected by an officer of the Legion appointed for that purpose, before he enters the voting hall.

(3) Before the beginning of voting, each ballot box shall be opened to the public for inspection, by the Returning Officer.

(4) Each ballot box, shall then be placed in some secluded premises, or screened off place, at the time of voting.

(5) The Returning Officer, shall call the names of voters from the Register of Voters, and they shall queue up.

(6) Each voter, shall then go into the secluded premises, or screened off place where the ballot boxes are placed, and put his identity card into the ballot box of the candidate he is voting for.

(7) At the close of the voting, the Returning Officer shall count the identity cards in each ballot box in the presence of all the candidates, except those who do not wish to be present.

(8) The Returning Officer, shall announce the results of the voting to the public, and cause them to be published in the national newspapers.

Challenge procedure.

10. (1) Any candidate for an election, or any member of the Legion, may within four weeks after the publication of the results of the elections, challenge the results, procedure of the election, or the qualification of a candidate.

(2) The challenge referred to in sub-regulation (1) of this regulation, shall be in writing, and shall be sent to the Regional Council.

(3) Immediately after receiving the challenge referred to in sub-regulation (2) of this regulation, the Regional Council, shall forward it to the Commissioner responsible for Defence.

Supervision of voting.

11. Every Regional and District election, shall be supervised by –

- (a) representatives from the respective Regional and District Councils;
- (b) representatives from the Armed Forces; and
- (c) observers from the National Council, or persons nominated by the Secretary-General.

Returning Officers.

12. (1) The persons authorised to supervise the voting under regulation 11 of these Regulations, shall elect from their number, a Returning Officer, and two assistants.

(2) A Returning Officer, elected under sub-regulation (1) of this regulation, shall be responsible for the general arrangements for the elections.

Confirmation of elected candidates.

13. (1) Immediately after each election, and the publication of the results thereof, the Returning Officer shall send the list of elected candidates, to the Commissioner responsible for Defence, for his confirmation.

(2) The Commissioner may confirm the election of each candidate, four weeks after his election, if no objection has been raised from the Region, or District where the elections were held.

PART II – OPERATION OF GHANA LEGION RAFFLE

Organisation of raffles.

14. The National Council may organize raffles, or cause raffles to be organized, as often as it deems fit.

Authority to organize raffle.

15. (1) The Secretary-General of the Legion may, on behalf of the National Council, authorize in writing, any organisation or any member of the Legion, to organize, or to run a raffle, on behalf of the Legion in any part of Ghana, so however that the Secretary-General may in his own discretion, withdraw the authority upon the grounds of dishonest practices, or otherwise, and shall in any case withdraw such authority, if the Commissioner so directs.

(2) A monthly fee, prescribed by the National Council, shall be paid by the organization, or person authorised under this regulation, to organize, or to run a raffle on behalf of the Legion, to the Legion.

Place of operation of raffles.

16. Raffles may be organized, or run in any convenient public place.

Manner of operation of raffles.

17. (1) The organizer of any raffle, may at his discretion, organize any game of chance, in which any number of players or stakers may take part.

(2) The organizer may impose any limitations as he thinks fit, as regards staking.

(3) It shall be the duty of the organizer, to explain the rules of the game to players, or stakers, before the commencement of the game.

(4) Where a staker, or player wins a game, he shall be given a prize in the form of cash, provisions, or other articles.

Eligibility for assistance from the Legion.

18. (1) No ex-serviceman shall be eligible for assistance from the Legion, unless he is –

(a) blind, aged or destitute; or

(b) substantially disabled, or infirm, and has a medical certificate issued by a Government medical officer, as to the nature, degree and percentage of his disability.

(2) The grant of assistance in any form, shall be in the discretion of the Legion.

Commencement.

19. These Regulations, shall come into force at the same time as the Ghana Legion Decree, 1974, (N.R.C.D. 285).

APPENDIX 1

**STATUTORY DECLARATION OF A PERSON
NOMINATED AS A CANDIDATE FOR ELECTION AS
PRESIDENT/VICE PRESIDENT OF GHANA**

I, do solemnly and sincerely declare
that -

1. I am a citizen of Ghana by birth.
2. I have attained the age of forty years.
3. I am registered as a voter with registration number
4. I do not owe allegiance to any country other than Ghana.
5. (i) I am resident in
Constituency for which I can stand as a candidate for election to
Parliament; or
(ii) I have resided in constituency for a total
period of not less than five years out of the ten years immediately
preceding the elections for which I am standing; or
(iii) I hail from constituency, (*delete where
inapplicable*).
6. (i) I have paid all my taxes; or
(ii) I have made arrangements satisfactory to the appropriate authority for
the payment of my taxes, (*delete where inapplicable*).
7. I have not been adjudged or otherwise declared -
(i) bankrupt under any law in force in Ghana from which I have not been
discharged; or
(ii) to be of unsound mind or detained as a criminal lunatic under any law in
force in Ghana.
8. I have not been convicted -
(i) for treason or for an offence involving the security of the State, fraud,
dishonesty or moral-turpitude; or
(ii) for any other offence punishable by death or a sentence of ten years or
more; or
(iii) for an offence relating to or connected with election under a law in force
in Ghana at any time.

9. I have not been found by the report of a commission or a committee of inquiry to be incompetent to hold public office. I am not a person in respect of whom a commission or a committee of inquiry has found that while being a public officer I acquired assets unlawfully or defruuded the state or misused or abused my office or willfully acted in a manner prejudicial to the interest of the state and the findings have not been set aside on appeal or judicial review.
10. I have declare my assets in accordance with the provisions of the Public and Political Party Office Holders (Declaration of Assets and Elibility) Law, 1992 (P.N.D.C.L.280).
11. I am not under sentence of death, or other sentence of imprisonment imposed on me by any court.
12. I am not disqualified to be registered as a voter under the provisions of any law relating to public elections.
13. I am not disqualified for election by any law in force in Ghana by reason of my holding or acting in any office the functions of which involve a responsibility for or in connection with the conduct of an election or any responsibility for the compilation or revision of any electoral register.
14. I am not a member of the Police Service, the Prisons Service, the Armed Forces, the Audit Service, the Fire Service, the Legal Service, the Parliamentary Service, the Statistical Service, the Customs, Excise and Preventive Service, the Immigration Service or the Internal Revenue Service.
15. I am not a chief.
16. I am not otherwise disqualified from standing for the election by any law in force in Ghana.

I make this solemn declaration knowing and believing the same to be true.

Subscribed and solemnly declared by me

.....

.....

.....

Candidate

Before

.....

.....19.....

Made this 24th day of July, 1992.

FLT. LT. JERRY JOHN RAWLINGS
Chairman of the Provisional National Defence

Council

Date of Gazette notification: 7th August, 1992.