

**REPORT OF THE FINANCE COMMITTEE ON THE EARMARKED
FUNDS CAPPING AND REALIGNMENT (AMENDMENT) BILL, 2019**

1.0 INTRODUCTION

The Earmarked Funds Capping and Realignment (Amendment) Bill, 2019 was presented to Parliament by Hon. Abena Osei Asare, Deputy Minister for Finance and read the first time on Tuesday, 30th July, 2019.

Rt. Hon. Speaker referred the Bill to the Finance Committee for consideration and report in accordance with the 1992 Constitution and the Standing Orders of Parliament.

The Committee met with the Minister for Employment and Labour Relations, Hon. Ignatius Baffour Awuah, two Deputy Ministers for Finance, Hon. Kwaku Kwarteng and Hon. Abena Osei Asare and officials from the Ministry of Finance, the Ghana Revenue Authority, National Youth Authority and the Attorney-General's Department to consider the Bill.

2.0 DOCUMENTS REFERRED TO

The Committee referred to the following documents in the consideration of the Bill:

1. The 1992 Constitution

2. The Earmarked Funds Capping and Realignment Act, 2017 (Act 947)
3. The Standing Orders of Parliament
4. The Mid-Year Fiscal Policy Review of the 2019 Budget Statement and Economic Policy

3.0 OBJECT OF THE BILL

The object of the Bill is to amend the Schedule to the Earmarked Funds Capping and Realignment Act, 2017 (Act 947) by expunging the District Assemblies Common Fund from the Schedule to the Act to reflect a recent Supreme Court ruling.

3.1 Structure of the Bill

The Bill contains a clause. The Clause amends the Schedule to Act 947 by substituting the schedule in this Bill for that Schedule.

4.0 OBSERVATIONS

4.1 Justification for the Bill

The Committee was informed that the Bill seeks to enforce the decision of the Supreme Court in respect of the inclusion of the District Assemblies Common Fund in the Earmarked Funds Capping and Realignment Act, 2017 (Act 947).

The Supreme Court, in a judgment dated 12th July, 2019 ruled that the inclusion of the District Assemblies Common Fund in the Schedule to the Earmarked Funds Capping and Realignment Act, 2017 (Act 947) was unconstitutional. The Supreme Court accordingly asked that the District Assemblies Common Fund be expunged from the Schedule to the Act.

The bill has been proposed to reflect the Supreme Court's ruling by deleting the District Assemblies Common Fund from the Schedule to Act 947.

5.0 RECOMMENDATION

The Committee having carefully scrutinized the Bill proposes an amendment for the consideration of the House:

Amendment

Clause 1 – Amendment Proposed – *delete and insert* the following

1. The Earmarked Funds Capping and Realignment Act, 2017 (Act 947) by the substitution for the Schedule, of

“SCHEDULE

(sections 2(a), 2(b), 3(1), 3(2), 3(5)(a), 7(a) and (8)

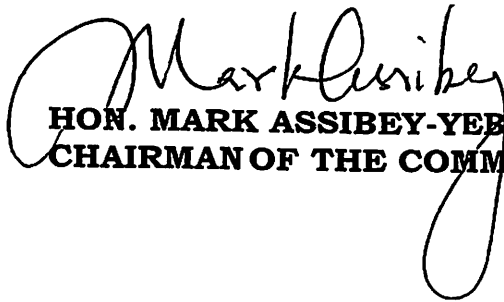
IDENTIFIED EARMARKED FUNDS

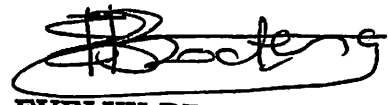
SRN	ITEM
1	National Health Insurance Fund
2	Ghana Education Trust Fund
3	Road Fund
4	Energy Fund
5	Internally Generated Funds (IGF) Retention
6	Transfers to Ghana National Petroleum Corporation from petroleum revenue
7	Transfers to the Youth Employment Agency from the Communications Service Tax
8	Students Loan Trust
9	Export Development Levy
10	Airport Passenger Service Charges
11	Minerals Development Fund
12	Ghana Revenue Authority (GRA) Retention
13	Plastic Waste Recycling Fund

6.0 CONCLUSION

After careful consideration, the Committee is of the view that the Amendment Bill satisfies the Supreme Court directive. The Committee accordingly recommends to the House to adopt its report and approve the Earmarked Funds Capping and Realignment (Amendment) Bill, 2019.

Respectfully submitted.


HON. MARK ASSIBEY-YEBOAH (DR)
CHAIRMAN OF THE COMMITTEE


EVELYN BREFO-BOATENG (MS)
CLERK TO THE COMMITTEE

PARLIAMENT OF GHANA