



REPUBLIC OF GHANA

**FOREIGN ENLISTMENT ACT, 1961 (ACT 75)**

**ARRANGEMENT OF SECTIONS**

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**THE SEVENTY-FIFTH**

**ACT**

**OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED**

**THE FOREIGN ENLISTMENT ACT, 1961**

**AN ACT** to control the enlistment of citizens of Ghana and other persons in possession of Ghana passports in the military service of a country other than the Republic of Ghana.

**DATE OF ASSENT:** 17th August, 1961.

**BE IT ENACTED** by the President and the National Assembly in this present Parliament assembled as follows:

Section 1—Illegal Enlistment.

(1) A person who, being a citizen of Ghana, within or without the Republic accepts or agrees to accept, without the permission in writing of the President first had and obtained, any commission or engagement in the military service of any other country or induces any other person, whether a citizen or not, to accept or agree to accept any commission or engagement in the military service of any other country is guilty of first degree felony.

(2) A person who is not a citizen of Ghana but to whom a Ghana passport has been issued shall not, while he—

(a) is in possession of the passport;

(b) has any claim to the possession of the passport; or

(c) otherwise claims or enjoys the protection of the Republic by reason of the issue of the passport,

accept or agree to accept without the permission in writing of the President first had and obtained any commission or engagement in the military service of any other country or induce any other person, whether a citizen or not, to accept or agree to accept any commission or engagement in the military service of any other country.

(3) A person who contravenes any of the provisions of subsection (2) is guilty of first degree felony.

#### Section 2—Leaving Ghana for Enlistment.

A person who leaves the Republic or goes on board any vessel, vehicle or aircraft wherever situate for the purpose of accepting or agreeing to accept, without the permission in writing of the President first had and obtained, any commission or engagement in the military service of any other country or induce, any other person, whether a citizen or not, to leave the Republic or to go on board any vessel, vehicle or aircraft for the purpose of leaving the Republic with intent to accept or agree to accept any commission or engagement in the military service of any other country is guilty of first degree felony.

#### Section 3—Inducing Enlistment by Misrepresentation.

A person who induces any other person, whether a citizen or not, to leave the Republic or go on board any vessel, vehicle or aircraft within the Republic under a misrepresentation or false representation as to the service in which that person is to be engaged with intent that that person may accept or agree to accept any commission or engagement in the military service of any other country is guilty of first degree felony.

#### Section 4—Taking on Board Illegally Enlisted Persons.

(1) A person in charge of any vessel, vehicle or aircraft who without the permission in writing of the President first had and obtained knowingly takes on board or engages to take on board or has on board the vessel, vehicle or aircraft while it is within the Republic, any of the following persons (in this Act called "illegally enlisted persons") that is to say—

(a) a citizen who, within or without the Republic, has without the permission in writing of the President accepted or agreed to accept any commission or engagement in the military service of any other country;

(b) a citizen who, without the permission in writing of the President, is about to leave the Republic with intent to accept any commission or engagement in the military service of any other country;

(c) a citizen who has been induced to embark under a misrepresentation or false representation as to the service in which he is to be engaged with the intent that the person so induced may accept or agree to accept a commission or engagement in the military service of any other country,

is guilty of second degree felony.

(2) All illegally enlisted persons shall, immediately on discovery of the offence, be taken from the vessel or aircraft and shall not be allowed to return to it.

(3) A vessel, vehicle or aircraft involved in the commission of an offence under this Act shall be detained until the trial, conviction or acquittal of the person in charge and until all penalties imposed on him have been paid and in any case where he is imprisoned the vessel, vehicle or aircraft shall be released to any person having a lawful claim thereto upon the payment of such sum of money as the court in sentencing the said person shall specify.

#### Section 5—Description of Offence.

An offence against this Act may be described in any indictment or other document relating to the offence as having been committed at the place where it was wholly or partly committed or it may be described as having been committed within the jurisdiction of the court by which the offence is to be tried.

#### Section 6—Seizure.

Any customs officer not below the rank of a Collector, any superior police officer not below the rank of Superintendent and any commissioned officer of the Armed Forces may seize and detain a vessel, vehicle or aircraft liable to be seized or detained in pursuance of this Act.

#### Section 7—Regulations.

The Minister may, with the prior approval of the President, by legislative instrument make regulations for the purpose of carrying into effect the provisions of this Act.

#### Section 8—Interpretation.

In this Act, unless the context otherwise requires—

"aircraft" includes every type of flying or airborne craft;

"citizen" means a citizen of Ghana;

"military service" includes service in a police, army, naval or air force and any other employment whatever in connection with any military operation and any employment in secret service work or in an underground movement or as a secret agent;

"Minister" means the Minister responsible for Defence;

"passport" includes every form of travel document issued on behalf of the Republic;

"person in charge" includes the master, pilot, driver and any other person in command, and the owner, of the vessel, vehicle or aircraft.

Section 9—Repeal and Cesser of Application.

(1) The Foreign Enlistment Ordinance (Cap. 61) is repealed.

(2) The Foreign Enlistment Act, 1870, shall cease to apply in Ghana.