EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

The Gas (Meter) Regulations, 1949, as amended, prescribed (inter alia) the fees to be paid to the Minister of Fuel and Power for the examination of meters.

These regulations substitute increased fees for the fees previously prescribed, except for prototype meters in respect of which the fees are unchanged.

GHANA

1957 No. 277

The Ghana (Constitution) Order in Council, 1957

Made - - - -	*22nd February*, 1957
Laid before Parliament	*22nd February*, 1957
Coming into Operation	
Sections 77, 90, 91 *and Second Schedule* -	*23rd February*, 1957
Remainder - -	*The appointed day for the purposes of the Ghana Independence Act*, 1957*

At the Court at Buckingham Palace, the 22nd day of February, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas, by the Ghana Independence Act, 1957(a), provision is made for and in connection with the attainment by the Gold Coast of fully responsible status within the British Commonwealth of Nations under the name of Ghana with effect from a day (hereinafter referred to as "the appointed day") which, by virtue of section 5 of the said Act is the sixth day of March, nineteen hundred and fifty-seven, unless before that date Her Majesty has, by Order in Council, appointed some other day to be the appointed day for the purposes of that Act:

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred upon Her by the British Settlements Acts, 1887 and 1945(b), the Foreign Jurisdiction Act, 1890(c), the Ghana Independence Act, 1957, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Preliminary

1.—(1) In this Order, unless the context otherwise requires:—

"Act" and "Act of Parliament" mean an Act of the Parliament of Ghana;

* 6.3.57

(a) 5 & 6 Eliz. 2. c. 6.

(b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(c) 53 & 54 Vict. c. 37.

"Ashanti" means the territories defined as such by the Ashanti (Boundaries) Order in Council, 1950;

"the Assembly" means the National Assembly constituted under this Order;

"the Cabinet" means the Cabinet of Ministers constituted under this Order;

"citizen of Ghana" means any person who, by the law of Ghana, has the status of a citizen of Ghana and, pending the enactment of such a law, means a British subject or a British protected person;

"Consolidated Fund" means the Consolidated Fund of Ghana established under section 58 of this Order;

"election" means the election of Members of Parliament and "elector" means an elector for any such election;

"the existing Orders" means the Gold Coast (Constitution) Orders in Council, 1954 to 1956(a);

"the *Gazette*" means the official *Gazette* of Ghana;

"Ghana" has the same meaning as in the Ghana Independence Act, 1957;

"the Ghana Independence Act, 1957" means the Act bearing that short title enacted by the Parliament of the United Kingdom;

"the Governor-General" means the Governor-General and Commander-in-Chief of Ghana and includes the Acting Governor-General;

"Governor" means the person holding the office of Governor and Commander in Chief of the Gold Coast within the meaning of the existing Orders;

"judicial officer" means the holder of any judicial office of emolument in the public service and includes the holder of the office of Chief Registrar but does not include a Judge of the Supreme Court or an officer who exercises all or any of the functions of a judicial office by virtue of an appointment to some other office in the public service;

"meeting" means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of a session;

"Member" means a Member of Parliament;

"the Northern Territories" means the territories defined as the Northern Territories of the Gold Coast by the Northern Territories of the Gold Coast Orders in Council, 1950 and 1954(b);

"Northern Togoland" means the territories defined as the Northern Section of Togoland under United Kingdom Trusteeship by the Togoland under United Kingdom Trusteeship Orders in Council, 1949 to 1954(c);

"Parliament" means the Parliament constituted under this Order;

"the Prime Minister" means the person appointed as such under this Order;

"public office" means any office of emolument in the public service;

(a) S.I. 1954/551, 1955/1218, 1219, 1956/997 (1954 II, p. 2788; 1955 II, p. 3150, 3156).
(b) S.I. 1950/2095, 1954/553 (1950 II, p. 96; 1954 II, p. 2825).
(c) S.I. 1949/1997, 1950/2096, 1954/552 (1949 I, p. 1892; 1950 II, p. 1036; 1954 II p. 2827).

" public officer " means the holder of any public office and includes any person appointed to act in any such office;

" Public Seal " means the Public Seal of Ghana;

" the public service " means the service of the Crown in right of the Government of Ghana;

" Region " means a Region constituted by section 63 of this Order;

" session " means the sittings of the Assembly commencing when the Assembly first meets on or after the appointed day or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or is dissolved without having been prorogued;

" sitting " means a period during which the Assembly is sitting continuously without adjournment, and includes any period during which the Assembly is in Committee;

" Southern Ghana " means the territories which immediately before the appointed day were included in the Gold Coast Colony;

" the Speaker " and " the Deputy Speaker " mean respectively the Speaker and the Deputy Speaker of the Assembly;

" Togoland " means that part of Togoland which immediately before the appointed day was under United Kingdom Trusteeship;

" the United Kingdom " means the United Kingdom of Great Britain and Northern Ireland.

(2) Where in this Order reference is made to any officer by the term designating his office, such reference shall unless the context otherwise requires be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) Where, by or under this Order, a power is conferred to make any appointment, the person or authority having power to make the appointment shall have power, exercisable in the like manner—

(*a*) to suspend the appointment of any person appointed;

(*b*) in the case of a power to make an appointment to a public office, to direct that a person other than the person appointed shall, during any period that the person appointed is unable to perform the functions of his office owing to absence or inability to act from illness or any other cause, perform the functions of that office;

(*c*) in the case of a power to make an appointment to a public office, to appoint another person substantively to such an office, notwithstanding that there is already a substantive holder thereof, when that substantive holder is on leave of absence pending relinquishment of his office;

(*d*) in the case of a power to make an appointment to a public office, to direct that a person shall perform the functions of that office when no person has been appointed thereto, either until a contrary direction shall be given by the person or authority having power to make the appointment or until a person shall have been appointed substantively thereto, whichever shall be the earlier.

(4) For the purposes of this Order, a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service in any such office, and if it

shall be declared by any law in force in Ghana that an office shall not be a public office for all or any of the purposes of this Order, this Order shall have effect accordingly.

(5) Where, under the provisions of this Order, any matter is required to be, or may be, prescribed or determined by Act of Parliament, it shall suffice for the third reading of any such Act of Parliament to be passed by a majority of the Members present and voting, unless such Act relates to a matter in regard to which legislation is, by the provisions of this Order, required to be made in some other manner or by some other procedure.

(6) Save as in this Order otherwise provided, or required by the context, the Interpretation Ordinance(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Ordinance.

Citation and commencement

2.—(1) This Order may be cited as the Ghana (Constitution) Order in Council, 1957.

(2) Save where otherwise provided, this Order shall come into operation on the appointed day.

Revocation and amendment

3.—(1) The Gold Coast (Constitution) Order in Council, 1954(b) as amended by the Gold Coast (Constitution) (Amendment) Order in Council, 1955(c), the Gold Coast (Constitution) (Amendment No. 2) Order in Council, 1955(d) and the Gold Coast (Constitution) (Amendment) Order in Council, 1956(e) is revoked to the extent set out in the second column of Part I of the First Schedule to this Order, but without prejudice to anything lawfully done thereunder.

(2) The amendments set out in Part II to the First Schedule to this Order shall be effected to the Fourth Schedule of the said Gold Coast (Constitution) Order in Council, 1954.

(3) The Northern Territories of the Gold Coast Orders in Council, 1950 and 1954(f) and the Togoland under United Kingdom Trusteeship Orders in Council, 1949 to 1954(g) shall cease to have effect but without prejudice to any thing lawfully done thereunder.

(4) The continued operation of any law in force in Ghana or any part thereof immediately before the appointed day shall not be affected by reason only of the provisions of this section.

(5) The jurisdiction of any court, having jurisdiction before the appointed day in any part of Ghana, shall not be affected by reason only of the provisions of this section.

(a) Laws of the Gold Coast, Rev. 1951, Chapter 1.
(b) S.I. 1954/551 (1954 II, p. 2788).
(c) S.I. 1955/1218 (1955 II, p. 3150).
(d) S.I. 1955/1219 (1955 II, p. 3156).
(e) S.I. 1956/997.
(f) S.I. 1950/2095, 1954/553 (1950 II, p. 96; 1954 II, p. 2825).
(g) S.I. 1949/1997, 1950/2096, 1954/552 (1949 I, p. 1892; 1950 II, p. 1036; 1954 II, p. 2827).

PART II

The Governor-General

Appointment of Governor-General

4.—(1) The Governor-General shall be appointed by Her Majesty and shall have and may exercise in Ghana during Her Majesty's pleasure such powers, authorities and functions as Her Majesty may be pleased to assign to him or as may be vested in him under the provisions of this Order or by any other law for the time being in force.

(2) All powers, authorities and functions vested in Her Majesty the Queen or the Governor-General shall, except in so far as provision is made in this Order or in any other law for the time being in force for such powers, authorities and functions to be exercised on the advice of some person or authority, be exercised as far as may be in accordance with the constitutional conventions applicable to the exercise of similar powers, authorities and functions in the United Kingdom by Her Majesty:

Provided that no act or omission on the part of Her Majesty or the Governor-General shall be called in question in any court of law or otherwise on the ground that the foregoing provisions of this subsection have not been complied with.

(3) Where the Governor-General is, by this Order or by any other law for the time being in force in Ghana, directed to exercise any power, authority or function on the advice of any person or authority other than the Cabinet, he shall exercise such power, authority or function in accordance with such advice.

Salaries of Governor-General, Acting Governor-General and Governor-General's staff

5.—(1) The Governor-General shall receive such salary as may from time to time be provided by the Assembly.

(2) During any period in which the office of Governor-General is vacant or the Governor-General is absent from Ghana or is from any cause prevented from, or incapable of, acting in the duties of his office, the Acting Governor-General shall receive a salary calculated at the rate of three-quarters of the salary of the Governor-General and shall not be entitled to receive during that period any salary in respect of any other office.

(3) The salary of the Governor-General or of the Acting Governor-General shall be charged on the Consolidated Fund and shall not be diminished during his continuance in office.

(4) In the assessment of any income tax which may be payable under any law, no account shall be taken of the salaries provided by this section for the Governor-General and for the Acting Governor-General or of the annual value of any official residence occupied by either of them as such.

(5) The salaries of all members of the Governor-General's office and of his personal staff shall be determined by Parliament and shall be charged on the Consolidated Fund.

PART III

The Executive

Executive Power

6. The executive power of Ghana is vested in the Queen and may be exercised by the Queen or by the Governor-General as Her representative.

The Cabinet

7.—(1) There shall be a Cabinet of Ministers of not less than eight persons, being Members of Parliament, who shall be charged with the general direction and control of the Government of Ghana and who shall be collectively responsible to Parliament.

(2) The Ministers (one of whom shall be styled " the Prime Minister ") shall be appointed by the Governor-General by Instrument under the Public Seal.

(3) Any Minister (other than the Prime Minister) may be removed from office by the Governor-General acting on the advice of the Prime Minister, by Instrument under the Public Seal.

(4) If at any time the Assembly shall pass a motion in express words of no confidence in the Government, the Governor-General shall, unless he is advised by the Prime Minister within three days of the passing of such motion to dissolve the Assembly, terminate the appointment of the Prime Minister.

Vacation of Office

8.—(1) Whenever the office of Prime Minister has become vacant and a person has been appointed to be Prime Minister in accordance with the provisions of section 7 of this Order, the offices of all the other Ministers shall become vacant.

(2) The office of a Minister shall in any case become vacant—

(*a*) if he shall cease to be a Member of Parliament, or

(*b*) if he shall be absent from Ghana without written permission given by the Governor-General acting on the advice of the Prime Minister:

Provided that, if a Minister shall cease to be a Member of Parliament by reason of a dissolution of the Assembly, he shall not on that account vacate his ministerial office until such time as the Governor-General shall have appointed a Prime Minister in accordance with the provisions of section 7 of this Order.

(3) A Minister may by writing under his hand, addressed to the Governor-General resign his ministerial office, and upon the receipt of such resignation by the Governor-General, the office of such Minister shall become vacant.

(4) Whenever, by reason of illness or absence from Ghana with the written permission of the Governor-General, the Prime Minister is temporarily prevented from discharging his functions in Ghana, the Governor-General may, by Instrument under the Public Seal, appoint another Minister to discharge such functions of the Prime Minister until such time as the Prime Minister is capable of again discharging those functions or has vacated his office.

(5) The Governor-General may, by Instrument under the Public Seal, declare a Minister to be by reason of illness temporarily incapable of discharging his functions as a Minister; and thereupon such Minister shall not discharge any of the functions of his office or sit or vote in the Cabinet until he is declared in manner aforesaid again to be capable of discharging his said functions.

Official Oath

9. Every Minister shall, before entering on the duties of his office, take and subscribe before the Governor-General the official oath or make before the Governor-General the appropriate affirmation in lieu thereof in accordance with the provisions of the Oaths Ordinance(a) or any law repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

Precedence of Ministers

10. Ministers shall take precedence amongst themselves as Her Majesty the Queen may specially assign and, if precedence be not so assigned, as follows:—

First, the Prime Minister.

Secondly, the other Ministers according to the length of time for which they have been continuously Ministers, Ministers who have been continuously in such office for the same length of time taking precedence according to age. Any interval between the vacation by a Minister of his office in consequence of a dissolution of the Assembly and the date of his appointment as a Minister upon the first formation of the Cabinet following such dissolution shall not be taken into account in determining the length of time for which a person shall have been continuously a Minister.

Summoning of Cabinet

11. The Cabinet shall be summoned by the Prime Minister or, in the absence of the Prime Minister, by such Minister as the Prime Minister shall appoint.

Presiding in the Cabinet

12. The Prime Minister shall, so far as is practicable, attend and preside at all meetings of the Cabinet and in the absence of the Prime Minister such Minister as the Prime Minister shall appoint shall preside.

Transaction of business in the Cabinet, quorum and voting

13.—(1) Subject to the provisions of subsection (2) of this section the Cabinet shall not be disqualified for the transaction of business by reason of any vacancy among the Ministers; and any proceedings of the Cabinet shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Cabinet or otherwise took part in the proceedings.

(2) No business except that of adjournment shall be transacted in the Cabinet if objection is taken by any Minister present that there are less than four Ministers present besides the Minister presiding.

(3) Where any matter is dependent upon the decision of the Cabinet, any decision shall be regarded as the decision of the Cabinet if a majority of votes of the Ministers present and voting is cast in its

(a) Laws of the Gold Coast, Rev. 1951, Chapter 258.

favour. Each Minister shall have an original vote and, if upon any question the votes shall be equally divided, the Minister presiding may exercise a casting vote.

Assignment of responsibilities to Ministers

14.—(1) The Prime Minister may by directions in writing—

(*a*) charge any Minister with the responsibility for any department or subject; and

(*b*) revoke or vary any directions given under this subsection.

(2) The Prime Minister may retain in his charge any department or subject.

(3) A Minister shall, while charged with the responsibility for any department or subject under the provisions of subsection (1) of this section, be styled a Minister with portfolio.

(4) A Minister who is not charged with responsibility for any department or subject aforesaid, shall be styled a Minister without portfolio.

Attorney-General

15.—(1) The Attorney-General shall be a person who is a public officer and he shall be vested with responsibility for the initiation, conduct and discontinuance of prosecutions for criminal offences triable in courts constituted under the provisions of the Courts Ordinance(a) or any Act repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

(2) The assignment to a Minister of responsibility for the department of the Attorney-General shall confer responsibility only for submitting to the Cabinet questions referring to that department and conducting Government business relating to that department in the Assembly, and shall have effect without prejudice to the provisions of subsection (1) of this section.

Parliamentary Secretaries

16.—(1) The Governor-General, acting on the advice of the Prime Minister, may, from among the Members of Parliament appoint Parliamentary Secretaries to assist the Ministers in the exercise of their ministerial duties and may likewise at any time revoke the appointment of a Parliamentary Secretary:

Provided that the number of Parliamentary Secretaries shall not at any time exceed by more than two the number of Ministers.

(2) Any Parliamentary Secretary may at any time resign his office by notice in writing addressed to the Governor-General and upon the receipt of such resignation by the Governor-General the office of such Parliamentary Secretary shall become vacant.

(3) No person shall continue to hold the office of Parliamentary Secretary if he shall cease to be a Member of Parliament:

Provided that if a Parliamentary Secretary shall cease to be a Member of Parliament by reason of a dissolution of the Assembly he shall not on that account vacate his office of Parliamentary Secretary until such time as the Governor-General shall have appointed a Prime Minister in accordance with the provisions of section 7 of this Order.

(a) Laws of the Gold Coast, Rev. 1951, Chapter 4.

(4) A person appointed to be a Parliamentary Secretary shall, before entering on the duties of his office, take and subscribe before the Governor-General the official oath or make before the Governor-General the appropriate affirmation in lieu thereof in accordance with the provisions of the Oaths Ordinance or any law repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

Permanent Secretaries

17.—(1) There shall be for each Ministry a Permanent Secretary who shall be a person who is a public officer.

(2) Each Permanent Secretary shall, subject to the general direction and control of his Minister, exercise supervision over the department or departments assigned to his charge.

(3) For the purposes of this section the department of the Attorney-General and of the Auditor-General, and the office of the Secretary to the Cabinet and of the Clerk to the Assembly shall be deemed not to be departments of Government.

Secretary of the Cabinet

18. There shall be a Secretary of the Cabinet who shall be a person who is a public officer.

Duties of Secretary of the Cabinet

19. The Secretary of the Cabinet shall have charge of the Cabinet office and shall, in accordance with such instructions as may be given to him by the Prime Minister, arrange the business for, and keep the minutes of, meetings of the Cabinet, and convey the decisions of the Cabinet to the appropriate person or authority.

PART IV

Parliament

Parliament

20.—(1) There shall be a Parliament in and for Ghana which shall consist of Her Majesty the Queen and the National Assembly.

(2) The National Assembly shall consist of a Speaker and not less than one hundred and four Members to be known as Members of Parliament; but the number of Members may be increased from time to time by the creation of further electoral districts under the provisions of sections 33, 70 and 71, but in any event the total number of Members shall not exceed one hundred and thirty.

Speaker

21.—(1) The Speaker shall be a person, not being either the holder of any public office or a Minister or Parliamentary Secretary, elected by the Members of Parliament.

(2) The election of the Speaker shall take place before the despatch of any other business at the first sitting of the Assembly after every dissolution of the Assembly.

(3) A person holding office as Speaker may, by writing under his hand addressed to the Governor-General resign the office of Speaker; and upon receipt of such resignation by the Governor-General the office of Speaker shall become vacant.

(4) A person holding office as Speaker shall, unless he earlier resigns his office, vacate his office on the dissolution of the Assembly.

(5) Whenever the office of Speaker shall become vacant otherwise than as a result of a dissolution of the Assembly, the Assembly shall at its first sitting after the occurrence of the vacancy, elect another person to be Speaker.

(6) A person shall, if qualified, be eligible for re-election to the office of Speaker from time to time.

Deputy Speaker

22.—(1) The Assembly shall—

(*a*) at its first sitting in every session, and

(*b*) at its first sitting after the occurrence of a vacancy in the office of Deputy Speaker,

or as soon thereafter as may be convenient, elect as Deputy Speaker of the Assembly one of its own Members, who shall not be a Minister or Parliamentary Secretary.

(2) A person shall, if qualified, be eligible for re-election to the office of Deputy Speaker from time to time.

(3) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (*a*) of subsection (1) of this section.

(4) (*a*) A person shall vacate the office of Deputy Speaker—

(i) upon ceasing to be a Member of Parliament; or

(ii) upon becoming a Minister or Parliamentary Secretary.

(*b*) The Deputy Speaker may by writing under his hand addressed to the Speaker or, in the absence of the Speaker or if there shall be no Speaker, to the Clerk of the Assembly, resign his office; and upon receipt of such resignation by the Speaker or by the Clerk of the Assembly, as the case may be, the office of Deputy Speaker shall become vacant.

Voting at elections of Speaker and Deputy Speaker

23. In any election of a Speaker or a Deputy Speaker the votes of the Members of Parliament shall be given by ballot in such manner as not to disclose how any particular Member shall have voted.

Qualifications for membership

24. Subject to the provisions of section 25 of this Order, any person who—

(*a*) is a citizen of Ghana; and

(*b*) is of the age of twenty-five years or upwards; and

(*c*) is able to speak and, unless incapacited by blindness or other physical cause, to read the English language with a degree of proficency sufficient to enable him to take an active part in the proceedings of the Assembly;

shall be qualified to be elected as a Member of Parliament, and no other person shall be qualified to be so elected or, having been so elected, shall sit or vote in the Assembly.

Disqualifications for Members

25. No person shall be qualified to be elected as a Member of Parliament who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

(*b*) holds, or is acting in, any public office:

Provided that for the purposes of this paragraph the office of Minister or Parliamentary Secretary shall not be deemed to be a public office; or

(*c*) holds the office of Speaker; or

(*d*) is a party to, or is a partner in a firm which is a party to, any contract with the Government of Ghana for or on account of the public service, and has not, within one month before the day of election, published in the English language in the *Gazette* a notice setting out the nature of such contract, and his interest, or the interest of any such firm therein; or

(*e*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in Ghana; or

(*f*) being a person possessed of professional qualifications, is disqualified (otherwise than at his own request) in Ghana, from practising his profession by order of any competent authority made in respect of him personally:

Provided that if five years or more have elapsed since the disqualification referred to in this paragraph, the person shall not be disqualified for membership of the Assembly by reason only of the provisions of this paragraph; or

(*g*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Ghana; or

(*h*) has, in Ghana, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months, or has been convicted of any offence involving dishonesty, and has not been granted a free pardon:

Provided that if five years or more have elapsed since the termination of the imprisonment or, in the case of conviction of an offence involving dishonesty in respect of which no sentence of imprisonment has been passed, since the conviction, the person shall not be disqualified from membership of the Assembly by reason only of such sentence or conviction; or

(*i*) is not qualified to be registered as an elector under the provisions of any law for the time being in force in Ghana; or

(*j*) is disqualified for election by any law for the time being in force in Ghana by reason of his holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election, or any responsibility for the compilation or revision of any electoral register; or

(*k*) is disqualified for membership of the Assembly by any law for the time being in force in Ghana relating to offences connected with elections.

Tenure of office of Members

26.—(1) Every Member of Parliament shall in any case cease to be a Member at the next dissolution of the Assembly after he has been elected or previously thereto if his seat shall become vacant under the provisions of this Order.

(2) The seat of a Member of Parliament shall become vacant—

(*a*) upon his death ; or

(*b*) if he shall be absent from two consecutive meetings of the Assembly, without having obtained from the Speaker, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*c*) if he shall cease to be a citizen of Ghana ; or shall take any oath, or make any declaration or acknowledgment, of allegiance, obedience or adherence to any foreign Power or State ; or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or

(*d*) if he shall be appointed to, or to act in, any public office:

Provided that for the purposes of this paragraph the office of Minister or Parliamentary Secretary shall not be deemed to be a public office ; or

(*e*) if he shall be elected to be Speaker ; or

(*f*) if he shall become a party to any contract with the Government of Ghana for or on account of the public service, or if any firm in which he is a partner shall become a party to any such contract, or if he shall become a partner in a firm which is a party to any such contract :

Provided that, if in the circumstances it shall appear to them to be just so to do, the Assembly may by Act of Parliament exempt any Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming interested in such contract as partner in a firm, disclose to the Speaker the nature of such contract and his interest or the interest of any such firm therein ; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under any law for the time being in force in Ghana ; or

(*h*) if he shall, in Ghana, be sentenced by a court to death or to imprisonment (by whatever name called,) for a term exceeding twelve months, or be convicted of any offence involving dishonesty ; or

(*i*) if he shall, become subject to any of the disqualifications specified in paragraphs (*f*), (*g*), (*i*), (*j*) or (*k*) of section 25 of this Order.

(3) A Member of Parliament may by writing under his hand addressed to the Speaker, resign his seat in the Assembly, and upon receipt of such resignation by the Speaker or Deputy Speaker the seat of such Member shall become vacant.

(4) Any person whose seat in the Assembly has become vacant may, if qualified, again be elected as a Member of Parliament from time to time.

Decision of questions as to membership

27. All questions which may arise as to the right of any person to be or remain a Member of Parliament shall be referred to and determined by the Supreme Court of Ghana in accordance with the provisions of any law in force in Ghana.

Reporting and filling of vacancies

28.—(1) Whenever the seat of a Member of Parliament becomes vacant under the provisions of subsection (2) or (3) of section 26 of this Order, the Speaker shall, by writing under his hand, report such vacancy to the Governor-General.

(2) As occasion may require, a report under subsection (1) of this section may be made by the Deputy Speaker.

(3) Whenever, in pursuance of the provisions of this section, a report is made that the seat of a Member of Parliament has become vacant, the Governor-General shall, within one month of the receipt of such report, by notice in the *Gazette*, order the holding of an election to fill the vacant seat.

Penalty for unqualified person sitting or voting

29.—(1) Any person who—

(*a*) having been elected as a Member of Parliament but not having been, at the time when he was so elected, qualified to be so elected. shall sit or vote in the Assembly, or,

(*b*) shall sit or vote in the Assembly after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court of Ghana at the suit of the Attorney-General.

Staff of the National Assembly

30.—(1) There shall be a Clerk of the National Assembly who shall be a person who is a public officer.

(2) The staff of the Clerk of the National Assembly shall consist of persons who are public officers.

PART V

Legislation and Procedure in the Assembly

Power to make laws

31.—(1) Subject to the provisions of this Order, it shall be lawful for Parliament, to make laws for the peace, order and good government of Ghana.

(2) No law shall make persons of any racial community liable to disabilities to which persons of other such communities are not made liable.

(3) Subject to such restrictions as may be imposed for the purposes of preserving public order, morality or health, no law shall deprive any person of his freedom of conscience or the right freely to profess, practise or propagate any religion.

(4) Any laws in contravention of subsection (2) or (3) of this section or section 34 of this Order shall to the extent of such contravention, but not otherwise, be void.

(5) The Supreme Court shall have original jurisdiction in all proceedings in which the validity of any law is called in question and if any such question arises in any lower court, the proceedings in that court shall be stayed and the issue transferred to the Supreme Court for decision.

Special procedure for passing Bills relating to the Constitution and other important matters

32.—(1) No Bill for the amendment, modification, repeal or re-enactment of the constitutional provisions of Ghana (other than a Bill to which section 33 of this Order applies) and no Bill to which paragraph (*b*) of subsection (2) of this section applies shall be presented for the Royal Assent unless it has endorsed on it a certificate under the hand of the Speaker that the number of votes cast in favour thereof at the third reading in the Assembly amounted to not less than two-thirds of the whole number of Members of Parliament. For the purposes of this subsection, the expression "constitutional provisions" means this Order, the existing Orders and any Act (or instrument made under an Act) that amends, modifies, re-enacts (with or without any amendment or modification) or makes different provision in lieu of any provision of this Order, the existing Orders or any such Act (or instrument) previously made.

(2) Without prejudice to the provisions of subsection (1) of this section, no Bill for—

(*a*) the enactment, modification, repeal or re-enactment (with or without any amendment or modification) of any of the provisions of this Order specified in the Third Schedule to this Order; or

(*b*) abolishing or suspending any Regional Assembly or diminishing the functions or powers of any Regional Assembly,

shall be presented for the Royal Assent unless it has endorsed on it a certificate (in addition to the certificate required under subsection (1) of this section) under the hand of the Speaker that the Bill has been referred to all the Regional Assemblies and, in the case of a Bill to which paragraph (*a*) of this section applies, to all Houses of Chiefs, in accordance with the provisions of subsection (3) of this section and has been approved by not less than two-thirds of the total number of the Regional Assemblies (including, in the case of a Bill to which paragraph (*b*) of this subsection applies, any Regional Assembly affected by the Bill) and, if amendments have been made to the Bill by the National Assembly since it was so approved by the Regional Assemblies, that such amendments have been made and are not, in the Speaker's opinion, amendments of substance.

(3) Any Bill to which the provisions of subsection (2) of this section apply, shall, on report after the committee stage in the National Assembly be referred by the Speaker to each Regional Assembly and, in the case of a Bill to which paragraph (*a*) of that subsection applies, to each House of Chiefs and thereupon the following provisions shall have effect with regard to the procedure to be observed:—

(*a*) in the case of a Bill to which paragraph (*a*) of subsection (2) of this section applies such Bill shall not be considered by a Regional

Assembly less than one month from the date of the reference by the Speaker. Within such period the House of Chiefs of that Region may communicate their views on the Bill to the Regional Assembly. Any such views of the House of Chiefs shall be taken into consideration by the Regional Assembly when reaching its decision on the Bill.

(*b*) subject to paragraphs (*c*) and (*d*) of this subsection, a Bill shall not be deemed to be approved by a Regional Assembly for the purposes of subsection (2) of this section unless a resolution expressing approval of the Bill is passed by a majority of the members of the Regional Assembly present and voting at a meeting duly convened for the purpose and a certificate to that effect and, in the case of a Bill to which paragraph (*a*) of subsection (2) of this section applies, to the effect that paragraph (*a*) of this subsection has been complied with, under the hand of the person presiding at that meeting is transmitted to the Speaker.

(*c*) If within a period of three months of a Bill being referred by the Speaker to any Regional Assembly in pursuance of the provisions of this section, the Speaker is not informed whether such Bill has been duly approved or otherwise by such Assembly, the Bill shall nevertheless be deemed, for the purposes of subsection (2) hereof, to have been approved by that Assembly.

(*d*) Where a Bill to which paragraph (*b*) of subsection (2) of this section applies is not approved by a Regional Assembly affected by the Bill, the Governor-General may, by notice in the *Gazette*, order that the Bill be submitted to the registered electors of the Region by referendum in the prescribed manner and, if in any such referendum a majority of those voting are in favour of the Bill, it shall for the purposes of subsection (2) of this section be deemed to have been approved by the Regional Assembly of that Region. The Governor-General shall make regulations prescribing the manner in which a referendum shall be held in pursuance of this paragraph and, in particular, shall make such regulations as will ensure the secrecy of the ballot and that the issues on which the electors are invited to vote are clearly expressed.

(4) Every certificate of the Speaker under subsection (1) or (2) of this section or of a person presiding over a Regional Assembly under paragraph (*b*) of subsection (3) of this section shall be conclusive for all purposes and shall not be questioned in any court of law.

Alteration of Regional boundaries and names of Regions

33.—(1) No Bill for effecting any alteration in the boundaries of a Region which seeks to transfer an area or areas containing less than ten thousand registered electors, other than a Bill which creates a new Region, shall be introduced in the Assembly unless the alteration to which the Bill seeks to give effect has been approved by a majority of members present and voting at a meeting of the Regional Assembly of every Region whose boundaries will be affected.

(2) No Bill for effecting any alteration in the boundaries of a Region which seeks to transfer an area or areas containing not less than ten thousand registered electors shall be introduced in the Assembly unless the alteration to which the Bill seeks to give effect has been approved by referendum in every Region from which it is proposed to transfer

any area and by a majority of members present and voting at a meeting of the Regional Assembly of any Region in which it is proposed to incorporate any part of the area transferred.

(3) No Bill for effecting any alteration in the boundaries of a Region which involves the creation of a new Region shall be introduced in the Assembly unless the alteration to which the Bill seeks to give effect has been approved by referendum in every Region whose boundaries will be affected and thereafter by a majority of members present and voting at meetings of the Regional Assemblies or Interim Regional Assemblies of such number of Regions as with the Region or Regions in which a referendum has been held will amount to not less than two-thirds of the total number of Regions.

(4) No Bill for effecting the purposes mentioned in subsection (1), (2) or (3) of this section shall be introduced in the National Assembly unless it contains such provisions in accordance with section 70 of this Order as may be necessary for the delimitation of new electoral districts or the adjustment of existing electoral districts, consequent upon the other alterations which the Bill seeks to effect.

(5) Any proposal for an alteration in the boundaries of a Region, which is required by subsection (2) or (3) of this section to be approved by referendum shall be submitted in the prescribed manner to the electors qualified to vote for the election of Members of Parliament in the area concerned and if a majority of those voting are in favour of the proposal, it shall be deemed to be approved by referendum for the purposes of this section. The Governor-General shall make regulations prescribing the manner in which a referendum shall be held in pursuance of this section and, in particular, shall make such regulations as will ensure the secrecy of the ballot and that the issues on which the electors are invited to vote are clearly expressed.

(6) Where a proposal has received approval in accordance with the provisions of subsection (1), (2) or (3) of this section, a Bill seeking to give effect to such proposal shall not be introduced and read a first time in the National Assembly, unless a clause is inserted in the Bill reciting that the requirements of subsection (1), (2) or (3) of this section, as the case may be, have been complied with.

(7) The provisions of section 32 of this Order shall not apply to any Bill by reason only that it provides for the alteration of the name of any Region or to any amendment, modification, repeal or re-enactment of the definition of "Ashanti", "the Northern Territories", "Togoland" or "Region" or the provisions of section 63 of this Order which may be contained in any such Bill as is referred to in the preceding subsections of this section and which is a necessary consequence of the alteration of boundaries sought to be effected by that Bill.

Compulsory acquisition of property

34.—(1) No property, movable or immovable, shall be taken possession of or acquired compulsorily except by or under the provisions of a law which, of itself or when read with any other law in force in Ghana—

(*a*) requires the payment of adequate compensation therefor;

(*b*) gives to any person claiming such compensation a right of access, for the determination of his rights (if any), including the amount of compensation, to the Supreme Court of Ghana;

(*c*) gives to any party to proceedings in the Supreme Court relating to such a claim the same rights of appeal as are accorded generally to parties to civil proceedings in that Court sitting as a court of original jurisdiction.

(2) (*a*) Nothing in this section shall affect the operation of any existing law.

(*b*) In this subsection the expression "existing law" means a law in force in Ghana prior to the date of commencement of this section, and includes a law made after that date which amends or replaces any such law as aforesaid (or such a law as from time to time amended or replaced in the manner described in this paragraph) and which does not,

(i) add to the kinds of property which may be taken possession of or acquired; or

(ii) add to the purposes for which or circumstances in which such property may be taken possession of or acquired; or

(iii) make the conditions governing entitlement to any compensation or the amount thereof less favourable to any person owning or interested in the property; or

(iv) deprive any person of any right such as is mentioned in paragraph (*b*) or paragraph (*c*) of subsection (1) of this section.

(3) It is hereby declared that nothing in this section shall be construed as affecting any general law—

(*a*) for the imposition or enforcement of any tax, rate or due; or

(*b*) for the imposition of penalties or forfeitures for breach of the law whether under civil process or after conviction of an offence; or

(*c*) relating to leases, tenancies, mortgages, charges, bills of sale or any other rights or obligations arising out of contracts; or

(*d*) relating to the vesting and administration of the property of persons adjudged bankrupt or otherwise declared insolvent, of persons of unsound mind, of deceased persons, and of companies, other corporate bodies and unincorporated societies in the course of being wound up; or

(*e*) relating to execution of judgments or orders of Courts; or

(*f*) providing for the taking of possession of property which is in a dangerous state or is injurious to the health of human beings, plants or animals; or

(*g*) relating to enemy property; or

(*h*) relating to trusts and trustees; or

(*i*) relating to the limitation of actions; or

(*j*) relating to property vested in statutory corporations; or

(*k*) relating to the temporary taking of possession of property for the purposes of any examination, investigation or inquiry; or

(*l*) providing for the carrying out of work on land for the purpose of soil conservation.

(4) The provisions of this section shall apply to the compulsory taking of possession or acquisition of property, movable or immovable, by or on behalf of the Crown.

Bills affecting Chiefs

35. When any Bill affecting the traditional functions or privileges of a Chief is introduced into the Assembly and is read a first time, the Speaker shall forthwith refer such Bill to the House of Chiefs of the Region in which the Chief exercises his functions as such and no motion shall be moved for the second reading of the Bill in the Assembly until three months after the day on which the Bill was introduced into the Assembly.

Standing Orders

36. Subject to the provisions of this Order, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor-General for assent.

Presiding in the Assembly

37. The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of Parliament (not being a Minister or Parliamentary Secretary) elected by the Assembly for the sitting, shall preside at the sittings of the Assembly.

The Assembly may transact business notwithstanding vacancies

38. The Assembly shall not be disqualified for the transaction of business by reason of any vacancy among the Members of Parliament including any vacancy not filled at a General Election; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Assembly or otherwise took part in the proceedings.

Quorum

39. No business except that of adjournment shall be transacted in the Assembly if objection is taken by any Member present that there are less than twenty-five Members present besides the Speaker or Member presiding.

Voting

40.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Assembly, the votes of the Members shall be equally divided the motion shall be lost.

(2) (*a*) The Speaker shall have neither an original nor a casting vote; and

(*b*) any other person, including the Deputy Speaker, shall when presiding in the Assembly, have an original vote but no casting vote.

Introduction of Bills

41.—(1) Save as is provided in subsection (2) of this section, and subject to the provisions of this Order and of the Standing Orders of the Assembly, any Member may introduce any Bill, or propose any motion for debate in, or may present any petition to, the Assembly and the same shall be debated and disposed of according to the Standing Orders of the Assembly.

(2) Except with the recommendation or consent of the Governor-General signified thereto, the Assembly shall not proceed upon any Bill, motion or petition which, in the opinion of the Speaker or Member presiding, would dispose of or charge the Consolidated Fund or other public funds of Ghana, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

Assent to Bills

42.—(1) No Bill shall become a law until Her Majesty has given Her assent thereto.

(2) When a Bill has been passed by the Assembly it shall be presented to the Governor-General who may assent thereto in Her Majesty's name or refuse such assent.

(3) A law assented to by Her Majesty as herein provided shall be known as an Act of Parliament and shall come into operation on the date of its publication in the *Gazette*, or, if it shall be enacted, either in such law or in some other law (including any law in force on the appointed day) that it shall come into operation on some other date, on that date.

Words of enactment

43. In every Bill presented to the Governor-General, the words of enactment shall be as follows:—

"Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Ghana in this present Parliament assembled, and by the authority of the same as follows—".

Oath of Allegiance

44. Except for the purpose of enabling this section to be complied with, no Member of Parliament shall sit or vote in the Assembly until he shall have taken and subscribed before the Assembly the Oath of Allegiance or have made before the Assembly the appropriate affirmation in lieu thereof as provided in the Oaths Ordinance or any law repealing and re-enacting, with or without modification, or amending, the provisions of that Ordinance:

Provided that if, between the time when a person becomes a Member of Parliament and the time when the Assembly next meets thereafter, a meeting takes place of any Committee of the Assembly of which such person is a member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the Committee, take and subscribe the said oath or make the appropriate affirmation before a Judge of the Supreme Court of Ghana; and the taking and subscribing of the oath, or the making of the appropriate affirmation, as the case may be, in such manner shall suffice for all purposes of this section. In any such case the Judge shall forthwith report to the Assembly through the Speaker or, as occasion may require, through the Deputy Speaker that the person in question has taken and subscribed the said oath or made the affirmation before him.

Privileges of the Assembly and Members

45. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Assembly and its Members; but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the Members thereof.

Sessions of the Assembly

46.—(1) There shall be a session of the Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The sessions of the Assembly shall be held in such places and shall commence at such times as the Governor-General may from time to time by Proclamation or notice in the *Gazette* appoint.

Prorogation and dissolution

47.—(1) The Governor-General may at any time, by Proclamation published in the *Gazette*, prorogue or dissolve the Assembly.

(2) Notwithstanding that the Assembly may have been prorogued after the introduction of any Bill to which subsection (2) of section 32 of this Order applies, the Assembly may in the next session proceed to take any remaining stages of any such Bill as if such Bill had been introduced into the Assembly during that session.

(3) The Governor-General shall dissolve the Assembly at the expiration of five years from the date of the first sitting of the Assembly after the last preceding general election, if it shall not have been sooner dissolved.

(4) If at any time after the dissolution of the Assembly, the Governor-General is satisfied that an emergency has arisen of such a nature that an early meeting of the Assembly is necessary, the Governor-General may by Proclamation summon the Assembly which has been dissolved. Notwithstanding any other provisions of this Order, such Assembly shall, for all purposes, be deemed to be the National Assembly for the time being and may meet and be kept in session until the meeting of the new Assembly.

General Elections

48. There shall be a general election at such time within two months after every dissolution of the Assembly as the Governor-General shall by Proclamation published in the *Gazette* appoint.

PART VI

The Public Service

Interpretation

49.—(1) For the purposes of this Part of this Order, the expression "the public service" shall not include service otherwise than in a civil capacity; the expression "public office" shall not include an office the remuneration of the holder of which is calculated on a daily rate and which in respect of normal hours of work does not amount annually to a sum exceeding £300 and the expression "public officer" shall be construed accordingly.

(2) For the purposes of this Part of this Order, a person shall not be considered to be a public officer or otherwise to hold office of emolument in the public service by reason of the fact that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of the office of Governor-General, Acting Governor-General, Speaker, Deputy Speaker, Minister, Parliamentary Secretary, Member of Parliament or personal assistant of a Minister or in respect of his employment as a member of the personal staff of the Governor-General or the Prime Minister.

The Public Service Commission

50.—(1) There shall be, in and for Ghana, a Public Service Commission which shall consist of persons appointed by the Governor-General, acting on the advice of the Prime Minister. The Governor-General, acting on the advice of the Prime Minister, shall nominate one of the members of the Commission to be the Chairman.

(2) No person shall be appointed as, or shall remain, a member of the Public Service Commission if he is or becomes a Member of Parliament.

(3) Every person who, immediately before his appointment as a member of the Public Service Commission, is a public officer shall, when such appointment takes effect, cease to hold any office of emolument previously held by him in the service of the Crown in right of the Government of Ghana, and shall accordingly cease to be a public officer for the purposes of this Order; and he shall be ineligible for further appointment as a public officer:

Provided that any such person shall, until he ceases to be a member of the Public Service Commission or, while continuing to be such a member, attains the age at which he could, if he were a public officer, be required to retire, be deemed to hold a pensionable office in the service of the Crown in right of the Government of Ghana for the purposes of any law relating to the grant of pensions, gratuities or other allowances in respect of such service.

(4) Subject to the provisions of subsection (6) of this section, every person who is appointed to be a member of the Public Service Commission shall, unless he earlier resigns his office or is removed therefrom, hold office for a period of five years from the date of his appointment and shall be eligible for reappointment.

(5) The Governor-General, acting on the advice of the Prime Minister, may for cause assigned remove any member of the Public Service Commission from his office.

(6) The Governor-General, acting on the advice of the Prime Minister, may grant leave from his duties to any member of the Public Service Commission, and may appoint a person qualified to be a member of the Public Service Commission to be a temporary member for the period of such leave.

(7) A member of the Public Service Commission shall be paid such salary as may be determined by the Assembly. The salary payable to any such member shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

Public Officers

51.—(1) Subject to the provisions of this Order, the appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of public officers is hereby vested in the Governor-General acting on the advice of the Public Service Commission.

(2) Appointments, promotions and transfers to a special post, not being an overseas post, shall be made by the Governor-General acting on the advice of the Prime Minister, after the Prime Minister has consulted with the Public Service Commission.

(3) The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of the holders of overseas posts is hereby vested in the Governor-General, acting on the advice of the Prime Minister.

(4) (*a*) For the purposes of this section the expression "special post" means the post of Permanent Secretary or of a corresponding or higher grade (other than the post of Attorney-General) in the public service; and the expression "overseas post" means a post, the occupant of which is normally required to reside outside Ghana when on duty and for which the salary is not less than one thousand and eight hundred pounds *per annum.*

(*b*) In this section the expression "transfer" means the conferment, whether permanently or otherwise, of some public office other than that to which the officer was last substantively appointed, not being a promotion; but the posting of a public officer to occupy a like office in a different location shall not be regarded for this purpose as the conferment of a different public office.

(5) The power given by subsection (1) of this section to terminate the appointment of, or dismiss, or inflict any other punishment on a public officer shall not be exercised on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him except with the concurrence of the Judicial Service Commission.

Regulations regarding Public Service Commission

52. The Governor-General, acting on the advice of the Public Service Commission, may make regulations for all or any of the following matters:—

(*a*) the exercise by such Commission of any of its functions;

(*b*) consultation by such Commission with persons other than members of the Commission;

(*c*) the appointment, tenure of office and terms of service of staff to assist such Commission in the performance of its functions;

(*d*) the delegation to any member of such Commission of all or any of the powers or duties of the Commission;

(*e*) the definition and trial of offences connected with the functions of such Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of one hundred pounds and imprisonment for a term of one year;

(*f*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings;

(*g*) the delegation to any authority or to any public officer, acting with or without the advice of the Commission, subject to such conditions as may be prescribed by regulations, of any of the powers vested in the Governor-General by subsection (1) of section 51 of this Order:

Provided that no powers shall be delegated hereunder to any authority or public officer—

(*a*) to appoint, promote or transfer to,

(i) any public office in the Police Force of a rank or grade higher than that of an Inspector of Police, or,

(ii) any other public office that carries an initial salary exceeding the initial salary of a Higher Executive Officer; or,

(*b*) to terminate any appointment to or to dismiss from,

(i) any public office in the Police Force of a substantive rank or grade higher than that of an Inspector of Police, or,

(ii) any other public office, held substantively, that carries a salary exceeding the initial salary of a Higher Executive Officer.

Pensions and gratuities charged on the Consolidated Fund

53. There shall be charged on and paid out of the Consolidated Fund all pensions, gratuities and other like allowances granted in respect of public service.

PART VII

The Judicature

Judges of the Supreme Court

54.—(1) The Chief Justice of the Supreme Court of Ghana shall be appointed by the Governor-General, acting on the advice of the Prime Minister: Puisne Judges of the Supreme Court shall be appointed by the Governor-General, acting on the advice of the Judicial Service Commission.

(2) Upon provision being made by any law for the appointment to the Supreme Court of one or more Justices of Appeal such Justices shall be appointed by the Governor-General, acting on the advice of the Prime Minister, after the Prime Minister has consulted with the Chief Justice. References in this Order to Judges of the Supreme Court shall be deemed to include references to Justices of Appeal except in subsections (1) and (5) of this section.

(3) A Judge of the Supreme Court shall not be removable except by the Governor-General on an address of the Assembly carried by not less than two-thirds of the Members thereof, praying for his removal from office on the ground of stated misbehaviour or of infirmity of body or mind.

(4) The Chief Justice or a Justice of Appeal shall retire when he attains the age of sixty-five years:

Provided that—

(i) the Governor-General may permit the Chief Justice or a Justice of Appeal who has reached the age of sixty-five years to continue in office for a further specified period, subject to continued mental and physical fitness; and

(ii) nothing done by the Chief Justice or a Justice of Appeal shall be deemed to be invalid by reason only that he has attained the age at which he is required by this subsection to retire.

(5) A Puisne Judge of the Supreme Court shall retire when he attains the age of sixty-two years:

Provided that—

(i) the Governor-General may permit a Judge of the Supreme Court who has reached the age of sixty-two years to continue in office for a further specified period, subject to continued mental and physical fitness; and

(ii) nothing done by a Judge in the exercise of his office shall be deemed to be invalid by reason only that he has attained the age at which he is required by this subsection to retire.

(6) Any Judge of the Supreme Court may resign his office by writing under his hand addressed to the Governor-General.

(7) The salaries of Judges of the Supreme Court shall be determined by the Assembly and shall be charged on the Consolidated Fund and shall not be diminished during their terms of office.

The Judicial Service Commission

55.—(1) There shall be a Judicial Service Commission which shall consist of—

(*a*) the Chief Justice;

(*b*) the Attorney-General;

(*c*) the senior Puisne Judge;

(*d*) the Chairman of the Public Service Commission;

(*e*) a person who is, or shall have been, a Judge of the Supreme Court, appointed by the Governor-General, acting on the advice of the Prime Minister:

Provided that, upon provision being made by law for the appointment to the Supreme Court of one or more Justices of Appeal, paragraph (*c*) of this subsection shall thereupon be revoked and replaced by the following paragraph:

"(*c*) the Justice of Appeal or if there is more than one, the senior Justice of Appeal;".

(2) In subsection (1) of this section, the expression "senior" means senior according to the date of substantive appointment, or, if in any case two persons were appointed substantively on the same date, according to age.

(3) The Governor-General, acting on the advice of the Judicial Service Commission, may make regulations for all or any of the following matters:—

(*a*) the exercise by the Judicial Service Commission of any of its functions;

(*b*) consultation by such Commission with persons other than members of the Commission;

(*c*) the appointment, tenure of office and terms of service of staff other than the secretary to assist such Commission in the performance of its functions;

(*d*) the delegation to any member of such Commission of all or any of the powers or duties of the Commission other than the powers conferred and the duties imposed by subsection (1) of section 54 and subsection (1) of section 56 of this Order;

(*e*) the definition and trial of offences connected with the functions of such Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of one hundred pounds and imprisonment for a term of one year;

(*f*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings.

(4) The Governor-General, acting on the advice of the Judicial Service Commission, may appoint a secretary to the Judicial Service Commission.

Appointment to other judicial office

56.—(1) The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of judicial officers is hereby vested in the Governor-General, acting on the advice of the Judicial Service Commission.

(2) Any judicial officer may resign his office by writing under his hand addressed to the Governor-General.

(3) In subsection (1) of this section, the expression "transfer" means the conferment, whether permanently or otherwise of some judicial office, other than that to which the officer was last substantively appointed, not being a promotion; but the posting of a judicial officer to occupy a like office in a different location shall not be regarded for this purpose as the conferment of a different judicial office.

Judges' pensions charged on the Consolidated Fund

57. There shall be charged on and paid out of the Consolidated Fund, all pensions, gratuities and other like allowances granted in respect of public service as a Judge (including the Chief Justice) of the Supreme Court.

PART VIII

Finance

The Consolidated Fund

58. The funds of Ghana not allocated by law to specific purposes shall form one Consolidated Fund into which shall be paid the produce of all taxes, imposts, rates and duties and all other revenues of Ghana not allocated to specific purposes.

Authorisation of expenditure

59.—(1) The Minister responsible for finance shall cause to be prepared annually estimates of revenue and expenditure for public services during the succeeding financial year which, when approved by the Cabinet, shall be laid before the Assembly.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the Assembly by means of an Appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(*a*) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the Appropriation law relating to that year, or

(*b*) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any new service not provided for by the Appropriation law relating to that year,

a Supplementary Appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the Assembly.

(4) Statutory expenditure, which shall not be submitted to the vote of the Assembly for the purposes of this section means—

(*a*) the expenditure charged on the Consolidated Fund by virtue of the provisions of section 5, subsection (7) of section 50, section 53, subsection (7) of section 54, section 57, subsection (4) of section 61, section 75 and subsection (2) of section 77 of this Order,

(*b*) the interest on the public debt, sinking fund payments and the costs, charges and expenses incidental to the management of the public debt (which is hereby also charged upon the Consolidated Fund and other public funds and assets of Ghana), and,

(*c*) such other expenditure as may by law be charged upon the Consolidated Fund or the general revenue and assets of Ghana and in such law be expressly stated to be statutory expenditure.

(5) The Assembly may approve or refuse its approval to any head of estimates or expenditure contained in an Appropriation or Supplementary Appropriation Bill but may not vote an increased amount, a reduced amount or an alteration in its destination.

Meeting expenditure from the Consolidated Fund

60.—(1) No expenditure shall be met from the Consolidated Fund or other public funds except upon the authority of a warrant under the hand of the Minister responsible for finance.

(2) Subject to the provisions of subsection (3) of this section, no such warrant shall be issued unless such expenditure has been authorised for specified public services for the financial year to which the warrant relates by resolution of the Assembly or of a Committee thereof appointed for that purpose by the Assembly or by any law.

(3) If an Appropriation Bill has not become a law by the first day of the year to which it relates, the Minister responsible for finance may, with the prior approval of the Cabinet, unless the Assembly shall already have made provision therefor, authorise the meeting of such expenditure from the Consolidated Fund or other public funds as he may consider essential for the continuance of the public services shown in the estimates until the Appropriation Bill becomes law:

Provided that the expenditure so authorised for any service shall not exceed one quarter of the amount voted for that service in the Appropriation law for the preceding year.

The Auditor-General

61.—(1) There shall be an Auditor-General who shall be appointed by the Governor-General, acting on the advice of the Prime Minister, and who shall not be removable except by the Governor-General on

an address of the Assembly carried by not less than two-thirds of the Members thereof, praying for his removal on the ground of stated misbehaviour or of infirmity of body or mind.

(2) The maximum age for the retirement of the Auditor-General shall be fifty-five years or such higher age as may be prescribed by Act of Parliament.

(3) The Auditor-General may resign his office by writing under his hand addressed to the Governor-General.

(4) The salary of the Auditor-General shall be determined by the Assembly, shall be charged on the Consolidated Fund and shall not be diminished during his term of office.

Audit of Accounts

62.—(1) The accounts of all departments and offices of Government, including the offices of the Clerk to the Assembly, the Secretary to the Cabinet, the Public Service Commission and the Judicial Service Commission, and of the Supreme Court, shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, or returns relating to such accounts.

(2) The Auditor-General shall report annually to the Assembly on the exercise of his functions under this Order.

PART IX

Regional Organisation, Local Government and Chiefs

Regions and Heads of Regions

63.—(1) The whole of Ghana shall be divided into the following Regions:—

(*a*) the Eastern Region, which shall comprise those parts of Ghana which on the first day of January, 1957, were comprised in the Eastern and Accra Regions of the Gold Coast;

(*b*) the Western Region, which shall comprise that part of Ghana which on the first day of January, 1957, was comprised in the Western Region of the Gold Coast;

(*c*) the Ashanti Region which shall comprise the whole of Ashanti;

(*d*) the Northern Region, which shall comprise the whole of the Northern Territories and Northern Togoland;

(*e*) the Trans-Volta/Togoland Region, which shall comprise that part of Ghana which on the first day of January, 1957, was comprised in the Trans-Volta/Togoland Region of the Gold Coast.

(2) In each Region there shall be a Head of the Region, who, except in the case of the Ashanti Region, shall be chosen by the House of Chiefs of the Region and shall hold office for such period as may be prescribed by Act of Parliament. The Asantehene shall be the Head of the Ashanti Region.

Regional Assemblies

64.—(1) For the purpose of fulfilling the need for a body at regional level with effective powers in specified fields, a Regional Assembly shall be established by Act of Parliament in and for each Region.

(2) A Regional Assembly shall have and exercise authority, functions and powers to such extent as may be prescribed by Act of Parliament relating to—

(*a*) Local Government;
(*b*) Agriculture, Animal Health and Forestry;
(*c*) Education;
(*d*) Communications;
(*e*) Medical and Health services;
(*f*) Public Works;
(*g*) Town and Country Planning;
(*h*) Housing;
(*i*) Police; and
(*j*) such other matters as Parliament may from time to time determine.

(3) Provision shall be made by legislation under this section for the simultaneous dissolution of all Regional Assemblies at the expiration of stated periods which shall not exceed three years and for new Assemblies to be brought into being in the manner prescribed by law and to meet within three months of such dissolution:

Provided that power shall be conferred on the Governor-General to extend the life of the Regional Assemblies by Proclamation for a period not exceeding three months if it is in the public interest to do so.

Membership of local government councils

65.—(1) No member of a local government council shall, without prejudice to his re-election or re-appointment, hold office for more than four years:

Provided that any member of a local government council whose tenure of office was, prior to the appointed day, extended beyond a term of three years, may, without prejudice to his re-election or re-appointment, continue in office for not more than one year after the appointed day.

(2) For the purposes of this section, "local government council" means a local government council established by any law for the time being in force relating to local government and until other provision is made, includes a Municipal Council established under the Municipal Councils Ordinance, 1953(a), a District Council, an Urban Council or a Local Council established under the Local Government Ordinance(b).

Chiefs

66. The office of Chief in Ghana, as existing by customary law and usage, is hereby guaranteed.

Houses of Chiefs

67.—(1) Within twelve months of the appointed day or as soon thereafter as may be practicable, a House of Chiefs shall be established by Act of Parliament in and for each Region.

(2) A House of Chiefs shall have power to consider any matter referred to it by a Minister or the Assembly.

(3) A House of Chiefs may at any time offer advice to any Minister.

(a) Laws of the Gold Coast, 1952–54, Sup. Rev. Ed., Vol. II, p. 1.
(b) Laws of the Gold Coast, Rev. 1951, Chapter 64.

(4) A House of Chiefs at any time, may, and where the Governor-General or the Assembly so requests, shall submit to the Governor-General or the Speaker, as the case may be, a written declaration of what in its opinion is the customary law relating to any subject in force in any part of the area of its authority.

Determination of matters of a constitutional nature

68.—(1) On the establishment of a House of Chiefs in and for any Region other than the Ashanti Region, provision shall be made by Act of Parliament for the determination by a State Council of all matters of a constitutional nature arising within the area of its authority involving a Chief (whether Paramount or subordinate) and for an appeal from any decision of a State Council to the appropriate House of Chiefs which shall refer all such appeals within a period to be prescribed to an Appeal Commissioner whose decision, subject to any clarification which may be required by the House of Chiefs, shall be final.

(2) On the establishment of a House of Chiefs in and for the Ashanti Region, provision shall be made by Act of Parliament—

(*a*) for the determination by a committee of the House of Chiefs of all matters of a constitutional nature arising within the Region involving a Paramount Chief and for an appeal from any decision of such committee to the Head of the Region who shall refer all such appeals within a period to be prescribed to an Appeal Commissioner whose decision, subject to any clarification which may be required by the Head of the Region, shall be final; and

(*b*) for the determination of all matters of a constitutional nature arising within the Region involving a subordinate chief in accordance with the provisions of subsection (1) of this section.

(3) Provision shall be made in every such Act of Parliament enabling an Appeal Commissioner to sit with or without assessors as he may think fit and to call upon any person to give him advice on local laws and customs and for every decision of an Appeal Commissioner, after clarification if required, to be forwarded by the House of Chiefs or the Head of the Region, as the case may be, within two months of the date of the decision of the Appeal Commissioner, to the appropriate Minister for publication in the *Gazette*.

(4) Appeal Commissioners shall be appointed by the Judicial Service Commission and shall be public officers.

(5) For the purposes of this section, "matter of a constitutional nature" means a cause, matter, question or dispute relating to—

(*a*) the nomination, election or installation of any person as a Chief or the claim of any person to be elected or installed as a chief; or

(*b*) the tenure of office, deposition or abdication of any Chief; or

(*c*) the right of any person to take part in the election or installation of any person as a Chief or in the deposition of any Chief; or

(*d*) the recovery or delivery of Stool property or Skin property in connection with any such election, installation, deposition or abdication; or

(*e*) political or constitutional relations under customary law between Chiefs.

(6) For the purposes of subsection (5) of this section—

(*a*) "Skin property" includes the Skin or Stool itself and all the insignia, and such other properties including land as were handed over or declared as Skin or Stool property to a Chief on his installation, and property (other than private property) acquired, or made and enjoyed, by such Chief or his Skin or Stool during his occupancy of the Skin or the Stool;

(*b*) "Stool property" includes the Stool itself and all the insignia, and such other properties including land as were handed over or declared as Stool property to a Chief on his installation, and property (other than private property) acquired, or made and enjoyed, by such Chief or his Stool during his occupancy of the Stool.

PART X

Elections and the Delimitation of Electoral Districts

Voting at elections for Members of Parliament

69.—(1) Voting for the election of Members of Parliament shall be by secret ballot on the basis of adult suffrage.

(2) Every citizen of Ghana, without distinction of religion, race or sex, who—

(*a*) is not less than twenty-one years of age; and

(*b*) is subject to no legal incapacity as defined by Act of Parliament on the grounds of non-residence, unsoundness of mind, crime, or corrupt or illegal practices or non-payment of rates or taxes; and

(*c*) either owns immovable property within, or has, for a period of not less than six months out of the twelve months preceding the date of an application to be registered, resided within, the electoral district in respect of which application is made,

shall be entitled to be registered as an elector for the election of Members of Parliament.

Electoral Districts

70.—(1) For the purposes of the election of Members of Parliament, each Region of Ghana shall be divided into areas, which shall be known as electoral districts. The total number of electoral districts shall not be less than one hundred and four or more than one hundred and thirty. Electoral districts shall be so delimited that the number of persons resident in each such district at the time of delimitation is, as nearly as practical considerations admit, the same, but, in dividing any Region into electoral districts, regard shall be had to the physical features of the Region and its transport facilities and no electoral district shall be partly in one Region and partly in another Region. Each electoral district shall return one Member to Parliament.

(2) Until other provision is made in pursuance of section 33 or 71 of this Order, the number of electoral districts in the whole of Ghana shall be one hundred and four and the allocation of electoral districts between the various parts of Ghana shall remain as it was immediately before the appointed day.

Delimitation Commissions

71.—(1) Within two years of the taking of each general census in Ghana, the Governor-General shall, in the manner prescribed in subsection (5) of this section, appoint a body to be known as the General Electoral Delimitation Commission (in this section referred to as the "General Commission") which shall review the delimitation of the electoral districts existing at the time of its appointment and shall submit a report to the Governor-General regarding the number of persons then residing in each electoral district together with such recommendations as the Commission deems necessary for a fresh delimitation of electoral districts in accordance with the provisions of section 70 of this Order.

(2) In addition, the Governor-General may, in the manner prescribed in subsection (5) of this section, appoint for any specified area in Ghana, a body to be known as an Area Delimitation Committee (in this section referred to as an "Area Committee") which, in the area for which it is appointed, shall carry out such duties as may be assigned to it by the General Commission for the purpose of assisting the General Commission in the preparation of its report and the formulation of its recommendations.

(3) If, after the taking of a general census, a period of fourteen years shall elapse without the taking of a further general census, the Governor-General shall forthwith appoint a General Electoral Delimitation Commission and thereupon the other provisions of this section shall apply as if that Commission had been appointed after the taking of a general census. For the purposes of the first appointment of a General Commission after the appointed day in pursuance of this subsection, the last general census in Ghana shall be deemed to have been taken on the 8th day of February, 1948.

(4) If, at any time before the appointment of the first General Commission or during the period between the appointment of one General Commission and the appointment of the next General Commission under subsection (1) or (3) of this section, it shall be made to appear to the Governor-General that the number of persons resident in an electoral district in any Region is greatly in excess of the average number of persons resident in all the other electoral districts then existing in Ghana, the Governor-General shall, in the manner prescribed in subsection (5) of this section, appoint a body to be known as an Interim Electoral Delimitation Commission (in this section referred to as an "Interim Commission") to enquire into the matter. If such Interim Commission is satisfied that the number of persons resident in such electoral district is, on the basis of the best available information, in excess of one hundred and seventy per centum of the average number of persons resident in each of all other electoral districts, the Interim Commission shall submit a report to the Governor-General together with a recommendation for the division of the said electoral district into two electoral districts. If the creation of two electoral districts in this manner would increase the total number of such districts beyond the maximum prescribed in subsection (1) of section 70 of this Order, the Interim Commission shall instead recommend a fresh delimitation of some or all of the electoral districts in the Region, as nearly as may be in accordance with the requirements of section 70 hereof.

(5) Each General Commission, Area Committee or Interim Commission shall consist of three persons appointed by the Governor-General who shall select persons who he is satisfied are not actively

engaged in politics. In each case, the Governor-General may appoint one of such persons to be Chairman.

(6) If any member of a General Commission, Area Committee or Interim Commission shall die or resign or, if the Governor-General is satisfied that any such member has become incapable of discharging his functions as such, the Governor-General shall, in accordance with the provisions of subsection (5) of this section, appoint another person in his place.

(7) On receipt of any such reports and recommendations as are referred to in subsections (1) and (4) of this section, the Governor-General shall forthwith cause the same to be published in the *Gazette* and, within a period of three months from the date of such publication, objections may be submitted to the Commission making the report and recommendations. Such Commission shall hear any such objections in public and as soon as may be after the expiration of the period of three months shall either confirm to the Governor-General its previous report and recommendations or submit to him a revised report and fresh recommendations.

(8) Upon the receipt of such confirmation or fresh recommendations from the Commission, the Governor-General shall forthwith, by proclamation published in the *Gazette*, delimit any electoral districts in accordance with the recommendations of the Commission with effect from the next dissolution of the Assembly. The appointment of the Commission which made the recommendations shall be deemed to be terminated upon the publication of such proclamation, without prejudice, however, to the re-appointment of any members to other Commissions or Committees in pursuance of this section.

(9) In the event of a difference of opinion among the members of any General or Interim Commission, the opinion of the majority of the members shall prevail and where each member of a Commission is of a different opinion, the recommendations of the Chairman shall be deemed to be the recommendations of the Commission.

(10) The Governor-General may from time to time make regulations for the conduct of the business of every or any Commission or Committee, the lodging and hearing of objections and in regard to any other matter for the better carrying out of the provisions of this section.

PART XI

Transitional Provisions

Tenure of office of Ministers and Secretaries to continue

72.—(1) Any person appointed as a Minister under the provisions of the existing Orders and holding office immediately prior to the appointed day shall be deemed to have been duly appointed thereto in pursuance of this Order.

(2) Any person appointed as a Ministerial Secretary under the provisions of the existing Orders and holding office immediately prior to the appointed day shall be deemed to have been duly appointed as a Parliamentary Secretary in pursuance of this Order.

First National Assembly

73.—(1) The Legislative Assembly constituted under the existing Orders and in being immediately prior to the appointed day shall continue in being thereafter as the first National Assembly of Ghana

within the meaning of subsection (2) of section 20 of this Order and the Members of such Legislative Assembly and the Speaker thereof in office immediately prior to the appointed day shall be deemed to have been duly elected in pursuance of this Order.

(2) The first session of the said first National Assembly shall commence within three months of the appointed day.

(3) Notwithstanding any other provisions of this Order, the date of the first sitting of the said first National Assembly shall for the purposes only of subsection (3) of section 47 of this Order be deemed to be the thirtieth day of July, 1956.

(4) The Standing Orders of the Legislative Assembly constituted under the existing Orders and in force immediately prior to the appointed day, shall, subject to the other provisions of this Order, be deemed to be the Standing Orders of the first National Assembly and may be amended or revoked in pursuance of section 36 of this Order.

(5) Notwithstanding that the Legislative Assembly may have been prorogued immediately prior to the appointed day, the first National Assembly may, in its first session held in pursuance of this section, proceed to take any remaining stages of any Bill introduced into the Legislative Assembly prior to the appointed day as if such Bill had been introduced into the National Assembly during its first session.

(6) The person holding the office of Clerk to the Legislative Assembly and the persons on the staff of the Legislative Assembly immediately prior to the appointed day, shall on that day be deemed to have been appointed respectively as Clerk of the National Assembly and as members of his staff under section 30 of this Order.

Tenure of office of certain persons to continue

74.—(1) Save as otherwise provided by this Order, any person appointed to any office under the provisions of the existing Orders and holding that office immediately prior to the appointed day shall be deemed to have been duly appointed thereto in pursuance of this Order.

(2) The persons to whom the provisions of this section apply shall be deemed to have complied with the requirements of any law for the time being in force relating to the taking of oaths on appointment to any office.

Compensation, etc., under existing Orders

75. All compensation, pensions, gratuities and other like allowances granted in accordance with the provisions of section 58 and the Fourth Schedule of the Gold Coast (Constitution) Order in Council, 1954 shall be charged on and paid out of the Consolidated Fund.

The Supreme Court

76.—(1) On and after the appointed day, the Supreme Court of the Gold Coast shall be known as the Supreme Court of Ghana and such Court shall, subject to any law for the time being in force, continue to have throughout Ghana the same jurisdiction and powers as heretofore.

(2) Until a Seal of the Supreme Court of Ghana has been provided and brought into use, any instrument which, on or after the appointed day, is sealed with the Seal of the Supreme Court of the

Gold Coast and the duplicates thereof in use immediately prior to the appointed day shall be deemed for all purposes to be lawfully sealed.

(3) The Chief Justice and other Judges of the Supreme Court appointed to office prior to the appointed day and in office on that date shall, subject to the provisions of section 77 of this Order, be deemed to have been duly appointed to the Supreme Court of Ghana and to have taken the necessary oaths and all such Judges shall be subject to all the provisions of section 54 of this Order, including subsection (3) thereof.

Application of Second Schedule to certain Judges

77.—(1) The provisions contained in the Second Schedule to this Order shall apply to the Judges (including the Chief Justice) referred to in the said Schedule in respect of their retirement from office and the grant to them of compensation, pensions, gratuities and other like allowances.

(2) All compensation, pensions, gratuities and other like allowances granted in accordance with the provisions of subsection (1) of this section and the Second Schedule shall be charged on and paid out of the Consolidated Fund.

(3) This section and the Second Schedule shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament in the United Kingdom.

Judicial officers to continue in office

78. Subject to the provisions of section 58 of the Gold Coast (Constitution) Order in Council, 1954, every judicial officer appointed to office prior to the appointed day and in office on that date shall be deemed to have been duty appointed thereto and to have taken the necessary oaths and all such judicial officers shall be subject to all the provisions of section 56 of this Order.

Adaptations of existing laws

79. In any law (other than this Order) in force in Ghana on the appointed day the following provisions shall, subject to this Order and unless the context otherwise requires, have effect until other provision is made by a law enacted in pursuance of this Order, that is to say—

(*a*) every reference to "the Governor", "the Secretary of State" or "a Secretary of State" shall be read and construed as a reference to "the Governor-General";

(*b*) every reference to "the Gold Coast" and to "the Gold Coast Colony" shall be read and construed as a reference to "Ghana" and to "Southern Ghana" respectively;

(*c*) every reference to the "Legislative Assembly" shall be read and construed as a reference to the "National Assembly"; and

(*d*) any provision in any such law that the Governor shall exercise a function in his discretion or after consultation with or on the recommendation of any person or authority, shall be read and construed as requiring the Governor-General to exercise such function in accordance with the provisions of subsection (2) of section 4 of this Order.

Laws previously enacted but not brought into operation before the appointed day

80. Where any Ordinance or other instrument of a legislative character was, prior to the appointed day, enacted or made and the coming into operation thereof was suspended, such Ordinance or instrument may, on or after the appointed day, come into operation on the date specified therein or as may be specified by the Governor-General or other authority empowered to bring it into operation and in such case, the Ordinance or instrument shall from that date take effect as part of the law of Ghana.

General saving

81. Save as expressly provided by this Order, nothing in this Order shall be construed as affecting the validity or continued operation of any Proclamation, Order, Regulation or other instrument made under the existing Orders and in force immediately prior to the appointed day without prejudice however to any power to amend, revoke or replace the same.

Legislation in case of an Emergency

82.—(1) The Emergency Powers Order in Council, 1939 (hereinafter referred to as " the said Order "), as amended by the Emergency Powers (Amendment) Order in Council, 1956(a), shall, subject to the other provisions of this section, continue in force in Ghana for a period of twelve months from the appointed day and thereafter shall cease to be of any effect whatever in Ghana.

(2) Nothing contained in subsection (1) of this section shall derogate from the right of the Parliament of Ghana, prior to the expiration of twelve months from the appointed day, to vary, revoke or replace the said Order by Act of Parliament.

(3) In its application to Ghana, in pursuance of this section, the said Order shall be modified in the following manner:—

(*a*) " Governor-General " shall be substituted for " Governor " wherever that word appears in the said Order.

(*b*) The definition of " law " in section 2 of the said Order shall not include any constitutional provision within the meaning assigned to that expression by subsection (1) of section 32 of this Order.

(*c*) Whenever a Proclamation is issued bringing the provisions of Part II of the said Order into operation, the occasion therefor shall forthwith be communicated to Parliament, and, if Parliament is then separated by such adjournment or prorogation as will not expire within ten days, a Proclamation shall be issued for the meeting of Parliament within ten days, and Parliament shall accordingly meet and sit upon the day appointed by that Proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(*d*) Any regulations made under any Proclamation referred to in paragraph (*c*), shall be laid before Parliament as soon as practicable after they have been made and, unless approved in their original or amended form by Resolution of Parliament before the expiration of twenty-eight days of being so laid, shall cease to be of any legal effect.

(a) S.I. 1956/731 (1956 I, p. 152).

(*e*) The expiry or revocation of any regulations so made shall not be deemed to affect the previous operation thereof and the validity of any action taken thereunder or of any penalty or punishment incurred in respect of any contravention or failure to comply therewith or any proceedings or remedy in respect of any such punishment or penalty.

Regulations regarding the Public Service Commission and Judicial Service Commission

83. The Regulations made under the existing Orders by the Governor in regard to the Public Service Commission and the Judicial Service Commission and in force immediately prior to the appointed day shall respectively continue in force as if made by the Governor-General under sections 52 and 55 of this Order, until amended or revoked by regulations made under this Order.

Public Seal

84. Until the Public Seal of Ghana has been provided and brought into use, any instrument which, on or after the appointed day, is sealed with the Public Seal of the Gold Coast in use immediately prior to the appointed day shall be deemed for all purposes to be lawfully sealed.

Interim Regional Assemblies

85.—(1) The Members of Parliament representing electoral districts within a Region shall constitute and are hereby constituted an Interim Regional Assembly for that Region.

(2) The Speaker shall as soon as conveniently may be after the appointed day convene a meeting of each Interim Regional Assembly and shall preside as Chairman at each such meeting until the Interim Regional Assembly has made rules for regulating its own procedure and appointed its own Chairman.

(3) An Interim Regional Assembly may at any time offer advice to a Minister on any matter affecting the Region.

(4) On the establishment in and for any Region of a Regional Assembly under the provisions of section 64 of this Order the Interim Regional Assembly constituted for that Region shall thereupon be deemed to be dissolved.

(5) For the avoidance of doubt it is hereby declared that the powers and functions of a Regional Assembly under section 32 and subsections (1) and (2) of section 33 of this Order shall not be exercised by an Interim Regional Assembly.

Police Relations Committees

86.—(1) A Police Relations Committee may be established in any Region by the Interim Regional Assembly with the object of encouraging good relations between the Police Force and the public.

(2) A Police Relations Committee shall consist of a Chairman and not less than three members appointed by the Interim Regional Assembly, two members appointed by the Commissioner of Police and, if the Minister responsible for the Police so desires, not more than two members appointed by him.

(3) A Police Relations Committee may call upon the senior Police Officer of the Region to assist it in the exercise of its functions and may at any time make such recommendations as it thinks fit to the Minister responsible for the Police.

(4) A Police Relations Committee may in any year prepare a report relating to the exercise of its functions during the preceding year and may send a copy to the Minister responsible for the Police who shall lay a copy of every such report before the National Assembly.

Regional Constitutional Commission

87.—(1) The Governor-General shall, within three months after the appointed day, or as soon thereafter as may be possible, appoint a Regional Constitutional Commission consisting of a Chairman who shall be the Chief Justice or a Judge nominated by him, two Commissioners representing each Region who shall be persons nominated by the Interim Regional Assembly of the Region, one Commissioner nominated by the Territorial Council of each Region and not more than six Commissioners appointed by the Governor-General.

(2) The Regional Constitutional Commission shall enquire into and report on the devolution to Regional Assemblies of authority, functions and powers relating to the matters specified in subsection (2) of section 64 of this Order and in particular, and without prejudice to the generality of the foregoing, shall make recommendations as to the composition of each Regional Assembly, the executive, legislative, financial and advisory powers to be exercised by it, the funds required to meet the capital and recurrent expenditure to be incurred by it, the provision of such funds and the legislation required to give effect to its recommendations.

(3) The Commission shall hold at least two meetings in public in each Region and shall consult the Interim Regional Assembly and the Territorial Council of each Region.

(4) In case any Commissioner shall be or become unable or unwilling to act, or shall die, the Governor-General may appoint another Commissioner in his place:

Provided that no appointment shall be made in place of a nominated Commissioner except after nomination, in the case of the Chairman, by the Chief Justice, or in the case of a Commissioner representing a Region, by the Interim Regional Assembly of the Region or in the case of a Commissioner nominated by a Territorial Council, by the Territorial Council of the Region.

(5) The validity of any proceedings of the Commission shall not be affected by any vacancy among the Commissioners including any vacancy not filled when the Commission is first appointed or by the absence of any Commissioner:

Provided that the Chairman and seven other Commissioners shall constitute a quorum.

(6) The Commission shall submit its report to the Governor-General within nine months of its appointment, or as soon thereafter as may be practicable, and the report shall forthwith be presented to Parliament.

(7) As soon as conveniently may be after the submission of the Commission's report the Minister responsible for local government shall introduce in the Assembly legislation to give effect to the recommendations of the Commission.

(8) Subject to the preceding provisions of this section the Commissions of Enquiry Ordinance(a), other than section 3 thereof, shall apply to the proceedings of the Regional Constitutional Commission.

(9) For the purposes of this section "Territorial Council" means, in relation to the Eastern and Western Regions of Ghana, the Joint Provincial Council constituted under the State Councils (Colony and Southern Togoland) Ordinance, 1952(b), in relation to the Ashanti Region, the Asanteman Council constituted under the State Councils (Ashanti) Ordinance, 1952(c), in relation to the Northern Region, the Northern Territories Council constituted under the Northern Territories Council Ordinance, 1952(d), and in relation to the Trans-Volta/Togoland Region, the Trans-Volta/Togoland Council constituted under the Trans-Volta/Togoland Council Ordinance, 1952(e).

Appeals pending establishment of Houses of Chiefs

88.—(1) Pending the coming into force in any Region of an Act of Parliament as provided in section 68, any appeal from a State Council (or in the case of the Ashanti Region from the Asanteman Council or any State Council) under the State Councils (Ashanti) Ordinance, 1952, the State Councils (Northern Territories) Ordinance, 1952, or the State Councils (Colony and Southern Togoland) Ordinance, 1952, (which Ordinances shall hereafter in this section be called "the said Ordinances") which before the appointed day lay to the Governor shall lie to an Appeal Commissioner appointed in the manner provided by subsection (4) of section 68 of this Order, whose decision thereon shall be final.

(2) Where an appeal has been preferred before the appointed day to the Governor from the decision of a State Council or the Asanteman Council under any of the said Ordinances and has not been finally disposed of before the appointed day, the following provisions shall apply,

(*a*) where the Governor has referred the appeal to an Appeal Commissioner, and such Appeal Commissioner gives his decision not later than two months after the appointed day, such decision shall be final;

(*b*) in other cases, the appeal shall lie to an Appeal Commissioner appointed in the manner provided by subsection (4) of section 68 of this Order, whose decision thereon shall be final.

(3) An Appeal Commissioner exercising functions in accordance with the provisions of this section shall have all the powers exercisable by an Appeal Commissioner under the Ordinance under which the original proceedings were had and shall, in addition thereto, have the powers exercisable by the Governor under such Ordinance upon consideration of an appeal and the findings of an Appeal Commissioner thereon.

(4) Any Appeal Commissioner exercising functions in accordance with the provisions of this section shall forward his decision as soon as may be to the appropriate Minister for publication in the *Gazette*.

(5) For the purposes of this section, when there is more than one Appeal Commissioner, the senior shall have power to assign appeals

(a) Laws of the Gold Coast, Rev. 1951, Chapter 249.
(b) Laws of the Gold Coast, 1952–54, Supp. Rev. Ed., Vol. 1, p. 267.
(c) Laws of the Gold Coast, 1952–54, Supp. Rev. Ed., Vol. 1, p. 243.
(d) Laws of the Gold Coast, 1952–54, Supp. Rev. Ed., Vol. 1, p. 241.
(e) Laws of the Gold Coast, 1952–54, Supp. Rev. Ed., Vol. 1, p. 306.

to particular Appeal Commissioners. In this subsection, the expression "senior" means senior according to the date of substantive appointment, or, if in any case two persons were appointed substantively on the same date, according to age.

(6) Subject to the provisions of this section, any reference to an Appeal Commissioner in any of the said Ordinances shall be deemed to apply to an Appeal Commissioner exercising functions under this section.

Modification of existing laws

89. The Governor-General may, before the expiry of a period of one year from the appointed day, by proclamation published in the *Gazette*, make such provision as he is satisfied is necessary or expedient in consequence of the provisions of this Order, for modifying, adding to or adapting any law which refers, in whatever terms to the Governor or to any public officer or authority, or otherwise for bringing any law into accord with the provisions of this Order and of the existing Orders, as amended by this Order, or for giving effect to those provisions.

Removal of difficulties

90.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, the Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section on or after the appointed day.

(2) Any Order made under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a date not earlier than the date of this Order.

(3) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament in the United Kingdom.

Exercise before the appointed day of power to summon Parliament

91.—(1) For the avoidance of doubt it is hereby declared that, prior to the appointed day, the Governor may, for and in the name of the Governor-General, by Proclamation summon the Parliament of Ghana to meet on or after the appointed day in pursuance of the provisions of this Order and may do all such other things in connection therewith as he may deem necessary or expedient for such purpose.

(2) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament in the United Kingdom.

W. G. Agnew.

THE FIRST SCHEDULE

(*Section* 3)

PART I

COLUMN 1 *Orders*	COLUMN 2 *Extent of Revocation*
The Gold Coast (Constitution) Order in Council, 1954(a) as amended by the Gold Coast (Constitution) (Amendment) Order in Council, 1955(b), the Gold Coast (Constitution) (Amendment No. 2) Order in Council, 1955(c), and the Gold Coast (Constitution) (Amendment) Order in Council, 1956(d).	Sections 4 to 55. Section 59. Subsections (1), (2), (3) and (4) of section 60. Sections 61 to 69. The words "and the provisions of section 6 of this Order shall apply accordingly to the exercise of such functions" where they occur in section 70. Sections 71 to 73. The First, Second and Third Schedules.

PART II

Amendments to the Fourth Schedule to the Gold Coast (Constitution) Order in Council, 1954

1. In sub-paragraph (*a*) of paragraph 3, immediately after the words "31st March, 1954" insert the words "but before the date of commencement of the Ghana Independence Act, 1957".

2. In sub-paragraph (*b*) of paragraph 15 for the words "after consultation with the Public Service Commission" substitute the words "acting on the advice of the Public Service Commission" and for the words "after consultation with the Judicial Service Commission" substitute the words "acting on the advice of the Judicial Service Commission".

3. The following new paragraph shall be inserted immediately after paragraph 17—

"18 (*a*) An overseas officer, who substantively held a public office on pensionable terms on the day immediately prior to the date of commencement of the Ghana Independence Act, 1957, which office ceased to exist on such date by virtue of the revocation of the Gold Coast Colony and Ashanti Letters Patent, 1954 and 1955, shall retire on the date at which any unexpired leave earned at such date expires.

(*b*) An officer to whom sub-paragraph (*a*) of this paragraph applies shall be entitled on the date of his retirement to such pension and gratuity or to such gratuity as an "entitled officer" is eligible to receive and in addition at his option either to compensatory pension or to compensation for loss of career.

An officer to whom sub-paragraph (*a*) of this paragraph applies shall be deemed to have opted for compensation for loss of career unless within one month after his office ceased to exist he gives notice in writing to the Governor-General of his desire to receive compensatory pension in place thereof.

(*c*) Compensatory pension or compensation payable to an officer under sub-paragraph (*b*) of this paragraph shall be calculated at the date on which his office ceased to exist and payment thereof shall be subject to the provisions of paragraph 13 of this Schedule."

(a) S.I. 1954/551 (1954 II, p. 2788). (b) S.I. 1955/1218 (1955 II, p. 3150).
(c) S.I. 1955/1219 (1955 II, p. 3156). (d) S.I. 1956/997.

THE SECOND SCHEDULE

(Section 77)

1. (*a*) In this Schedule, unless the context otherwise requires:—

"the appropriate law" means, in relation to any officer, the law governing the grant of pensions and gratuities to officers in the public service of Ghana which for the time being applies to that officer;

"compensatory pension" means an addition to earned pension or gratuity calculated at the rate of one hundred and eightieth part of an officer's pensionable emoluments at the date of his retirement for each complete period of one year of actual pensionable service;

"compensation for loss of career" means the lump sum compensation for loss of career calculated in accordance with the provisions of this Schedule;

"earned pension or gratuity" means the pension or reduced pension and gratuity or gratuity which an entitled officer may be eligible to receive under the provisions of paragraph 2 of this Schedule;

"entitled officer" means any overseas officer who was, on or before the 4th day of May, 1954, appointed a Judge of the Supreme Court of the Gold Coast;

"operative date" means the 1st April, 1957, or the appointed day, whichever shall be the earlier;

"operative period" means the period of four years immediately subsequent to the operative date;

"qualifying service" means service which, under the appropriate law, may be taken into account in determining whether an officer is eligible for a pension or gratuity;

"retire" means retire from the public service of Ghana, and its grammatical variations shall be construed accordingly.

(*b*) For the purposes of this Schedule, the decision of the Secretary of State given before the appointed day, as to whether or not a person is an overseas officer shall be final.

(*c*) In this Schedule references to Ghana, the Governor-General and the Judicial Service Commission shall respectively include references to the Gold Coast before the appointed day, the Governor, acting in his discretion before the said date and the Judicial Service Commission constituted under the existing Orders.

2. (*a*) An entitled officer may retire at any time after the coming into operation of this Schedule.

(*b*) On the retirement of an entitled officer as aforesaid he shall be granted, whether or not the length of his qualifying service is such that, apart from the provisions of this sub-paragraph, he would be eligible for the grant of a pension under the appropriate law, such pension or reduced pension and gratuity as may, under the appropriate law, be granted to an officer on his retirement, or, alternatively, at his option, a gratuity of one-fifth of the aggregate amount of his pensionable emoluments during his service in the public service of Ghana.

3.—(1) Every entitled officer shall before the operative date be given, by notice in writing an opportunity to elect whether he will continue to serve on the same terms as a Judge of the Supreme Court appointed under the provisions of section 54 of this Order or whether he will retire on the operative date, and such election shall be exercised in writing not later than ten days after the receipt of such notice or after the date on which this Schedule comes into operation, whichever shall be the later, and if an officer does not so exercise that election he shall thereupon be deemed to have elected to continue to serve on the same terms as a Judge of the Supreme Court appointed under the provisions of section 54 of this Order.

(2) No notice given or election exercised for the purposes of this paragraph shall be invalid by reason only that it was given or exercised, as the case may be, before the coming into operation of this Schedule.

4. (*a*) An entitled officer who, if he elected under paragraph 3 of this Schedule to continue to serve on the same terms as a Judge of the Supreme Court appointed under the provisions of section 54 of this Order, and who—

(i) if he remained in the office held by him at the date of such election, and

(ii) if he retired immediately after the end of the operative period,

would receive less compensation than if he retired on the operative date or at any time during the operative period, shall, within ten days of the coming into operation of this Schedule or of the receipt of the notice given under the provisions of paragraph 3 of this Schedule whichever shall be the later, require in writing addressed to the Governor-General to be informed whether the Governor-General, after consultation with the Judicial Service Commission, is satisfied that his office is one for which there is a qualified and suitable person, who is not an expatriate, available.

(*b*) An entitled officer who required the foregoing information shall be informed in writing whether the Governor-General after consultation with the Judicial Service Commission, is satisfied that his office is one for which such a person is available, and if the officer is informed that the Governor-General is so satisfied the officer shall be entitled to re-exercise the right of election given to him by paragraph 3 of this Schedule and his former election shall have no effect.

(*c*) No request for information for the purposes of sub-paragraph (*a*) of this paragraph and no reply thereto for the purposes of sub-paragraph (*b*) of this paragraph shall be invalid by reason only that it was made or sent, as the case may be, before the coming into operation of this Schedule.

5.—(1) An entitled officer who has elected to retire on the operative date may retire on the operative date or such later date as herein provided, and on his retirement he shall be granted, in addition to his earned pension or gratuity, at his option, either—

(*a*) a compensatory pension of which not more than one-fourth may be commuted, or,

(*b*) lump sum compensation for loss of career calculated either at the operative date or the date of his retirement, whichever shall be more advantageous to him, in accordance with the provisions of the Table set out in this Schedule.

(2) Where an officer has elected to retire on the operative date, he may retire,

(*a*) in the case of an officer who is on leave at the time of giving such notice, on the date of the termination of such leave ; and

(*b*) in other cases, on the date on which his leave terminates after his departure from Ghana or the date on which his leave would terminate had he departed from Ghana utilising a passage of which he was notified by the Chief Justice, whichever shall be the earlier.

6. An entitled officer who fails to require the information mentioned in paragraph 4 of this Schedule or who is entitled to re-exercise a right of election by virtue of the provisions of paragraph 4 of this Schedule and who does not elect to retire on the operative date shall, on his retirement after giving such notice of his intention to retire as may be required by regulations made by the Governor-General, be granted, in addition to earned pension or gratuity, at his option, either—

(*a*) a compensatory pension, or

(*b*) lump sum compensation for loss of career calculated at the date of his retirement in accordance with the provisions of the Table set out in this Schedule.

7. An entitled officer who is not entitled to re-exercise a right of election by virtue of the provisions of paragraph 4 of this Schedule and who elects to continue to serve as a Judge of the Supreme Court appointed under the provisions of section 54 of this Order shall, on his retirement after giving such notice of his intention to retire as may be required by regulations made by the Governor-General, be granted, in addition to earned pension or gratuity, at his option, either—

(*a*) a compensatory pension, or

(*b*) lump sum compensation for loss of career calculated in accordance with the provisions of the Table set out in this Schedule—

(i) in the case of an officer retiring, or giving the requisite notice of his intention to retire, before the end of the operative period, at the date prior to his retirement during the operative period which is most advantageous to him, or

(ii) in any other case, at the date of his retirement.

8. The legal personal representative of any entitled officer who has not retired and who dies at any time on or after the operative date, shall be granted at the option of such legal personal representative either the gratuity payable under the appropriate law or a sum equal to the lump sum compensation for which such officer would have been eligible under the provisions of this Schedule if he had retired at the date of his death.

9. Subject to any express provision in the appropriate law regarding the maximum pension that may be granted to an officer retiring on account of injury, a compensatory pension granted under the provisions of this Schedule shall not exceed the amount which, when added to earned pension, would result in a total pension equal to two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his public service. For the purposes of this paragraph "earned pension" shall be deemed to be the pension which an officer would receive under the appropriate law in the absence of any option to take a reduced pension and gratuity.

10. (*a*) An officer who is transferred to other public service within the meaning of the appropriate law shall not be eligible to receive compensatory pension or compensation for loss of career.

(*b*) An officer who has reached the age of sixty before the date of his retirement shall not, unless he had not reached the age of sixty on the operative date and is entitled to have his compensation for loss of career computed with reference to a date other than the date of his retirement, be eligible to receive compensatory pension or compensation for loss of career.

11. An entitled officer shall not be eligible to receive any addition to earned pension or gratuity provided for in the appropriate law in respect of abolition of office if he receives compensatory pension or compensation for loss of career.

12. Nothing in this Schedule shall affect the power to dismiss any Judge of the Supreme Court.

13. Save as is otherwise provided in this Schedule, the appropriate law shall apply in relation to the grant of pensions and gratuities and to pensions and gratuities granted in pursuance of the provisions of this Schedule; and the provisions of this Schedule shall be construed as one with the provisions of that law:

Provided that the expression "pensionable service" in this Schedule shall not include any service which may not under the appropriate law be counted in full for the purpose of computation of pension.

TABLE

Lump Sum Compensation per Unit of Salary where Maximum Compensation is £8,000

Age last birthday	Factor	Age last birthday	Factor
37	2.69	49	3.39
38	3.07	50	3.25
39	3.41	51	3.07
40	3.69	52	2.89
41	3.87	53	2.68
42	3.97	54	2.22
43	4.00	55	1.74
44	3.97	56	1.51
45	3.89	57	1.27
46	3.79	58	1.01
47	3.65	59	.74
48	3.52		

1. This table applies only where at least ten years' actual service has been rendered.

2. The factor which is set out, opposite the age of an officer on his birthday immediately preceding the date in relation to which his lump sum compensation is to be calculated, shall be applied to the annual pensionable emoluments enjoyed by the officer at such date. The resulting figure or £8,000, whichever shall be the less, shall be the lump sum compensation to which such officer shall be entitled.

THE THIRD SCHEDULE

(*Section* 32)

The following definitions in subsection (1) of section 1:—

" Ashanti "
" the Assembly "
" the Consolidated Fund "
" judicial officer "
" the Northern Territories "
" Northern Togoland "
" public office "
" public officer "
" the public service "
" Region "
Subsections (2), (3), (4), (5) and (6) of section 1
Section 6
Section 20
Subsections (1), (2), (3) and (4) of section 31
Sections 32 to 35
Subsections (1) and (2) of section 42
Subsection (1) of section 46
Subsection (3) of section 47
Sections 48 to 58
Subsection (1) of section 61
Sections 62 to 64
Sections 66 to 69
This Schedule

EXPLANATORY NOTE

(*This note is not part of the Order but is intended to indicate its general purport.*)

This Order makes provision for a constitution for Ghana upon its attainment of independence within the British Commonwealth of Nations in pursuance of the Ghana Independence Act, 1957.