

IN THE FOURTH SESSION OF THE SEVENTH PARLIAMENT OF THE
FOURTH REPUBLIC OF GHANA

PARLIAMENT OF GHANA LIBRARY

REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS

ON THE

DETERMINATION OF THE URGENCY OR OTHERWISE OF THE
IMPOSITION OF RESTRICTIONS BILL, 2020

19TH MARCH, 2020

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE DETERMINATION OF THE
URGENCY OR OTHERWISE OF THE IMPOSITION OF RESTRICTIONS
BILL, 2020**

1.0 INTRODUCTION

- 1.1 The Imposition of Restrictions Bill, 2020 was laid in Parliament by the Hon. Attorney-General and Minister for Justice, Ms. Gloria Afua Akuffo on Wednesday, 18th March, 2020 in accordance with Article 106 of the 1992 Constitution.
- 1.2 Consequently, the Bill was referred to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Order 179 of the Standing Orders of Parliament.
- 1.3 The Committee was further tasked to determine the urgency or otherwise of the Bill in accordance with Article 106(13) of the Constitution and Order 119 of the Standing Orders of the House.

2.0 DELIBERATIONS

The Committee met with the Hon. Attorney-General and Minister for Justice, Ms. Gloria Afua Akuffo, the Hon. Deputy Attorney-General and Deputy Minister for Justice, Mr. Joseph Dindiok Kpemka and Officials of the Ministry to consider the urgency or otherwise of the Bill.

The Committee is profoundly grateful to the Hon. Attorney-General and Minister for Justice, the Deputy Attorney-General and Deputy Minister for Justice, and the Officials for clarifying issues raised by Hon. Members of the Committee at the Meeting.

3.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during the deliberations:

- i. The Constitution, 1992;
- ii. The Standing Orders of Parliament;
- iii. The Public Health Act, 2012 (Act 851);

- iv. The Imposition of Restrictions Bill, 2020; and
- v. The Directives announced by the President, including that of 15th March, 2020, imposing certain temporary measures to combat the COVID-19 pandemic.

4.0 OBSERVATIONS

4.1 Concerns of Some Minority Members

It was observed by some members that, the Bill is too broad and not Corona virus specific. They submitted that the Bill seems to endow the President with unfettered powers which could be subject to abuse. Also, given the fact that Article 31 of the 1992 Constitution and the relevant provisions of the Public Health Act, 2012 (ACT 851) and the Ghana Immigration Act provide for emergency powers for public safety, public health and other matters relating to entry of non-Ghanaians into the Country, the members therefore wanted to know the lacuna that the new law is supposed to fill.

Another concern raised by the Minority was the absence of checks and balances in the Bill. A yet another concern was the perceived unconstitutionality of the Bill.

It was however explained to the Committee that the Bill is purposed to be futuristic to provide a broad framework for current and future emergencies. In view of the overwhelming threat and the fluidity of the COVID-19 pandemic, there is the need for a legal framework that would provide for expeditious intervention by the Government in the event of unforeseeable emergencies. It was again explained that though the coronavirus is of a global and national concern and therefore needs drastic and immediate measures, it has not however reached a pandemic stage in Ghana to warrant the invocation of Article 31 of the Constitution.

Again, it was explained that any apparent absence of checks and balances could be cured by amendments, as Parliament often does. It was also indicated that it may be important to introduce a sunset clause to bring to an end any authority vested in the President in emergency period.

4.2 Urgency of the Bill

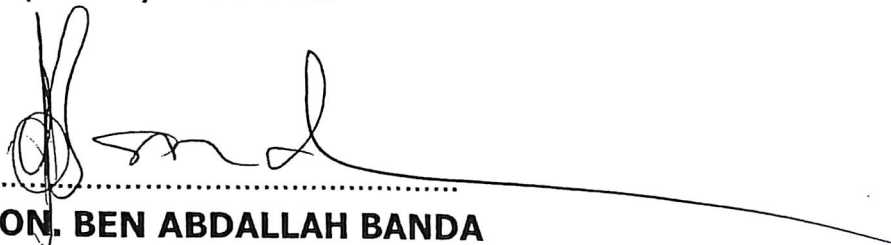
The Committee deliberated on the urgency of the Bill on the basis of the Memorandum accompanying the Bill and the devastating threats posed by the COVID-19 pandemic. The Committee accordingly determined, by majority decision of 10:5, that the Bill is of an urgent nature and must be treated as such.

5.0 RECOMMENDATION AND CONCLUSION

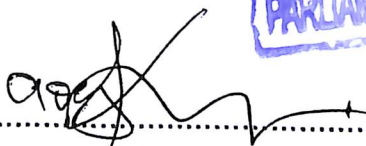
The Committee has duly considered the urgency of the Bill in the light of the monumental threats posed by the COVID-19 pandemic and the urgent need to pass the Bill to give effect to the temporary measures announced by the President to combat the pandemic.

The Committee, accordingly recommends to the House to adopt its report and to pass the Imposition of Restrictions Bill, 2020 in accordance with the relevant provisions of Article 106 of the Constitution.

Respectfully submitted.



**HON. BEN ABDALLAH BANDA
(CHAIRMAN OF THE COMMITTEE)**



**AKUA DUROWAA OWUSU AGYEKUM (MRS)
(CLERK TO THE COMMITTEE)**