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My Ref  
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REPUBLIC OF GHANA

OFFICE OF THE ATTORNEY-  
GENERAL & MINISTRY OF  
P. O. BOX MB. 60  
ACCRA.

18<sup>th</sup> March, 2020

Fax No. 0302-667609  
Tel. No. 0302-682106

**RE: IMPOSITION OF RESTRICTIONS BILL, 2020**

Pursuant to an Executive Approval dated 18<sup>th</sup> March 2020, we submit herewith the Imposition of Restrictions Bill, 2020 to be laid before Parliament. A copy of the Executive Approval has been attached herewith for your perusal.

We respectfully request for the Honourable Speaker's approval to have the Bill laid under a certificate of urgency.

A handwritten signature in black ink, appearing to read 'Gloria Afua Akuffo'.

**GLORIA AFUA AKUFFO (MISS)  
ATTORNEY-GENERAL &  
MINISTER FOR JUSTICE**

**THE CLERK OF PARLIAMENT  
PARLIAMENTARY SERVICE  
PARLIAMENT HOUSE  
ACCRA**

**Cc:**

- 1. The Majority Leader  
Parliament House  
Accra**
- 2. The Minority Leader  
Parliament House  
Accra**



REPUBLIC OF GHANA

# OFFICE OF THE PRESIDENT

SECRETARY TO THE PRESIDENT

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Ref. No.

*OPS 182 VOL 6 / 20 / 244*

18<sup>th</sup> March, 2020

*Honorable Attorney-General:*



## RE: REQUEST FOR EXECUTIVE APPROVAL FOR THE IMPOSITION OF RESTRICTIONS BILL 2020 TO BE LAID BEFORE PARLIAMENT

I refer to your letter, dated 18<sup>th</sup> March, 2020, in respect of the above subject matter.

The President has granted executive approval for the Imposition of Restrictions Bill, 2020 to be laid in Parliament under a certificate of urgency.

I shall be grateful if you could take requisite action on paragraph two (2) above.

**NANA BEDIATUO ASANTE**  
**SECRETARY TO THE PRESIDENT**

**THE ATTORNEY-GENERAL AND  
MINISTER FOR JUSTICE  
OFFICE OF THE ATTORNEY-GENERAL AND  
MINISTRY OF JUSTICE, MINISTRIES  
ACCRA**

**ATTN: GLORIA AFUA AKUFFO (MISS)**

Cc: The Vice President  
Jubilee House, Accra

The Chief of Staff  
Jubilee House, Accra

Secretary to the Cabinet  
Jubilee House, Accra

The Hon. Minister  
Ministry of Parliamentary Affairs  
Accra

*Handwritten notes and signatures:*  
②  
J.A.A.  
F.A. pel  
②  
18/3/20

# IMPOSITION OF RESTRICTIONS BILL, 2020

## MEMORANDUM

The purpose of the Bill is to provide for powers to impose restrictions on persons in the event of a disaster, emergency or similar circumstance, to ensure public safety and protection.

In view of the foregoing, Government finds it expedient to develop a legal framework to provide generally for expeditious interventions by the Government in the event of unforeseeable emergencies.

The Bill is therefore intended to provide a legislative framework in consonance with the Constitution, for the imposition of restrictions, as a quick and effective means of intervention to address emergencies.

The Bill recognises the general fundamental freedoms guaranteed under article 21 of the Constitution, but also takes cognisance of the fact that the exercise of the right to the general fundamental freedoms guaranteed under the Constitution is subject to laws that are reasonably required, among others, in the interest of public safety and public health as provided for in paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution.

Paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution provide as follows:

“(4) Nothing in, or done under the authority of, a law shall be held to be inconsistent with, or in contravention of, this article to the extent that the law in question makes provision –

- (c) for the imposition of restrictions that are reasonably required in the interest of defence, public safety, public health or the running of essential services, on the movement or residence within Ghana of any person or persons generally, or any class of persons; or
- (d) for the imposition of restrictions on the freedom of entry into Ghana, or of movement in Ghana, of a person who is not a citizen of Ghana; or

- (e) that is reasonably required for the purpose of safeguarding the people of Ghana against the teaching or propagation of a doctrine which exhibits or encourages disrespect for the nationhood of Ghana, the national symbols and emblems, or incites hatred against other members of the community;

except so far as that provision or as the case may be, the thing done under the authority of that law is shown not to be reasonably justifiable in terms of the spirit of this Constitution.”

The Bill thus focuses on the imposition of restrictions that are reasonably required and reasonably justifiable in terms of the spirit of the Constitution.

*Clause 1* states the object of the Bill as giving effect to paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution.

*Clause 2* provides for the imposition of restrictions by an Executive Instrument issued under the hand of the President for the purpose of imposing restrictions. The clause further indicates some matters the Instrument shall include.

*Clause 3* provides for the circumstances under which restrictions may be imposed. The circumstances reflect the intendment of the provisions of paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution.

*Clause 4* makes provision for exemptions which are required to be set out in the Executive Instrument under subclause (1) of *clause 2*.

*Clause 5* provides for the interpretation of the phrase “essential services” used in the Bill.

  
GLORIA AFUA AKUFFO (MISS)  
Attorney-General and Minister for Justice

Date:

17/03/20

# IMPOSITION OF RESTRICTIONS BILL, 2020

## ARRANGEMENT OF SECTIONS

### *Section*

1. Object
2. Imposition of restrictions
3. Circumstances for imposition of restrictions
4. Exemptions
5. Interpretation

# IMPOSITION OF RESTRICTIONS BILL, 2020

A

BILL

ENTITLED

## IMPOSITION OF RESTRICTIONS ACT, 2020

AN ACT to provide for the imposition of restrictions in accordance with paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution, and for related matters.

PASSED by Parliament and assented to by the President:

### Object

1. The object of this Act is to give effect to paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution.

### Imposition of restrictions

2. (1) The President may, by Executive Instrument, impose restrictions specified in paragraphs (c), (d) and (e) of clause (4) of article 21 of the Constitution.

(2) An Instrument made under subsection (1) shall include provisions in respect of

- (a) the specific restriction to be imposed;
- (b) the duration of the restriction;
- (c) the persons to whom the restriction applies;
- (d) the geographic areas to which the restriction applies;
- (e) the applicable offences and penalties; and
- (f) any other matter incidental to the attainment of the object of this Act.

## **Circumstances for imposition of restrictions**

3. (1) The President may impose a restriction under subsection (1) of section 2 where

- (a) the restriction is reasonably required in the interest of defence, public safety, public health or the running of essential services;
- (b) the restriction is reasonably required on the movement or residence within Ghana of any person or persons generally, or any class of persons;
- (c) the restriction is required to restrict the freedom of entry into Ghana, or movement in Ghana, of a person who is not a citizen of Ghana; or
- (d) the restriction is reasonably required for the purpose of safeguarding the people of Ghana against the teaching or propagation of a doctrine which exhibits or encourages disrespect for the nationhood of Ghana, the national symbols and emblems, or incites hatred against other members of the community.

(2) The imposition of a restriction under subsection (1) shall be reasonably justifiable in accordance with the spirit of the Constitution.

## **Exemptions**

4. Where the President is satisfied that certain circumstances make it expedient not to impose a restriction on certain persons or geographic areas under subsection (1) of section 2, the President may, by an Executive Instrument under that subsection, provide for an exemption.

## **Interpretation**

5. In this Act, unless the context otherwise requires,

“essential services” include

- (a) water supply services;
- (b) electricity supply services;

- (c) health and hospital services;
- (d) sanitary services;
- (e) air traffic and civil aviation control services;
- (f) meteorological services;
- (g) fire services;
- (h) air transport services;
- (i) supply and distribution of fuels;
- (j) telecommunications services; and
- (k) public and private commercial transport services.