

CRIMINAL OFFENCES (AMENDMENT) ACT, 2020 (ACT 1034)

ARRANGEMENT OF SECTIONS

Section

1. Section 239 of Act 29 amended
2. Section 248 of Act 29 amended
3. Section 249 of Act 29 amended
4. Section 250 of Act 29 amended
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8. Section 254 of Act 29 amended
9. Section 256 of Act 29 amended
10. Section 260 of Act 29 amended



REPUBLIC OF GHANA

**THE ONE THOUSAND AND THIRTY-FOURTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED CRIMINAL OFFENCES (AMENDMENT) ACT, 2020**

AN ACT to amend the Criminal Offences Act, 1960 (Act 29) to categorise the offence of corruption as a felony, to provide a stiff penalty for a person who commits the offence of corruption and for related matters.

DATE OF ASSENT: 27th October, 2020

PASSED by Parliament and assented to by the President

Section 1—Section 239 of Act 29 amended

The Criminal Offences Act, 1960 (Act 29), referred to in this Act as the "principal enactment" is amended by the substitution for section 239 of

"Corruption of and by public officer or juror

239. (1) A public officer or juror shall not commit corruption or wilful oppression or extortion in respect of the duties of office.

(2) A person shall not corrupt any other person in respect of a duty as a public officer or juror.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years."

Section 2—Section 248 of Act 29 amended

The principal enactment is amended by the substitution for section 248 of

"False declaration for office or voting

248. (1) A person shall not, in order to obtain or be qualified to act in a public office or to vote at a public election, make, sign, publish or use a declaration, statement or an oath, required by law or a certificate or testimonial regarding conduct or services, or as to any other matter which is material for obtaining that office, for the qualification to act in that office or to vote at the election.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of not less than five years and not more than ten years if that person knows that the declaration, statement, oath, certificate or testimonial is false."

Section 3—Section 249 of Act 29 amended

The principal enactment is amended by the substitution for section 249 of

"False certificate by public officer

249. (1) A public officer who is authorised as a public officer to attest or certify, by writing or otherwise, a document or matter, or that an event has or has not happened, shall not

(a) attest or certify the document or matter knowing it to be false; or

(b) attest or certify that the event has happened or has not happened, without knowing or having reason to believe that it has happened or has not happened, according to the attestation or certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years."

Section 4—Section 250 of Act 29 amended

The principal enactment is amended by the substitution for section 250 of

"Destruction of document by a public officer

250. (1) A public officer shall not intentionally and unlawfully destroy, injure, falsify or conceal a document which is in the possession, custody, or control of the public officer or to which the public officer has access by virtue of office.

(2) A public officer who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years."

Section 5—Section 251 of Act 29 amended

The principal enactment is amended by the substitution for section 251 of

"Deceiving a public officer

251. (1) A person shall not, with intent to defeat, obstruct, or prevent the course of justice, or the due execution of the law, or evade the requirements of the law, or defraud or injure a person, or to obtain or assist in or facilitate the obtaining of any passport, instrument, concession, appointment, permission or any other privilege or advantage, endeavour to deceive or to overreach a public officer acting in the execution of a public office or duty by,

(a) personation, or by a false instrument, document, seal, signature, or

(b) a false statement, declaration or assurance whether written or verbal or by a written or verbal statement, declaration or assurance which the person making the statement, declaration or assurance did not have good reason to believe to be true.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years."

Section 6—Section 252 of Act 29 amended

The principal enactment is amended by the substitution for section 252 of

"Accepting or giving bribe to influence a public officer or juror

252. (1) A person shall not accept or agree or offer to accept a valuable consideration under the pretence of having unduly influenced or being able or agreeing to influence any other person in respect of functions as a public officer or juror.

(2) A person shall not give or agree or offer to give to a public officer a valuable consideration for the grant to that person or to any other person of a benefit or an advantage or for the exercise of influence in favour of that person or any other person.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years."

Section 7—Section 253 of Act 29 amended

The principal enactment is amended by the substitution for section 253 of

"Corrupt promise by judicial officer or juror

253. (1) A person shall not, otherwise than in the due execution of a duty as a judicial officer or juror, make or offer to make an agreement with any other person as to the judgment or verdict which that person will or will not give as a judicial officer or juror in a pending or future proceeding.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years."

Section 8—Section 254 of Act 29 amended

The principal enactment is amended by the substitution for section 254 of

"Corrupt selection of juror

254. (1) A person shall not, with a purpose of procuring an undue advantage or disadvantage to a party to a judicial proceeding, procure for that person or for any other person to be summoned, empaneled or sworn as a juror in the proceeding or endeavour to prevent any other person from being summoned, empaneled or sworn as a juror in that proceeding.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years."

Section 9—Section 256 of Act 29 amended

The principal enactment is amended by the substitution for section 256 of

"Corruption, intimidation, and personation in respect of election

256. (1) A person shall not act in a manner that amounts to corruption, intimidation or personation in respect of a public election.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years and not more than ten years.

(3) A person convicted under subsection (2) shall not hold a public office in respect of which the election was held, or a public office of the same nature."

Section 10—Section 260 of Act 29 amended

The principal enactment is amended by the substitution for section 260 of

"Withholding of public money by a public officer

260. Where a public officer who is bound in that capacity to pay or account for money or a valuable thing or to produce or give a document or any other thing up, fails to pay or account for or to produce or give the document or thing up to any other officer or person lawfully demanding the same, commits an offence and is liable on summary conviction to a term of imprisonment of not less than twelve years and not more than twenty-five years."

Date of Gazette Notification: 27th October, 2020.