

LAWS OF GHANA (REVISED EDITION) ACT, 1998 (ACT 562)

As Amended by

LAWS OF GHANA (REVISED EDITION) (AMENDMENT) ACT, 2006 (ACT 711)1

LAWS OF GHANA (REVISED EDITION) (AMENDMENT) ACT, 2007 (ACT 729)2

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REPUBLIC OF GHANA

**THE FIVE HUNDRED AND SIXTY-SECOND
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE LAWS OF GHANA (REVISED EDITION) ACT, 1998**

AN ACT to provide for the preparation and publication of a Revised Edition of the Laws of Ghana and to provide for related matters.

DATE OF ASSENT: 30TH DECEMBER, 1998.

BE IT ENACTED by Parliament as follows—

Section 1—Appointment of Law Revision Commissioner

(1) The President in consultation with the Council of State and the Minister for Justice shall appoint a Commissioner to be known as the statute Law Revision Commissioner to prepare a Revised Edition of—

(a) all Acts in force on 1st January, 2005

(b) all subsidiary legislation in force on 1st January, 2005. [Amended by the Laws of Ghana (Revised Edition) (Amendment) Act, 2006 (Act 711), s.1]

(2) Where the Commissioner is for any reasonable and just cause unable to perform the functions assigned him under this Act, the President may in accordance with the advice of the Minister for Justice appoint another person qualified to be Commissioner during the period of absence of the Commissioner.

Section 2—Functions and Powers of the Commissioner

(1) In the preparation of the Revised Edition the Commissioner—

(a) shall omit—

(i) all Acts or parts of Acts which have been expressly or specifically repealed or which have expired, become spent or ceased to have effect;

- (ii) all repealing enactments contained in Acts and tables and all lists of repeated enactments whether contained in Schedules or otherwise,
 - (iii) all preambles to Acts where the Commissioner considers that the omission can conveniently be made;
 - (iv) all enactments prescribing the date on which an Act or part of an Act is to come into force where the Commissioner considers that the omission can conveniently be made;
 - (v) all amending Acts or parts of amending Acts where the Commissioner has incorporated the amendments in the Acts to which the amendments relate;
 - (vi) all enacting clauses;
- (b) shall make adaptations of and amendments to Acts in order to bring those Acts into conformity with the Constitution of Ghana, 1992;
- (c) may arrange any Act in such groups and sequence that may be convenient irrespective of the date of enactment;
- (d) may alter—
- (i) the order of sections in any Act and renumber the sections;
 - (ii) the form or arrangement of any sections by transferring words, by combining any sections or other sections or by dividing any sections into two or more subsections;
- (e) may transfer an enactment contained in an Act from that Act to any other Act to which that enactment more properly belongs;
- (f) may omit a chart, map or plan annexed to an Act;
- (g) may divide Acts into parts or other suitable divisions;
- (h) may alter the short title of an Act or add a short title to an Act which may require a short title;
- (i) may redesignate Legal Notices as statutory instruments;
- (j) may supply or add head notes;
- (k) shall convert marginal notes to head notes;
- (l) shall correct all grammatical, typographical and similar errors in the Acts and for that purpose the Commissioner may effect such alterations that are necessary whilst not affecting the meaning of any Act;
- (m) may alter names, localities, offices, forms and methods in order to bring an Act into conformity with the circumstances of the country or the Commonwealth; and
- (n) may do all other things relating to form and method that the Commissioner considers necessary to make perfect the Revised Edition.
- (2) Notwithstanding subsection (1) of section 1, the Commissioner may omit from the Revised Edition any Act which is in force on 1st January, 1999, but which is repealed before the coming into force of the Revised Edition.

Section 3—No Power to Make Alteration of Substance

- (1) The functions of the Commissioner contained in section 2 does not include any power to make alteration or amendment in the matter or substance of an Act.
- (2) Where the Commissioner considers—
 - (a) that an alteration or amendment in the matter or substance of an Act is desirable; or
 - (b) that an Act requires considerable alteration or amendment involving the entire recasting of the Act, the Commissioner shall prepare a Bill setting out the alteration or amendment or the recasting of the Act for introduction into Parliament.

Section 4—Power to Omit Specific Enactments

The Commissioner may where he considers it appropriate exclude from the Revised Edition—

- (a) any Act of a personal nature;
- (b) any Act of a temporary nature which can in the opinion of the Commissioner be conveniently omitted.

Section 5—Omission of Maps, Charts

- (1) Where a chart, map or plan annexed to an Act is omitted in the Revised Edition of the Acts under paragraph (f) of subsection (1) of section 2 of this Act, the Commissioner shall deposit a duly authenticated copy of the chart, map or plan with the appropriate authority, for inspection, without the payment of a fee, by a person who desires to inspect the chart, map or plan.
- (2) A person may obtain a copy of a chart, map or plan deposited pursuant to subsection (1) of this section upon the payment of the fee normally demanded by the appropriate authority for such a copy.

Section 6—Form of Publication

- (1) The Revised Edition shall—
 - (a) be printed and published in loose-leaf form; and
 - (b) be issued in such number of volumes with binders as the Commissioner shall determine.
- (2) Notwithstanding subsection (1) (a) the Commissioner shall cause such number of copies of the Revised Edition as he considers necessary for signature in accordance with section 14 and for record purposes to be bound as volumes in book form.
- (3) Subject to the provisions of this section any other particulars relating to form of publication of the Revised Edition shall be determined by the Commissioner in consultation with the Minister.

Section 7—Maintenance of a Cumulative Edition of the Laws of Ghana

- (1) There shall be maintained after the publication of the Revised Edition a Cumulative Edition of the Laws of Ghana in accordance with the provisions of this section.

(2) The Minister shall as soon as practicable after the 31st December of the year in which the Revised Edition comes into force and after 30th June and 31st December of each succeeding year cause to be revised the enactments in the Revised Edition.

(3) For the purposes of subsection (2), the Minister shall authorize the inclusion in the Revised Edition of amendments and the deletion of repeals on a printed page referred to in this Act as "a replacement page" and the Revised Edition as from time to time revised shall constitute the Cumulative Edition.

(4) A replacement page may—

(a) replace any affected page;

(b) indicate a complete repeal of an enactment in which event the repealed enactment shall be removed from the Cumulative Edition;

(c) replace an enactment in the Revised Edition or Cumulative Edition as amended.

(5) Pages replaced in the Cumulative Edition may be kept separately for record purposes.

(6) Any inclusion or deletion effected under this section shall have stated on the replacement page, or the reprint, the short title, date and number of the amending enactment incorporated or effecting the repeal.

(7) Where amendments are made to the enactments in the Cumulative Edition, the provisions of this section shall apply as appropriate.

Section 8—Effective date of Revised Edition

(1) As soon as practicable after the completion of the Revised Edition, the Commissioner shall submit a set in bound book form to the Minister who shall lay it before Parliament.

(2) Parliament shall on a resolution passed for the purpose and supported by the votes of the majority of the members present and voting approve the Revised Edition to come into force on such date as the President may by executive instrument published in the Gazette specify. [Amended by the Laws of Ghana (Revised Edition) (Amendment) Act, 2007 (Act 729), s.1]

(3) From the date specified as the date of the coming into force of the Revised Edition under subsection (2) of this section, the Revised Edition shall have the force of law as the sole Statute Book of Ghana in respect of the Acts in force on 1st January, 1999.

Section 9—Saving of Subsidiary Legislation

(1) Any subsidiary legislation made under an Act included in the Revised Edition of the Acts and in force on the day the Revised Edition of the Acts comes into force, shall continue in force until otherwise dealt with.

(2) A reference in any subsidiary legislation mentioned in subsection (1) of this section to the Act under which it is made or to any part of it, or to any enactment, shall, where necessary, be construed as a reference to the corresponding provision in the Revised Edition of the Acts.

Section 10—Revision of Subsidiary Legislation

In the preparation by the Commissioner of the Revised Edition of subsidiary legislation, the provisions of this Act, unless otherwise provided, shall apply to subsidiary legislation as they apply to Acts with such modifications as may be necessary.

Section 11—Effective date of Revised Edition of Subsidiary Legislation

(1) The President may, by legislative instrument, specify the date on which the revised edition of subsidiary legislation shall come into force.

(2) From the date specified under subsection (1) of this section, the Revised Edition of subsidiary legislation shall, for all purposes, have the force of law as the sole and only set of subsidiary legislation which was in force on 1st January, 1999, under the Statute Book of Ghana.

Section 12—Complimentary Matters

The Revised Edition may contain a reprint of historical and constitutional documents, including in particular Imperial statutes, Orders-in-Council, Royal Instructions and other instruments as the Commissioner may determine.

Section 13—Construction of References

Where in an enactment or in any document a reference is made to an enactment affected by or under the operation of this Act, that reference shall, where necessary, be construed as a reference to the corresponding enactment in the Revised Edition of the Acts or the Revised Edition of the subsidiary legislation.

Section 14—Signed Copies

One copy of each set of bound volumes of the Revised Edition of the Acts and of the Revised Edition of subsidiary legislation shall be signed by the President, the Speaker and the Commissioner and shall be deposited with the President, the Speaker, the Chief Justice and the Public Records and Archives Department.

Section 15—Sale of Revised Edition

Copies of the Revised Edition of the Acts and of subsidiary legislation shall be available for sale to the public as a government publication.

Section 16—Expenses of the Revision

The expenses of, and incidental to, the preparation and publication of the Revised Edition shall be a charge on the Consolidated Fund.

Section 17—Printing of this Act with the first Revised Edition

This Act shall be printed at the commencement of the Revised Edition.

Section 18—Interpretation

In this Act unless the context otherwise requires—

"Act" includes Ordinance, Decree and Law;

"Commissioner" means the Statute Law Revision Commissioner appointed under section 1 of this Act;

"Cumulative Edition" means the Revised Edition as revised from time to time in accordance with section 7;

"Minister" means the Minister responsible for Justice;

"Revised Edition" means the written laws of Ghana as revised and published under the authority of this Act;

"subsidiary legislation" includes Proclamations, Orders, Regulations, Rules and Legal Notifications made or issued under the authority of an Act.

Date of Gazette Notification: 5th February, 1999.