

ARMED FORCES ACT, 1962 (ACT 105)

As amended by

THE ARMED FORCES (AMENDMENT) ACT, 1962 (ACT 131)1

ARMED FORCES (AMENDMENT) DECREE, 1972 (NRCD 45)2

ARMED FORCES (AMENDMENT) (NO.2) DECREE, 1972 (NRCD 125)3

ARMED FORCES ACT 1962 (AMENDMENT) DECREE, 1973 (NRCD 222)4

ARMED FORCES (AMENDMENT) LAW, 1983 (PNDCL 63)5

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REPUBLIC OF GHANA

**THE HUNDRED AND FIFTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE ARMED FORCES ACT, 1962**

AN ACT to provide for the raising and maintenance of the Army, Navy and Air Force of Ghana, for matters connected therewith and for the repeal of certain enactments relating to the existing forces and **other defence matters**.

DATE OF ASSENT: 21st February, 1962

WHEREAS by Article 53 of the Constitution it is provided that no armed force shall be raised except under the authority of an Act of Parliament:

AND WHEREAS by Article 8 of the Constitution it is also provided that the President shall be the Commander-in-Chief of the Armed Forces:

AND WHEREAS by Article 54 of the Constitution it is further provided that the powers of the Commander-in-Chief of the Armed Forces shall include the power to commission persons as officers in the said Forces and to order any of the said Forces to engage in operations for the defence of Ghana, for the preservation of public order, for relief in cases of emergency or for any other purpose appearing to the Commander-in-Chief to be expedient:

AND WHEREAS by section (2) of the said Article 54 of the Constitution it is also provided that the Commander-in-Chief shall have power, in a case where it appears to him to be expedient to do so for the security of the State, to dismiss a member of the Armed Forces or to order a member of the Armed Forces not to exercise any authority vested in him as a member thereof until the Commander-in-Chief otherwise directs:

Now, THEREFORE, BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—ORGANISATION.

Section 1—Raising of the Armed Forces.

There shall be raised and maintained in accordance with the provisions of this Act and regulations made thereunder, an army, navy, air force and border guards, to be known as the Army of Ghana, Navy of Ghana, Air Force of Ghana and Border Guards of Ghana, not exceeding such strength as may from time to time be determined by the National Redemption Council.[As substituted by the Armed Forces (Amendment) (No.2) Decree, 1972 (NRCD 125), s.1]

Section 2—Composition of Each Force.

(1) The Army of Ghana, Navy of Ghana, Air Force of Ghana and Border Guards of Ghana shall each consist of—

(a) a Regular Force;

(b) a Regular Reserve;

(c) if a Volunteer Force and a Volunteer Reserve are maintained under section 5, such Volunteer Force and Volunteer Reserve.

(2) Each Regular Force, Regular Reserve, Volunteer Force and Volunteer Reserve shall consist of such units and other elements and shall be under the immediate supervision and control of such officers, as may be prescribed.[As substituted by the Armed Forces (Amendment) (No.2) Decree, 1972 (NRCD 125), s.1]

Section 3—Composition of Regular Forces.

Each Regular Force shall consist of—

(a) officers commissioned by the Commander-in-Chief of the Armed Forces; and

(b) men enrolled in accordance with regulations made under this Act, for the purpose of rendering continuous service during the period of their engagement. [As substituted by the Armed Forces (Amendment) (No.2) Decree, 1972 (NRCD 125), s.1]

Section 4—Composition of Regular Reserve.

Each Regular Reserve shall consist of officers whom the President has transferred to such Reserve and men who have been transferred thereto in accordance with the terms of their enrolment.

Section 5—Composition of Volunteer Force and Volunteer Reserve.

(1) There may be raised and maintained in accordance with the provisions of this Act and of any regulations made thereunder for the Armed Forces Volunteer Forces consisting of such units or elements as may be deemed necessary by the President for the purpose of rendering service under this Act.

(2) There may be organised and maintained for the Armed Forces Volunteer Reserves consisting of such officers and soldiers of the Volunteer Forces or of any other unit of the Armed Forces as are transferred to such Reserves by order of the President.

Section 6—Full-Time Service and Active.

(1) Each Regular Force or part thereof shall be on continuing, full-time military service and shall at all times be liable to be employed on active service.

(2) The President may order, in such manner as may be prescribed, the whole or any part of any Regular Reserve or Volunteer Force or Volunteer Reserve to be on continuing full-time military service and on such order being made such Reserve, Force or part thereof shall be on such service, and during such service such Reserve, Force or part thereof shall at all times be liable to be employed on active service.

(3) Where the whole or any part of any Regular Reserve or Volunteer Force or Volunteer Reserve has been ordered under subsection (2) to be on continuing full-time military service, the officers and men of such Force, Reserve, or part thereof shall, during the period of such service, be deemed for all purposes, except for such purposes as may be prescribed, to be a part of the corresponding Regular Force.

(4) All officers and men ordered to be on continuing full-time military service under subsection (2) shall remain on such service until the President orders the termination of such service.

Section 7—Reserve and Volunteer Forces on Training.

The whole or any part of any Regular Reserve or Volunteer Force or Volunteer Reserve may be called out for training in accordance with regulations made in that behalf.

Section 8—Commander-in-Chief, etc.

(1) The Chairman of the National Redemption Council shall be the Commander-in-Chief of the Armed Forces of Ghana.

(2) In the exercise of his functions under this section, the Commander-in-Chief shall whenever practicable act in consultation with the Armed Forces Council appointed under section 11 of this Act, and he shall as soon as practicable report to the Armed Forces Council and the National Redemption Council on any such exercise of his functions.

(3) The Commander-in-Chief may appoint officers of the Armed Forces with such command as he may determine, and may grant commissions to officers and appoint persons to hold or act in any office in the Armed Forces.

(4) Where it appears to the Commander-in-Chief to be expedient to do so for the security of the State, he may dismiss a member of the Armed Forces or order a member of the Armed Forces not to exercise any authority vested in him as a member thereof until the Commander-in-Chief otherwise directs, and a purported exercise of authority in contravention of such an order shall be ineffective.

(5) The Commander-in-Chief shall have power to order any of the Armed Forces to engage in operations for the defence of Ghana, for the preservation of public order, for relief in the case of emergency or for any other purposes appearing to the Commander-in-Chief to be expedient.

(6) The Commander-in-Chief may appoint an officer of the Armed Forces to be the Chief of Defence Staff of the Armed Forces. [As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.2]

(7) The Commander-in-Chief may appoint an Army Commander, Navy Commander, Air Force Commander and Border Guards Commander.[As substituted by the Armed Forces (Amendment) (NO.2) Decree, 1972 (NRCD 125), s.2]

(8) The Chief of Defence Staff shall, subject to the control and direction of the Commander-in-Chief, be responsible for the operational control and the administration of the Armed Forces as a whole.[As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.2]

(9) The Army Commander, Navy Commander, Air Force Commander and Border Guards Commander shall, subject to any regulations made under section 97 of this Act, be charged with the control and administration of the Army, Navy, Air Force and Border Guards respectively.[As substituted by the Armed Forces (Amendment) (NO.2) Decree, 1972 (NRCD 125), s.2]

(10) The Commander-in-Chief may, subject to such conditions as he may determine, delegate any of his functions under this section to any member of the Armed Forces.

(11) The Chief of Defence Staff and each of the Commanders referred to in subsection (7) of this section may, subject to any direction given or regulation made by the Commander-in-Chief, delegate to any officer under his command such of his functions, other than the said function of delegation, as he may from time to time deem expedient.[As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.2]

Section 9—Employment of Civilians.

Civilian employees may be appointed in such numbers, for such purposes, in such manner and under such conditions of service, as may be prescribed.

Section 10—Board of Inquiry.

The President or any person authorised in that behalf by him or any prescribed person may, where he or such person thinks it expedient that information on any matter connected with the government, discipline, administration or functions of the Armed Forces or affecting any officer or men of the said Forces is necessary, convene a Board of Inquiry for investigating and reporting on such matter. That Board of Inquiry shall be constituted, and its procedure shall be governed, in accordance with regulations made under this Act.

Section 11—Armed Forces Council.

(1) There shall be an Armed Forces Council which shall consist of—

- (a) the Commander-in-Chief who shall be Chairman;
- (b) the Chief of Defence Staff;
- (c) one service commander appointed by the Commander-in-Chief;
- (d) two other persons appointed by the Commander-in-Chief.

(2) Without prejudice to the powers of the Commander-in-Chief under this Act, the Armed Forces Council shall advise the National Redemption Council and the Executive Council on all major matters of policy relating to defence and strategy including the role of the Armed

Forces, military budgeting and finance and administration.[As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.3]

Section 11A—Functions of Boarder Guards.

(1) Any member of the Border Guards and any other member of the Armed Forces who is seconded to the Border Guards shall be deemed to be an officer within the meaning of the Customs and Excise Decree, 1972 (N.R.C.D. 114) and shall accordingly be entitled to exercise all the powers of an officer under that Decree, subject to and in conformity with the provisions of that Decree and any other relevant enactment:

Provided that no such member shall exercise any power under section 102 of that Decree unless he is above the rank of sergeant.

(2) Subject to the provisions of the Customs and Excise Decree, 1972 (N.R.C.D. 114), where any person is arrested by a member of the Armed Forces for any offence against that Decree he shall be dealt with according to the ordinary criminal procedure of Ghana.

(3) Until regulations are made under section 97 of this Act in respect of the Border Guards, the Chairman of the National Redemption Council may give such written directions as he thinks fit in respect of any matter relating to the Border Guards. [As inserted by the Armed Forces (Amendment) (No.2) Decree, 1972 (NRCD 125), s.3]

PART II—PERSONS SUBJECT TO CODE OF SERVICE DISCIPLINE, SERVICE OFFENCES, ETC.

Section 12—Persons Subject to the Code of Service Discipline.

(1) The following persons, and no others, shall be subject to the Code of Service Discipline:

(a) every officer and man of each Regular Force;

(b) every officer and man of each Regular Reserve Volunteer Force and Volunteer Reserve when he is—

(i) undergoing drill or training whether in uniform or not,

(ii) in uniform,

(iii) on duty,

(iv) on continuing, full-time military service,

(v) on active service,

(vi) in or on any vessel, vehicle or aircraft of the Armed Forces or in or on any defence establishment or work for defence,

(vii) serving with any unit or other element of a Regular Force, or

(viii) present, whether in uniform or not, at any drill or training of a unit or other element of the Armed Forces;

(c) subject to such exceptions, adaptations, and modifications as the President may by regulations prescribe, a person who pursuant to law is attached or seconded as an officer or man to one of the Armed Forces;

(d) every person, not otherwise subject to the Code of Service Discipline, who is serving in the position of an officer or man of any force raised and maintained out of Ghana and commanded by an officer of the Armed Forces;

(e) every person, not otherwise subject to the Code of Service Discipline, who accompanies any unit or other element of the Armed Forces that is on service in any place;

(f) every person, not otherwise subject to the Code of Service Discipline, who, in respect of any service offence committed or alleged to have been committed by him, is in civil custody or in service custody; and

(g) every person, not otherwise subject to the Code of Service Discipline, while serving with the Armed Forces under an engagement whereby he agreed to be subject to that Code.

(2) Every person subject to the Code of Service under subsection (1) at the time of the alleged commission by him of a service offence shall continue to be liable to be charged, dealt with and tried in respect of that offence under such Code, notwithstanding that he may have, since the commission of that offence, ceased to be a person mentioned in that subsection.

(3) Every person who, since the alleged commission by him of a service offence, has ceased to be a person mentioned in subsection (1), shall, for the purposes of the Code of Service Discipline, be deemed, for the period during which under that Code he is liable to be charged, dealt with and tried, to have the status and rank that he held immediately prior to, the time when he ceased to be a person mentioned in that subsection.

(4) Subject to subsections (5) and (6), every person who is alleged to have committed a service offence may be charged, dealt with and tried only within the Armed Force in which he was commissioned or enrolled.

(5) Every person who, while attached or seconded to an Armed Force other than the Armed Force in which he was commissioned or enrolled, may be charged, dealt with and tried either within that other Force as if he belonged to that other Force, or within the Force in which he was commissioned or enrolled.

(6) Every person who, while embarked on any vessel or aircraft of an Armed Force other than the Force in which he was commissioned or enrolled is alleged to have committed a service offence, may be charged, dealt with and tried either within that other Force as if he belonged to that other Force, or within the Force in which he was commissioned or enrolled.

(7) Every person serving in the circumstances specified in paragraph (d) of subsection (1) who while so serving is alleged to have committed a service offence, may be charged, dealt with and tried within the Armed Force in which his commanding officer is serving.

(8) For the purposes of this section, but subject to such limitations as may be prescribed, a person accompanies a unit or other element of the Armed Forces that is on service if such person—

- (a) participates with that unit or other element in the carrying out of any of its movements, manoeuvres, duties in aid of the civil power, duties in a disaster, or warlike operations,
- (b) is accommodated or provided with rations at his own expense or otherwise by that unit or other element in any country or at any place designated by the President;
- (c) is a dependent out of Ghana of an officer or man serving beyond Ghana with that unit or other element, or
- (d) is embarked on a vessel or aircraft of that unit or other element.

Section 13—Aiding or Abetting Commission of Offence, Etc.

(1) In addition to the person who commits an offence, every person who—

- (a) does or omits an act for the purpose of aiding any person to commit the offence,
- (b) attempts to commit or abets any person in the commission of the offence, or
- (c) counsels or procures any person to commit the offence,

shall be guilty of an offence and on conviction shall be liable to the same punishment as the person found guilty of committing that offence.

(2) Every person who, having an intent to commit an offence, does or omits an act for the purpose of accomplishing his object shall be guilty of an attempt to commit the offence intended, whether under the circumstances it was possible to commit such offence or not.

(3) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose shall be guilty of that offence.

Section 14—Offences by Persons in Command When in Action.

Every person in command of a vessel, aircraft, defence establishment, unit or other element of the Armed Forces who—

- (a) when under orders to carry out an operation of war or on coming into contact with an enemy that it is his duty to engage, does not use his utmost exertion to bring the officers and men under his command or his ship, vessel, aircraft, or his other material into action,
- (b) being in action, does not, during the action, in his own person and according to his rank, encourage the officers and men under his command to fight courageously,
- (c) when capable of making a successful defence, surrenders his ship, vessel, aircraft, defence establishment, material, unit or other element of an Armed Force to the enemy,
- (d) being in action, improperly withdraws from the action,
- (e) improperly fails to pursue an enemy or to consolidate a position gained,
- (f) improperly fails to relieve or assist a known friend to the utmost of his power, or
- (g) when in action, improperly forsakes his station,

shall be guilty of an offence and on conviction if he acted treasonably, shall suffer death, if he acted from cowardice shall be liable to suffer death or to any less punishment provided by this Act, and in any other case shall be liable to dismissal with disgrace from the Armed Forces or to any less punishment provided by this Act.

Section 15—Offences by Any Person in Presence of Enemy.

Every person subject to the Code of Service Discipline who—

- (a) improperly delays or discourages any action against the enemy;
- (b) goes over to the enemy,
- (c) when ordered to carry out an operation of war, fails to use his utmost exertion to carry the order into effect,
- (d) improperly abandons or delivers up any defence establishment, garrison, place, material, post or guard,
- (e) assists the enemy with material,
- (f) improperly casts away or abandons any material in the presence of the enemy,
- (g) improperly does or omits to do anything that results in the capture by the enemy of persons or the capture or destruction by the enemy of material,
- (h) when on watch in the presence or vicinity of the enemy, leaves his post before he is regularly relieved or sleeps or is drunk,
- (i) behaves before the enemy in such manner as to show cowardice, or
- (j) does or omits to do anything with intent to imperil the success of any of the Armed Forces or of any forces co-operating therewith,

shall be guilty of an offence and on conviction, if he acted treasonably, shall suffer death, and in any other case, if the offence was committed in action, shall be liable to suffer death or to any less punishment provided by this Act or, if the offence was committed otherwise than in action, shall be liable to imprisonment for life or to any less punishment provided by this Act.

Section 16—Offences Relating to Security.

Every person subject to the Code of Service Discipline who—

- (a) improperly holds communication with or gives intelligence to the enemy,
- (b) without authority discloses in any manner whatsoever any information relating to the numbers, position, material, movements, preparations for operations of any of the Armed Forces or of any forces co-operating therewith,
- (c) without authority discloses in any manner whatsoever any information relating to a cryptographic system, aid, process, procedure, publication or document of any of the Armed Forces or of any forces co-operating therewith,
- (d) makes known the parole, watchword, password, countersign or identification signal to any person not entitled to receive it,

- (e) gives a parole, watch word, password, countersign or identification signal different from that which he received,
- (f) without authority alters or interferes with any identification or other signal,
- (g) improperly occasions false alarms,
- (h) when acting as sentry or lookout, leaves his post before he is regularly relieved or sleeps or is drunk,
- (i) forces a safeguard or forces or strikes a sentinel,
- (j) does or omits to do anything with intent to prejudice the security of the Armed Forces or any forces cooperating therewith,

shall be guilty of an offence and on conviction, if he acted treasonably shall suffer death, and in any other case shall be liable to imprisonment for life or to any less punishment provided by this Act.

Section 17—Offences Relating to Prisoners of War.

Every person subject to the Code of Service Discipline who—

- (a) by want of due precaution, or through disobedience of orders or wilful neglect of duty, is made a prisoner of war,
- (b) having been made a prisoner of war, fails to rejoin the Armed Forces when able to do so, or
- (c) having been made a prisoner of war, serves with or aids the enemy,

shall be guilty of an offence and on conviction, if he acted treasonably shall suffer death and in any other case shall be liable to imprisonment for life or to any less punishment provided by this Act.

Section 18—Offences Relating to Operations.

Every person subject to the Code of Service Discipline who—

- (a) does violence to any person bringing material to any of the Armed Forces or to any forces co-operating therewith,
- (b) irregularly detains any material being conveyed to any unit or other element of the Armed Forces or of any forces co-operating therewith,
- (c) irregularly appropriates to the unit or other element of the Armed Forces with which he is serving any material being conveyed to any other unit or element of such forces or of any forces co-operating therewith,
- (d) without orders from his superior officer, improperly destroys or damages any property,
- (e) breaks into any house or other place in search of plunder,
- (f) commits any offence against the property or person of any inhabitant or resident of a country in which he is serving,

(g) steals from or with intent to steal searches, the person of any person killed or wounded, in the course of warlike operations,

(h) steals any money or property that has been left exposed or unprotected in consequence of warlike operations, or

(i) takes otherwise than for the service of the Republic of Ghana any money or property abandoned by the enemy, shall be guilty of an offence and on conviction, if he committed any such offence on active service, shall be liable to imprisonment for life or to any less punishment provided by this Act, and in any other case shall be liable to dismissal with disgrace from the Armed Forces or to any less punishment provided by this Act.

Section 19—Mutiny with Violence.

Every person who joins in a mutiny that is accompanied by violence shall be guilty of an offence and on conviction shall be liable to suffer death or to any less punishment provided by this Act.

Section 20—Mutiny without Violence.

Every person who joins in a mutiny that is not accompanied by violence shall be guilty of an offence and on conviction shall be liable to imprisonment for life or to any less punishment provided by this Act and, in the case of a ringleader of the mutiny to suffer death or to any less punishment provided by this Act.

Section 21—Offences Connected with Mutiny.

Every person who—

(a) causes or conspires with any other person to cause a mutiny,

(b) endeavours to persuade any person to join in a mutiny,

(c) being present, does not use his utmost endeavours to suppress a mutiny, or

(d) being aware of an actual or intended mutiny, does not without delay inform his superior officer thereof,

shall be guilty of an offence and on conviction shall be liable to imprisonment for life or to any less punishment provided by the Act.

Section 22—Disobedience of Lawful Command.

Every person who disobeys a lawful command of a superior officer shall be guilty of an offence and on conviction shall be liable to imprisonment for life or to any less punishment provided by this Act.

Section 23—Striking or Offering Violence to a Superior Officer.

Every person who strikes or draws or lifts up a weapon against, or uses, or offers violence against a superior officer, shall be guilty of an offence and on conviction shall be liable to imprisonment for life or to any less punishment provided by this Act.

Section 24—Insubordinate Behaviour.

Every person who uses threatening or insulting language to or behaves with contempt towards a superior officer shall be guilty of an offence and on conviction shall be liable to dismissal with disgrace from the Armed Forces or to any less punishment provided by this Act.

Section 25—Quarrels and Disturbances.

Every person who quarrels or fights with any other person who is subject to the Code of Service Discipline, or who uses provoking words or gestures towards a person so subject tending to cause a quarrel or disturbance, shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 26—Disorders.

Every person subject to the Code of Service Discipline who—

- (a) being concerned in a quarrel, fray or disorder, refuses to obey an officer, though of inferior rank, who orders him into arrest, or strikes or uses or offers violence to any such officer,
- (b) strikes or uses or offers violence to any other person in whose custody he is placed, whether or not such other person is his superior officer and whether or not such other person is subject to the Code of Service Discipline,
- (c) resists an escort whose duty it is to apprehend him or to have him in charge, or
- (d) breaks out of barracks, station, camp, quarters or ship,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 27—Desertion.

(1) Every person who deserts shall be guilty of an offence and on conviction, if he committed the offence on active service or when under orders for active service, shall be liable to imprisonment for life or to any less punishment provided by this Act, and in any other case shall be liable to imprisonment for a term not exceeding five years or to any less punishment provided by this Act.

(2) For the purposes of this Act a person deserts who—

- (a) being on or having been warned for active service or other important service, is absent without authority with the intention of avoiding that service;
- (b) having been warned that his vessel is under sailing orders, is absent without authority, with the intention of missing that vessel;
- (c) absents himself without authority from his unit or formation or from the place where his duty requires him to be, with the intention of not returning to that unit, formation or place,
- (d) is absent without authority from his unit or formation or from the place where his duty requires him to be and at any time during such absence forms the intention of not returning to that unit, formation or place; or
- (e) while absent with authority from his unit or formation or the place where his duty requires him to be, with the intention of not returning to that unit, formation or place, does any act, or

omits to do anything, the natural and probably consequence of which act or omission is to preclude his return to that unit, formation or place at the time required.

(3) A person who has been absent without authority for a continuous period of six months or more shall, unless the contrary is proved, be presumed to have deserted for the purposes of this Act.

Section 28—Connivance at Desertion, Etc.

Every person who—

(a) being aware of the desertion or intended desertion of a person from any of the Armed Forces, does not without reasonable excuse inform his superior officer forthwith, or

(b) fails to take any steps in his power to cause the apprehension of a person known by him to be a deserter,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 29—Absence Without Leave.

(1) Every person who absents himself without leave shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

(2) A person absents himself without leave who—

(a) without authority leaves his unit, formation or the place where his duty requires him to be;

(b) without authority is absent from his unit, formation or the place where his duty requires him to be; or

(c) having been authorised to be absent from his unit, formation or the place where his duty requires him to be, fails to return to that unit, formation or place at the expiration of the period for which his absence was authorised.

Section 30—False Statement in Respect of Leave.

Every person who knowingly makes a false statement for the purpose of prolonging his leave of absence shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 31—Abuse of Inferiors.

Every person subject to the Code of Service Discipline who strikes or otherwise ill-treats any person in the Armed Forces, who by reason of rank or appointment is subordinate to him shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 32—Scandalous Conduct by Officers, Etc.

(1) Every officer who behaves in a scandalous manner unbecoming of an officer shall be guilty of an offence and on conviction shall suffer dismissal from the Armed Forces with or without disgrace.

(2) Every person in the Armed Forces, who behaves in a cruel or disgraceful manner shall be guilty of an offence and on conviction liable to imprisonment for a term not exceeding five years or to any less punishment provided by this Act.

Section 33—Drunkenness.

(1) Every person in the Armed Forces who is drunk, whether or not on duty, shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

(2) For the purposes of this section, a person is drunk if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit on the Armed Forces.

Section 34—Malingering or Maiming.

Every person subject to the Code of Service Discipline who—

- (a) malingers or feigns disease or produces disease or infirmity,
- (b) aggravates, or delays the cure of, any disease or infirmity by misconduct or wilful disobedience of orders, or
- (c) wilfully maims or injures himself or any other person who is in the Armed Forces or of any forces co-operating therewith, whether at the instance of that person or not, with intent thereby to render himself or that other person unfit for service, or causes himself to be maimed or injured by any person with intent thereby to render himself unfit for service,

shall be guilty of an offence and on conviction, if he commits the offence on active service or when under orders for active service, or in respect of a person on active service or orders for active service shall be liable to imprisonment for life or to any less punishment provided by this Act and in any other case, shall be liable to imprisonment for a term not exceeding five years or to any less punishment provided by this Act.

Section 35—Unnecessary Detention of Person in Custody.

Every person subject to the Code of Service Discipline who unnecessarily detains any other person subject thereto in arrest or confinement without bringing him to trial, or fails to bring that other person's case before the proper authority for investigation, shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 36—Negligent or Wilful Interference with Lawful Custody.

Every person subject to the Code of Service Discipline who—

- (a) without authority sets free or authorizes or otherwise facilitates the setting free of any person in custody,
- (b) negligently or wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard or keep in custody, or
- (c) assists any person in escaping or in attempting to escape from his custody,

shall be guilty of an offence and on conviction, shall be liable to imprisonment for a term not exceeding seven years or to any less punishment provided by this Act.

Section 37—Escape from Custody.

Every person subject to the Code of Service Discipline who, being in arrest or confinement or in prison or otherwise in lawful custody, escapes, shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 38—Obstruction of Police Duties, Etc.

Every person subject to the Code of Service Discipline who—

(a) resists or wilfully obstructs an officer or man in the performance of any duty pertaining to the arrest, custody or confinement of any other person subject to the Code of Service Discipline; or

(b) when called upon, refuses or neglects to assist an officer or man in the performance of any such duty,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 39—Obstruction of Civil Power.

Every person subject to the Code of Service Discipline who neglects or refuses to deliver over an officer or man to the civil power, pursuant to a warrant in that behalf, or to assist in the lawful apprehension of an officer or man accused of an offence punishable by a civil court shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 40—Offences in Relation to Convoys.

Every officer who, while serving in one of the ships or vessels of the Ghana Navy involved in the convoying and protection of another ship or vessel—

(a) fails to defend any ship, vessel or goods under convoy,

(b) refuses to fight in the defence of a ship or vessel in his convoy when it is attacked, or

(c) cowardly abandons or exposes a ship or vessel in his convoy to hazards,

shall be guilty of an offence and on conviction shall be liable to suffer death or to any less punishment provided by this Act.

Section 41—Losing, Stranding or Hazarding Vessels.

Every person who wilfully or negligently or through other default loses, strands or hazards or suffers to be lost, stranded or hazarded any of the ships or other vessels of the Armed Forces shall be guilty of an offence and on conviction shall be liable to dismissal with disgrace from those Forces or to any less punishment provided by this Act.

Section 42—Wrongful Acts in Relation to Aircraft, Etc.

Every person who—

(a) in the use of, or in relation to, any aircraft or material, wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission causes or is likely to cause loss of life or bodily injury to any person,

(b) wilfully or negligently or by neglect of or contrary to regulations, orders or instructions, does any act or omits to do anything, which act or omission results or is likely to result in damage to or destruction or loss of any aircraft or aircraft material of the Armed Forces or of forces co-operating with that Force, or

(c) during a state of war wilfully or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of the aircraft of the Armed Forces, or of any forces co-operating with that Force,

shall be guilty of an offence and on conviction, if he acted wilfully, shall be liable to imprisonment for life or to any less punishment provided by this Act, and in any other case shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 43—Low Flying.

Every person subject to the Code of Service Discipline who flies an aircraft at a height less than the prescribed minimum shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 44—Inaccurate Certificate.

Every person who signs an inaccurate certificate in relation to an aircraft or aircraft material, unless he proves that he took reasonable steps to ensure that it was accurate, shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 45—Disobedience of Captain's Orders.

(1) Every person subject to the Code of Service of Discipline who, when in an aircraft, disobeys any lawful command given by the captain of the aircraft in relation to the flying or handling of the aircraft or affecting the safety of the aircraft, whether or not the captain is subject to the Code of Service Discipline, shall be guilty of an offence and on conviction shall be liable to imprisonment for life or to any less punishment provided by this Act.

(2) For the purposes of this section—

(a) every person whatever his rank shall when he is in an aircraft be under the command, as respects all matters relating to the flying or handling of the aircraft or affecting the safety of the aircraft, of the captain of the aircraft, whether or not the latter is subject to the Code of Service Discipline; and

(b) if the aircraft is a glider and is being towed by another aircraft, the captain of the glider shall so long as his glider is being towed be under the command, as respects all matters relating to the flying or handling of the glider or affecting the safety of the glider, of the captain of the towing aircraft, whether or not the latter is subject to the Code of Service Discipline.

Section 46—Disturbances, Etc. in Billets.

Every person subject to the Code of Service Discipline who—

(a) ill-treats, by violence, extortion or making disturbances, in billets or otherwise, any occupant of a house in which he or any other person is billeted or of any premises in which accommodation for material of the Armed Forces has been provided, or

(b) fails to comply with regulations made under this Act in respect of the payment of the just demands of the person on whom he or any officer or man under his command is or has been billeted or the occupant of premises on which such material is or has been accommodated,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 47—Offences in Relation to Documents.

Every person who—

(a) wilfully or negligently makes a false statement or entry in a document made or signed by him that is required for the purposes of this Act or any regulations thereunder, or who, being aware of the falsity of a statement or entry in such a document, orders the making or signing thereof;

(b) when signing a document required for such purposes, leaves blank any material part for which his signature is a voucher; or

(c) with intent to injure any person or with intent to deceive, suppresses, defaces, alters or makes away with any document or file kept, made or issued for any such purpose,

shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding three years or to any less punishment provided by this Act.

Section 48—Conspiracy.

Every person who conspires with any other person, whether or not such other person is subject to the Code of Service Discipline, to commit an offence under the Code of Service Discipline shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding seven years or to any less punishment provided by this Act.

Section 49—Causing Fires.

Every person who wilfully or negligently or by neglect of or contrary to regulations made under this Act, orders or instructions, does any act or omits to do anything, which act or omission causes or is likely to cause fire to occur in any material, defence establishment or work for defence shall be guilty of an offence and on conviction, if he acted wilfully, shall be liable to imprisonment for life or to any less punishment provided by this Act, and in any other case shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 50—Unauthorised Use of Vehicles.

Every person who—

(a) uses a vehicle of the Armed Forces for an unauthorised purpose,
(b) without authority uses a vehicle of such Forces for any purpose, or
(c) uses a vehicle of such Forces contrary to any regulation under this Act, order or instruction,
shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 51—Destruction, Loss or Improper Disposal.

Every person subject to the Code of Service Discipline who—

(a) wilfully destroys or damages, loses by neglect, improperly sells or wastefully expends any public property, non-public property or property of any of the Armed Forces, or of any forces co-operating therewith, or

(b) sells, pawns, or otherwise disposes of any cross, medal, insignia or other decoration,
shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 52—Stealing, Etc.

(1) Every person subject to the Code of Service Discipline who—

(a) steals or fraudulently misapplies any property, or

(b) receives any such property knowing it to have been stolen or fraudulently misapplied,

shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding seven years or to any less punishment provided by this Act.

(2) In this section " stealing " shall have the same meaning as in the Criminal Code (Act 29).

Section 53—False Accusation, Etc.

Every person subject to the Code of Service Discipline who—

(a) makes false accusation against any officer or man, knowing such accusation to be false, or

(b) when seeking redress in a matter in which he considers that he has suffered any personal oppression, injustice or other ill-treatment or that he has any other cause for grievance, knowingly makes a false statement affecting the character of an officer or man which he knows to be false or knowingly in respect of the redress so sought, suppresses any material facts,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 54—Conduct to the Prejudice of Good Order and Discipline.

(1) Any act, conduct, disorder or neglect to the prejudice of good order and discipline shall be an offence and every person convicted thereof shall be liable to dismissal with disgrace from the Armed Forces or to any less punishment provided by this Act.

(2) No person may be charged under this section with any offence for which special provision is made in any other Part of this Act, but the conviction of a person so charged shall not be

invalid by reason only of the charge being in contravention of this subsection unless it appears that an injustice has been done to the person charged by reason of the contravention; but the responsibility of any officer for that contravention is not affected by the validity of the conviction.

(3) An act or omission constituting an offence under section 13, or a contravention by any person of—

(a) any of the provisions of this Act;

(b) any regulations, orders or instructions published for the general information and guidance of the Armed Force to which that person belongs, or to which he is attached or seconded; or

(c) any general, garrison, unit, station, standing, local or other orders,

shall be an act, conduct, disorder or neglect to the prejudice of good order and discipline.

(4) An attempt to commit any of the offences prescribed in any other provision of this Act shall, unless such attempt is in itself an offence punishable under such provision, be an act, conduct, disorder or neglect to the prejudice of good order and discipline.

(5) Nothing in subsection (3) or (4) affects the generality of subsection (1).

Section 55—Miscellaneous Offences.

Every person subject to the Code of Service Discipline who—

(a) connives at the exaction of an exorbitant price for property purchased or rented by a person supplying property or services to the Armed Forces,

(b) improperly demands or accepts compensation, consideration or personal advantage in respect of the performance of any military duty or in respect of any matter relating to the Armed Forces,

(c) receives directly or indirectly, whether personally or by or through any member of his family or person under his control, or for his benefit, any gift, loan, promise, compensation or consideration, either in money or otherwise, from any person, for assisting or favouring any person in the transaction of any business relating to any of the Armed Forces, or to any forces co-operating therewith or to any mess, institute or canteen operated for the use and benefit of members of such forces,

(d) demands or accepts compensation, consideration or personal advantage for conveying a vessel entrusted to his care,

(e) being in command of a vessel or aircraft, takes or receives on board goods or merchandise that he is not authorised to take or receive on board, or

(f) commits any act of a fraudulent nature not expressly specified in the Code of Service Discipline,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act.

Section 56—Conviction for Related or Less Serious Offences.

- (1) A person charged with desertion may be found guilty of attempting to desert or of being absent without leave.
- (2) A person charged with attempting to desert may be found guilty of being absent without leave.
- (3) A person charged with any one of the offences specified in section 23, may be found guilty of any other offence specified in that section.
- (4) A person charged with any of the offences specified in section 24, may be found guilty of any other offence specified in that section.
- (5) A person charged with a service offence may, on failure of proof of an offence having been committed under circumstances involving a higher punishment, be found guilty of the same offence as having been committed under circumstances involving a lower punishment.
- (6) Where a person is charged with an offence under section 77 and the charge is one upon which, if he had been tried by a civil court in Ghana for that offence, he might have been found guilty of any other offence, he may be found guilty of that other offence.

PART III—TRIAL AND PUNISHMENT OF SERVICE OFFENCES

Section 57—Arrest Generally.

- (1) Every person who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence, may be placed under arrest.
- (2) Every person authorised to effect arrest under this Act or under regulations made thereunder may use such force as is reasonably necessary for that purpose.

Section 58—Powers of Officers and Men Relating to Arrest.

- (1) An officer may, without a warrant, in the circumstances mentioned in section 57 arrest or order the arrest of —
 - (a) any man;
 - (b) any officer of equal or lower rank; and
 - (c) any officer of higher rank who is engaged in a quarrel or fray or in any disorder.
- (2) A man may, without a warrant, in the circumstances mentioned in section 57, arrest or order the arrest of—
 - (a) any man of lower rank; and
 - (b) any man of equal or higher rank who is engaged in a quarrel or fray or in any disorder.
- (3) An order given under subsection (1) or subsection (2) shall be obeyed although the person giving the order and the person to whom and the person in respect of whom the order is given do not belong to the same Force, unit or other element of the Armed Forces.
- (4) Every person who is not an officer or man, but who was subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence, may without a

warrant be arrested or ordered to be arrested by such person as any commanding officer may designate for that purpose.

Section 59—Appointment and Powers of Specially Appointed Personnel.

Such officers and men as are appointed under regulations for the purposes of this section may—

(a) detain or arrest without a warrant any person who is subject to the Code of Service Discipline, regardless of the rank or status of that person, who has committed, is found committing, is suspected of being about to commit, or is suspected of or charged under this Act with having committed a service offence; and

(b) exercise such other powers for carrying out the Code of Service Discipline as may be prescribed.

Section 60—Disposal of Person Arrested.

(1) A person arrested under this Part may forthwith on his apprehension be placed in civil custody or service custody or be taken to the unit or formation with which he is serving or to any other unit or formation of the Armed Forces, and such force as is reasonably necessary for the purposes of this section may be used.

(2) An officer or man commanding a guard, guardroom or safeguard or an officer or man appointed under section 59 shall receive and keep a person who is under arrest pursuant to this Act and who is committed to his custody, but it shall be the duty of the officer, man or other person who commits a person into custody to deliver at the time of such committal, or as soon as practical and in any case within twenty-four hours thereafter, to the officer or man into whose custody that person is committed, an account in writing, signed by himself, in which is stated the reason why the person so committed is to be held in custody.

(3) An officer or man who, pursuant to subsection (2), receives a person committed to his custody shall, as soon as practical and in any case within twenty-four hours thereafter, give in writing to the officer or man to whom it is his duty to report, the name of that person and an account of the offence alleged to have been committed by that person so far as is known and the name and rank of the officer, man or other person by whom the person so committed was placed in custody, accompanied by any account in writing which has been submitted pursuant to subsection (2).

Section 61—Report of Delay of Trial, Etc.

(1) Where a person triable under the Code of Service Discipline has been placed under arrest for a service offence and remains in custody for eight days without a summary trial having been held or a court martial for his trial having been ordered to assemble, a report stating the necessity for further delay shall be made by his commanding officer to the authority who is empowered to convene a court-martial for the trial of that person, and a similar report shall be forwarded in the same manner every eighth day until a summary trial has been held or a court-martial has been ordered to assemble.

(2) Every person held in custody in the circumstances mentioned in subsection (1) who has been continuously so held for a period of twenty-eight days without summary trial having been held or a court-martial having been ordered to assemble, shall at the expiration of that period be entitled to send to the President, or to such other authority as the President may appoint in

writing for that purpose, a petition to be freed from custody or for the disposal of the case and in any event that person shall be so freed when a period of ninety days continuous custody from the time of his arrest has expired, unless a summary trial has been held or a court-martial has been ordered to assemble.

(3) A person who has been freed from custody pursuant to subsection (2) shall not be subject to re-arrest for the offence with which he was originally charged, except on the written order of an authority having power to convene a court-martial for his trial.

Section 62—Alleged Charge to be Reported to a Disciplinary Board.

(1) Before an allegation against a person that he has committed a service offence is proceeded with the allegation shall be reported in the form of a charge to a Disciplinary Board to be appointed by the Commanding Officer.

(2) Where the Disciplinary Board is satisfied that the charge should not be proceeded with, it shall dismiss the charge; otherwise the charge shall be proceeded with under this Act as expeditiously as the circumstances may permit.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.1]

Section 63—Summary Trials of Subordinate Officers or Men Below the Rank of Warrant Officer.

(1) Subject to the provisions of this section a subordinate officer or man below the rank of Warrant Officer may be tried by summary trial by a Disciplinary Board consisting of the Commanding Officer as the Chairman or an officer not below the rank of Army Captain or its equivalent appointed by him as the Chairman and one officer and three men.

(2) A Disciplinary Board may try an accused person by summary trial if all of the following conditions are satisfied:

(a) the accused person is either a subordinate officer or a man below the rank of Warrant Officer;

(b) having regard to the gravity of the offence, the Disciplinary Board considers that its power of punishment are adequate;

(c) the Disciplinary Board is not precluded from trying the accused person by reason of his election, under regulations made under this Act, to be tried by the court martial; and

(d) the offence is not one that under such regulations the Disciplinary Board is precluded from trying.

(3) Except as otherwise expressly provided in this Act, a Disciplinary Board at a summary trial may pass a sentence in which any one or more of the following punishments may be included:

(a) detention for a period not exceeding ninety days subject to the following provisions:

(i) a punishment of detention imposed by a Disciplinary Board upon a petty officer, non-commissioned officer or leading rating shall not be carried into effect until approved by an approving authority and only to the extent so approved, and

(ii) where a Disciplinary Board imposes more than thirty days' detention, the portion in excess of thirty days shall be effective only if approved by, and to the extent approved by, an approving authority;

(b) reduction in rank, but a punishment of reduction in rank imposed by a Disciplinary Board shall be effective if approved by, and to the extent approved by, an approving authority;

(c) forfeiture of seniority;

(d) severe reprimand;

(e) reprimand;

(f) a fine not exceeding basic pay for one month;

(g) stoppages; and

(h) such minor punishments as may be prescribed.

(4) Each of the punishments specified in subsection (3) of this section shall be deemed to be a punishment less than every punishment preceding it in the order specified.

(5) In subsection (3) of this section "approving" authority means:

(a) any officer not below the rank of Commodore, Brigadier or Air Commodore; or

(b) any officer not below the naval rank of Captain or below the rank of Colonel or Group Captain designated by the Provisional National Defence Council or any person authorised in that behalf by the Council as an approving authority for the purposes of this subsection.

(6) Where the Chairman of a Disciplinary Board is an officer other than a Commanding Officer such Disciplinary Board shall not impose punishments other than the following:

(a) detention not exceeding fourteen days;

(b) severe reprimand;

(c) reprimand;

(d) a fine not exceeding basic pay for fourteen days; and

(e) such other minor punishments as may be prescribed.

(7) Where a Disciplinary Board tries an accused person by summary trial, the evidence shall be taken on oath if the Board so directs or the accused person so requests, and the Board shall inform the accused person of his right so to request.

(8) Such punishments as are specified in regulations to require approval before they may be imposed by a Disciplinary Board, shall not be so imposed until approval has been obtained.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.2]

Section 64—Summary Trials of Officers Below the Rank of Commander, Lieutenant-Colonel, Wing Commander or Warrant Officer.

(1) An officer below the rank of Commander, Lieutenant-Colonel, or Wing Commander, or a Warrant Officer, charged with a service offence may be tried by summary trial by a

Disciplinary Board consisting of the superior Commander as the Chairman and two other officers; except that where the accused person is a Warrant Officer the Board shall consist of the superior Commander as Chairman and two Warrant Officers.

(2) A Disciplinary Board may on hearing or without hearing the evidence dismiss a charge, if it considers that it should not be proceeded with; otherwise the charge shall be proceeded with as expeditiously as the circumstances may permit.

(3) Except as otherwise provided in this Act, a Disciplinary Board at a summary trial may pass a sentence in which any one or more of the following punishments may be included;

(a) forfeiture of seniority:

(b) severe reprimand;

(c) reprimand; and

(d) fine.

(4) A Disciplinary Board shall not try an accused person who by reason of an election under regulations is entitled to be tried by court martial.

(5) The evidence of an accused person tried by summary trial under this section shall be taken on oath if the Disciplinary Board so directs or the accused person so requests and the Board shall inform the accused person of his right so to request.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.3]

Section 64A—Decisions of Disciplinary Board to be by Majority.

Notwithstanding the provisions of any enactment the decision of a Disciplinary Board referred to in sections 63 and 64 of this Act shall be by a majority of the members of the Board.[Inserted and to be cited as Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.10]

Section 64B—Modification of the Armed Forces Regulations, 1970 (CI 12) (Vol. II).

(1) The provisions of chapters 108 and 110 and sections 3 and 4 of chapter 111 of the Armed Forces (Discipline) Regulations, 1970 (CI 12) (Volume II) relating to summary trials by Commanding Officers, summary trials by superior Commanders, General Court Martial and Disciplinary Court Martial respectively shall apply with such modifications as may be necessary to give effect to the provisions of this Law.

(2) Notwithstanding the provisions of any enactment any reference in chapter 108 of the said Armed Forces (Discipline) Regulations, 1970 (CI 12):

(a) to a trial by a Commanding Officer shall be deemed to be a reference to trial by a Disciplinary Board of which the Commanding Officer is the Chairman or to a trial by delegated officer shall be deemed to be reference to a trial by a Disciplinary Board of which the Chairman is an officer not below the rank of Army Captain or its equivalent appointed by the Commanding Officer;

(b) to a "Commanding Officer" shall be deemed to be reference to a Disciplinary Board of which the Commanding Officer is the Chairman or to a "delegated Officer" shall be deemed to be reference to a Disciplinary Board of which the Chairman is an officer not below the rank of

Army Captain or its equivalent appointed by the Commanding Officer. [Inserted and to be cited as the Armed Forces (Amendment) Law, 1986 (PNDCL 63), s.11]

Section 65—Convening Authorities.

(1) The Council or such other authorities as may be authorised in that behalf by the Council may convene general court martial and disciplinary court martial.

(2) Any authority convening a court martial under subsection (1) of this section may appoint as members of the court martial officers of the Army of Ghana, Navy of Ghana, or Air Force of Ghana or officers of any Navy, Army or Air Force who are attached, seconded or loaned to the Armed Forces, and two men where the accused person is a man.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.4]

Section 66—Number of Members of General Court Martial, Etc.

(1) A general court martial shall consist of not less than five officers and not more than such number of officers as may be prescribed, except that where the accused person is a man a general court martial shall include two men.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.5]

(2) The president of a court martial shall not be below the rank of a Major or the equivalent in the Ghana Navy.[As substituted by the Armed Forces Act, 1962 (Amendment) Decree, 1973 (NRCDC 222)]

(3) Where the accused person is of or above the rank of commodore, brigadier or air commodore, the president of a general court-martial shall be an officer of or above the rank of the accused person, and the other members of the court-martial shall be of or above the naval rank of captain or of or above the rank of colonel or group captain.

(4) Where the accused person is of the naval rank of captain or of the rank of colonel or group captain, all of the members of a general court-martial, other than the president, shall be of or above the rank of commander, lieutenant-colonel or wing commander.

(5) Where the accused person is a commander, lieutenant-colonel or wing commander, at least two of the members of a general court-martial, exclusive of the president, shall be of or above the rank of the accused person.

Section 67—Jurisdiction of General Court-Martial.

A general court-martial may try any person subject to the Code of Service Discipline who is alleged to have committed a service offence.

Section 68—Judge Advocate.

The Chief Justice shall appoint a person to officiate as judge advocate at a general court-martial.

Section 69—Ineligibility to Serve on General Court Martial.

None of the following persons shall sit as a member of a general court martial:

- (a) the officer who convened the court martial;
- (b) the prosecutor;

- (c) a witness for the prosecution;
- (d) the Commanding Officer of the accused person;
- (e) a provost officer;
- (f) an officer or man who is under the age of twenty-one years;
- (g) an officer below the Navy rank of Naval Lieutenant, the Army rank of Captain or Air Force rank of Flight-Lieutenant or in the case of a man, a man below the rank of the accused person;
or
- (h) any person who prior to the court martial participated in any investigation in respect of the matters upon which a charge against the accused person is founded.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.6]

Section 70—Number of Members of Disciplinary Court Martial.

- (1) A disciplinary court martial shall consist of not less than three officers and not more than such number of officers as may be prescribed, except that where the accused person is a man a disciplinary court shall include two men.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.7]
- (2) The president of a disciplinary court-martial shall be appointed by the authority convening the disciplinary court-martial or by an officer empowered by that authority to appoint such president.
- (3) The president of a disciplinary court-martial shall be an officer of or above the rank of lieutenant-commander, major or squadron-leader or of or above such higher rank as may be prescribed.

Section 71—Jurisdiction of Disciplinary Court-Martial.

Subject to any limitation prescribed in regulations made under this Act, a disciplinary court-martial may try any person subject to the Code of Service Discipline who is alleged to have committed a service offence.

Section 72—Punishment by Disciplinary Court-Martial.

A disciplinary court-martial shall not pass a sentence including a punishment higher in the scale of punishments than dismissal with disgrace from the Armed Forces, or higher than such other punishments as may be prescribed; but no such other punishment shall be higher in the scale of punishments than dismissal with disgrace from those Forces.

Section 73—Judge Advocate of Disciplinary Court-Martial.

The Chief Justice may appoint a person to officiate as judge advocate at a disciplinary court-martial.

Section 73A—Judge Advocate-General.

- (1) Notwithstanding anything in sections 68 and 73 of this Act, the Commander-in-Chief may, after consultation with the Chief Justice, appoint a person to be known as the Judge Advocate-

General of the Armed Forces to officiate generally at courts martial as a judge advocate and to perform such other functions as the Commander-in-Chief may from time to time assign to him.

(2) The conditions of service of the Judge Advocate-General shall, so far as practicable, be the same as those applicable to judges of the High Court or of the Court of Appeal so however that the remuneration of the Judge Advocate-General shall be paid out of the funds of the Armed Forces.[As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.4]

Section 74—Ineligibility to Serve on Disciplinary Court Martial.

None of the following persons shall sit as a member of a disciplinary court martial:

- (a) the officer who convened the court martial;
- (b) the prosecutor;
- (c) a witness for the prosecution;
- (d) the commanding officer of the accused person;
- (e) a provost officer;
- (f) an officer or man who is under the age of twenty-one years;
- (g) a man below the rank of the accused person where the accused is a man;
- (h) any person who prior to the court martial participated in any investigation in respect of the matters upon which a charge against the accused person is founded.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.8]

Section 75—Principles of Civil Court to be Observed Generally.

Save as otherwise expressly provided in this Act and any regulations made thereunder, the rules of evidence and procedure to be observed in proceedings before a service tribunal shall as far as is practicable be the same as those observed in proceedings before a civil court.

Section 76—Offences in Respect of Service Tribunals.

(1) For the purposes of this section, "service tribunal", in addition to the authorities mentioned in the definition of that expression in section 98, includes a Court-Martial Appeal Court and Board of Inquiry.

(2) Every person who—

- (a) being duly summoned or ordered to attend as a witness before a service tribunal, makes default in attending,
- (b) refuses to take an oath or make a solemn affirmation lawfully required by a service tribunal to be taken or made,
- (c) refuses to produce any document in his power or control lawfully required by a service tribunal to be produced by him,
- (d) refuses when a witness to answer any question to which a service tribunal may lawfully require an answer,

(e) uses insulting or threatening language before or causes any interruption or disturbance in the proceedings of a service tribunal, or

(f) commits or omits to perform, any act before a service tribunal which act or omission if done or made before a civil court would constitute a contempt of that Court,

shall be guilty of an offence and on conviction shall be liable to imprisonment for less than two years or to any less punishment provided by this Act; and where an offence under this section is committed at or in relation to a court-martial, that court-martial may, under the hand of its president, issue an order that the offender undergo, for a period not exceeding thirty days, a term of imprisonment or detention; and where any such order is issued the offender shall not be liable to any other proceedings under the Code of Service Discipline in respect of the contempt in consequence of which the order is issued.

Section 77—Service Trial of Civil Offences.

(1) An act or omission—

(a) that takes place in Ghana and is punishable by a civil court or under any other enactment, or

(b) that takes place out of Ghana and would, if it had taken place in Ghana, be punishable by such court or under any other enactment,

shall be an offence and every person convicted thereof shall be liable to suffer punishment as provided in subsection (2).

(2) Subject to subsection (3), where a service tribunal convicts a person under subsection (1), the service tribunal shall—

(a) if under any other enactment a minimum penalty is prescribed, impose a penalty in accordance with the enactment prescribing that minimum penalty; or

(b) in any other case,

(i) impose the penalty prescribed for the offence by that other enactment, or

(ii) impose dismissal with disgrace from the Armed Forces or any less punishment provided by this Act.

(3) All provisions of the Code of Service Discipline in respect of a punishment of death, imprisonment for two years or more, imprisonment for less than two years, and a fine, apply in respect of penalties imposed under paragraph (a), or subparagraph (i) of paragraph (b), of subsection (2).

(4) Nothing in this section is in derogation of the authority conferred by other sections of the Code of Service Discipline to charge, deal with and try a person alleged to have committed any offence set out in any other provision of this Act and to impose the punishment for that offence mentioned in the section prescribing that offence.

Section 78—Scale of Punishments.

The following punishments may be imposed in respect of service offences:—

- (a) death;
- (b) imprisonment for two years or more;
- (c) dismissal with disgrace from the Armed Forces;
- (d) imprisonment for less than two years;
- (e) dismissal from the Armed Forces;
- (f) detention;
- (g) reduction in rank or in the case of the navy, disrating;
- (h) forfeiture of seniority;
- (i) in the case of the navy, dismissal of an officer from the ship to which he belongs;
- (j) severe reprimand;
- (k) reprimand;
- (l) fine;
- (m) stoppages; and
- (n) such other minor punishments as may be prescribed.

Each of the above punishments shall be deemed to be a punishment less than every punishment preceding it in the above scale, such scale in this Act, being referred to as the " scale of punishments " .

(2) Notwithstanding anything to the contrary in subsection (1), the following punishments shall be the punishments that may be imposed on boys:—

- (a) dismissal from the army by his commanding officer, subject to the confirmation of the prescribed authority;
- (b) fine, not exceeding ten shillings imposed by his commanding officer, or not exceeding five shillings, imposed by the officer commanding Junior Leaders Company;
- (c) detention, not exceeding twenty-one days, imposed by his commanding officer;
- (d) where the offence has caused expense, loss or damage, stoppages not exceeding one-half of his pay, calculated at a daily rate, for thirty days;
- (e) confinement to barracks for a period not exceeding fourteen days, imposed by his commanding officer;
- (f) extra drills or classes for offences committed during drills or classes;
- (g) six strokes of the cane under supervision of an officer;
- (h) admonishment; and
- (i) such other punishments as may be prescribed.

In addition to any punishment referred to in the preceding paragraphs, the following punishments may be imposed on a boy non-commissioned officer:—

(i) reduction or deprivation of rank by his commanding officer; and

(ii) reprimand or severe reprimand.

(3) Where a punishment is specified by the Code of Service Discipline as a penalty for an offence, and it is further provided in the alternative that on conviction the offender is liable to less punishment, the expression "less punishment" means any one or more of the punishments lower in the scale of punishments than the specified punishment.

(4) The punishment of imprisonment for two years or more or imprisonment for less than two years shall be subject to the following conditions—

(a) every person who, on conviction of a service offence is liable to imprisonment for life or for a term of years or other term, may be sentenced to imprisonment for a shorter term;

(b) a sentence that includes a punishment of imprisonment for two years or more imposed upon an officer shall be deemed to include a punishment of dismissal with disgrace from the Armed Forces, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal;

(c) a sentence that includes a punishment of imprisonment for less than two years imposed upon an officer shall be deemed to include a punishment of dismissal from the Armed Forces, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal;

(d) where a service tribunal imposes a punishment of imprisonment for two years or more upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal with disgrace from the Armed Forces;

(e) where a service tribunal imposes a punishment of imprisonment for less than two years upon a man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of dismissal from the Armed Forces;

(f) in the case of a chief petty officer, petty officer or leading rating in the Navy of Ghana or a warrant officer or non-commissioned officer in the Army of Ghana or the Air Force of Ghana, a sentence that includes a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal; and

(g) a punishment of imprisonment for two years or more or imprisonment for less than two years shall be deemed to be a punishment of imprisonment with hard labour, but in the case of a punishment of imprisonment for less than two years, the President or such other person as he may authorise in that behalf may order that such punishment shall be without hard labour.

(5) Where a service tribunal imposes a punishment of dismissal with disgrace from the Armed Forces upon an officer or man, the service tribunal may in addition, notwithstanding any other provision of this Part, impose a punishment of imprisonment for less than two years.

(6) A person upon whom a punishment of dismissal with disgrace from the Armed Forces has been carried out shall not, except in an emergency or unless that punishment is subsequently set aside or altered, be eligible to serve the Republic of Ghana again in any military or civil capacity.

(7) The punishment of detention shall be subject to the following conditions:—

(a) detention shall not exceed two years and a person sentenced to detention shall not be subject to detention for more than two years consecutively by reason of more than one conviction;

(b) no officer may be sentenced to detention; and

(c) in the case of a chief petty officer, petty officer or leading rating in the Navy of Ghana or a warrant officer or non-commissioned officer in the Army of Ghana or the Air Force of Ghana, a sentence that includes a punishment of detention shall be deemed to include a punishment of reduction in rank to the lowest rank to which under regulations he can be reduced, whether or not the last-mentioned punishment is specified in the sentence passed by the service tribunal.

(8) The punishment of reduction in rank shall apply to officers, warrant officers, chief petty officers, petty officers, non-commissioned officers and leading ratings.

(9) The punishment of reduction in rank shall not—

(a) involve reduction to a rank lower than that to which under regulations the offender can be reduced;

(b) in the case of a commissioned officer, involve reduction to a rank lower than commissioned rank; and

(c) in the case of a subordinate officer, involve reduction to a rank lower than an inferior grade of subordinate officer.

(10) Where an officer or man has been sentenced to forfeiture of seniority, the service tribunal imposing the punishment shall in passing sentence specify the period for which seniority is to be forfeited.

(11) The punishment of dismissal of an officer from the ship to which he belongs shall apply only to officers of the Navy of Ghana.

(12) A fine shall be imposed in a stated amount and shall not exceed, in the case of an officer or man, three months basic pay, and in the case of any other person the sum of £G100, and the terms of payment of a fine shall lie within the discretion of the commanding officer of the person so punished.

(13) Stoppages shall be effected in the manner prescribed in regulations.

(14) The authority of a service tribunal to impose punishments may be limited in accordance with regulations.

(15) Where a person is under a sentence imposed by a service tribunal that includes a punishment involving incarceration and another service tribunal subsequently passes a new sentence that also includes a punishment involving incarceration, both punishments of

incarceration shall, from the date of the pronouncement of the new sentence, run concurrently, but the punishment higher in the scale of punishments shall be served first.

Section 79—No Limitation.

(1) Every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, whether the alleged offence was committed in Ghana or out of Ghana:

Provided that a service tribunal shall not try any person charged with the offence of murder, rape and manslaughter, committed in Ghana.

(2) Every person alleged to have committed a service offence may be charged, dealt with and tried under the Code of Service Discipline, either in Ghana or out of Ghana.

Section 80—Time Bar.

(1) Except in respect of service offences mentioned in sub-section (2), no person shall be liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

(2) Every person subject to the Code of Service Discipline at the time of the alleged commission by him of the service offence of mutiny, desertion or absence without leave or a service offence for which the maximum punishment that may be imposed is death, shall continue to be liable to be charged, dealt with and tried at any time under that Code.

(3) In calculating the period of limitation referred to in sub-section (1), there shall not be included—

(a) time during which a person was a prisoner of war;

(b) any period of absence in respect of which a person has been found guilty by any service tribunal of desertion or absence without leave; and

(c) any time during which a person was serving a sentence of incarceration imposed by any court other than a service tribunal.

Section 81—Autrefois Acquit and Dautrefois Convict.

(1) Every person, in respect of whom a charge of having committed a service offence has been dismissed, or who has been found guilty or not guilty either by a service tribunal or a civil court on a charge of having committed any such offence shall not be tried or tried again by a service tribunal under this Act in respect of that offence or any other offence of which he might have been found guilty on that charge by a service tribunal or a civil court.

(2) Nothing in subsection (1) shall affect the validity of a new trial ordered under section 84 or section 92.

Section 82—Quashing of Findings of Service Tribunals.

(1) The President or such other authorities as may be authorised in that behalf by him may quash any finding of guilty made by a service tribunal.

(2) Where, after a finding of guilty has been quashed, no other finding of guilty remains, the whole of the sentence passed by the service tribunal shall cease to have force and effect.

(3) Where, after a finding of guilty has been quashed, another finding of guilty remains, and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorised by this Act in respect of the findings of guilty which remain, or is, in the opinion of the authority who quashed the finding, unduly severe, such authority shall, subject to such conditions as may be prescribed, substitute such new punishment or punishments as such authority considers appropriate.

Section 83—Substitution of Findings for Original Findings of Service Tribunals.

(1) The President or such other authorities as may be authorised in that behalf by him may—

(a) substitute a new finding for any finding of guilty, made by a service tribunal, that is illegal or cannot be supported by the evidence, if the new finding could validly have been made by the service tribunal on the charge and if it appears that the service tribunal was satisfied of the facts establishing the offence specified or involved in the new finding;

(b) substitute for the finding of guilty made by a service tribunal a new finding of guilty of some other offence if—

(i) the tribunal could on the charge have found the offender guilty under section 56 of that other offence;

(ii) the tribunal could have found the offender guilty of that other offence on any alternative charge that was laid,

and it appears that the facts proved him guilty of that other offence.

(2) Where a new finding has been substituted for a finding made by a service tribunal and any punishment included in the sentence passed by the service tribunal is in excess of the punishment authorised by this Act in respect of the new finding, or is, in the opinion of the authority who substituted the new finding, unduly severe, such authority shall, subject to such conditions as may be prescribed, substitute such new punishment or punishments as the authority considers appropriate.

Section 84—New Trial.

(1) Where a service tribunal has found a person guilty of an offence and the Commander of the appropriate Armed Force considers that a new trial is advisable by reason of an irregularity in law in the proceedings before the service tribunal, he may set aside the finding of guilty and direct a new trial, in which case that person shall be tried again for that offence as if no previous trial had been held.

(2) Where at a new trial held pursuant to this section a person is found guilty—

(a) the new punishment shall not be higher in the scale of punishments than the punishment imposed by the service tribunal in the first instance;

(b) if the new punishment includes a term of incarceration, there shall be deducted from that term any time during which the offender had been incarcerated following the pronouncement of the previous sentence; and

(c) if the new punishment is in the same paragraph in the scale of punishments as the punishment imposed by the service tribunal in the first instance, the new punishment shall not be in excess of the previous punishment.

(3) The President may dispense with any new trial directed under this section or under section 92.

Section 85—Substitution of Punishments for Original Punishments of Service Tribunals.

Where a service tribunal has passed a sentence in which is included an illegal punishment, the President or any other authority authorised in that behalf by him may, subject to such conditions as may be prescribed, substitute for the illegal punishment such new punishment as such authority considers appropriate.

Section 86—President's Power to Mitigate Punishments, Etc.

The President or such other authority as may be authorised in that behalf by him may, subject to such conditions as may be prescribed, mitigate, commute or remit any or all of the punishments included in a sentence passed by a service tribunal.

Section 87—Effect of New Punishment.

Where under the authority of this Act, a new punishment, by reason of substitution or commutation replaces a punishment imposed by a service tribunal, the new punishment shall have force and effect as if it had been imposed by the service tribunal in the first instance and the provisions of the Code of Service Discipline shall apply accordingly; but where the new punishment involves incarceration, the term of the new punishment shall be reckoned from the date of substitution or commutation, as the case may be.

Section 88—Saving Provision.

Nothing in the succeeding provisions of this Part shall be in derogation of the powers conferred under this Act to quash findings or alter findings and sentences.

Section 89—Establishment of Court Martial Appeal Court, Etc.

(1) There shall be a Court-Martial Appeal Court which shall hear and determine all appeals referred to it under this Act from decisions of a court-martial, whether general or disciplinary.

(2) The composition, appointment, qualifications of members, procedure and any other matters connected with or incidental to the Court-Martial Appeal Court shall be in accordance with such regulations as may be prescribed.

Section 90—Jurisdiction of Court Martial Appeal Court.

Every person who has been tried and found guilty by a court-martial shall, have a right to appeal to the Court-Martial Appeal Court, in such form, manner and within such time as may be prescribed in respect of either or both the following matters:—

(a) the legality of any or all of the findings; and

(b) the legality of the whole or any part of the sentence.

Section 91—Special Power of Court-Martial Appeal Court to Disallow Appeal.

Notwithstanding anything in this Part, the Court-Martial Appeal Court may disallow an appeal if, in the opinion of the Court, to be expressed in writing, there has been no substantial miscarriage of justice.

Section 92—Court Martial Appeal Court to Set Aside Appeal, Etc.

(1) Upon the hearing of an appeal respecting the legality of a finding of guilty on any charge, the Court-Martial Appeal Court, if it allows the appeal, shall—

(a) set aside the finding and direct a finding of not guilty to be recorded in respect of that charge; or

(b) direct a new trial on that charge, in which case the appellant shall be tried again as if no trial on that charge had been held.

(2) Where the Court-Martial Appeal Court has set aside a finding of guilty and no other finding of guilty remains, the whole of the sentence shall cease to have force and effect.

(3) Where the Court-Martial Appeal Court has set aside a finding of guilty but another finding of guilty remains, the Court shall forthwith refer the proceedings to the President, or to such other authority as may be authorised in that behalf by him who shall—

(a) affirm the punishment imposed by the court-martial if the court-martial could legally have imposed that punishment upon the finding of guilty that remains; or

(b) subject to such conditions as may be prescribed, substitute for the punishment imposed by the court-martial such new punishment or punishments as such authority considers appropriate.

(4) Where an appellant has been found guilty of an offence and the court-martial could on the charge have found him guilty under section 56 of some other offence, or could have found him guilty of some other offence on any alternative charge that was laid, and on the actual finding it appears to the Court-Martial Appeal Court that the facts proved him guilty of that other offence, the Court may, instead of allowing or dismissing the appeal, substitute for the finding of guilty made by the court-martial a finding of guilty of that other offence, and the Court shall forthwith refer the proceedings to the President, or to such other authority as may be authorised in that behalf by him who shall—

(a) affirm the punishment imposed by the court-martial if the court-martial could legally have imposed that punishment upon the substituted finding of guilty; or

(b) subject to such conditions as may be prescribed, substitute for the punishment imposed by the court-martial such new punishment or punishments as such authority considers appropriate.

(5) Where, pursuant to subsection (3) or (4), a new punishment is substituted, the punishment imposed by the court-martial thereupon shall cease to have effect and section 87 shall apply to the new punishment or punishments.

Section 93—Substitution of New Punishment for Illegal Punishment Set Aside.

Upon the hearing of an appeal respecting the legality of a sentence passed by a court-martial, the Court-Martial Appeal Court, if it allows the appeal, shall forthwith refer the proceedings to the President or to such other authority authorised in that behalf by him who shall, subject to such conditions as may be prescribed, substitute for the punishment imposed by the court-

martial such new punishment or punishments as such authority considers appropriate and every punishment comprised in the sentence passed by the court-martial shall thereupon cease to have force and effect; and section 87 shall apply to the new punishment or punishments.

Section 94—New Punishments Subject to President's Power of Mitigation.

Where a punishment included in a sentence has been dealt with pursuant to subsection (3) of section 92 or section 93, the new punishment shall be subject to mitigation, commutation, remission or suspension in the same manner and to the same extent as if it had been passed by the court-martial that tried the appellant.

Section 95—Jurisdiction of Civil Courts.

(1) Nothing in the Code of Service Discipline affects the jurisdiction of any civil court to try a person for any offence triable by that Court.

(2) Where a person, sentenced by a service tribunal in respect of a conviction on a charge of having committed a service offence, is afterwards tried by a civil court for the same offence or for any other offence of which he might have been found guilty on that charge, the civil court shall in awarding punishment take into account any punishment imposed by the service tribunal for the service offence.

(3) Where a civil court that tries a person in the circumstances specified in subsection (2) either acquits or convicts the person of an offence, the unexpired term of any punishment of imprisonment for more than two years, imprisonment for less than two years or detention, imposed by the service tribunal in respect of that offence, shall be deemed to be wholly remitted as from the date of the acquittal or conviction by the civil court.

Section 96—Certificate of Civil Court.

Where any person subject to the Code of Service Discipline has at any time been tried by a civil court, an officer of that court authorised in that behalf by the Judge or District Magistrate thereof, as the case may be, shall, if required by any officer of the Armed Forces, transmit to that officer a certificate setting forth the offence for which that person was tried, together with the judgment or order of the court thereon, and shall be paid for that certificate the prescribed fee.

PART IV—GENERAL

Section 97—Regulations.

(1) The Commander-in-Chief may, after consultation with the Armed Forces Council, by legislative instrument make regulations for the discipline and administration of the Armed Forces and generally for carrying into effect the objects and purposes of this Act. [As substituted by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.5(1)]

(2) Without derogation from the generality of the provisions of subsection (1), the Commander-in-Chief after consultation with the Armed Forces Council may make regulations in respect of the following matters:—[As amended by the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.5(2)]

- (a) such matters as are required under this Act to be prescribed or are authorised or required under this Act to be made by regulation;
- (b) the quality, issue and disposal of any property for the Armed Forces and the application of the proceeds, if any, of such disposal;
- (c) the ranks of officers and men of each Armed Force, the numbers in each such rank and the use of uniforms by such officers and men;
- (d) conditions of service, including conditions of service relating to enrolment and to the pay, pensions, gratuities and other allowances of officers and men of each Armed Force and deductions therefrom;
- (e) the secondment, transfer, discharge, and promotion of officers and men of each Armed Force;
- (f) the authority and powers of command of officers and men of each Armed Force;
- (g) the procedure for obtaining redress of grievances in the case of officers and men of each Armed Force;
- (h) the liability of officers and men of each Armed Force for loss or damage of property of such Force;
- (i) the collection, administration and distribution of the service estates of officers and men of each Armed Force and the disposal of the personal effects of absentee officers and men of such Force;
- (j) the application to female persons either wholly or partly of the Code of Service Discipline subject to such modifications as may be specified in the regulations;
- (k) the prohibition or control of dangerous flying;
- (l) the vaccination and inoculation of officers and men of each Armed Force and the provision of other immunization procedures for such officers and men;
- (m) the control of the handling of dangerous substances by officers and men of the Armed Forces;
- (n) the conditions subject to which certain punishments may be imposed;
- (o) the appointment of persons additional to those specified in the Act with powers of arrest and the conditions subject to which such appointment is made and such powers are conferred;
- (p) the custody of officers and men arrested or sentenced and the duties of the persons in whose charge such officers and men have been placed;
- (q) the delegation of the powers of commanding officers to try accused persons under this Act to other persons and the conditions, if any, subject to which such delegation is made;
- (r) the date of the commencement of terms of imprisonment under this Act and the periods to be left out or taken into account in the computation of such terms;
- (s) the fees to be charged for any service performed by any person for the purposes of this Act;

(t) the arrest and custody of deserters and persons absent without leave and any matter connected with or incidental to such arrest and custody; and

(u) the procedure to be observed in proceedings before service tribunals, the summons and examination of witnesses other than persons subject to the Code of Service Discipline, the production of documents by such witnesses, and the payment of remuneration to such witnesses.

Section 97A—Consequential Amendments.

Subject to the provisions of this Decree, for any reference in the principal enactment to "President" (as from time to time amended) there shall be substituted a reference to the "Commander-in-Chief.[Inserted and to be cited as Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.7]

Section 98—Interpretation.

In this Act, unless the context otherwise requires—

"active service" means service—

(a) in operations against an enemy or in a foreign country in operations for the protection of life or property or relating to the military occupation of a foreign country;

(b) in operations for the preservation of public order;

(c) for purposes of relief in cases of emergency, and

(d) for any other purpose appearing to the President to be expedient;

"aircraft" means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

"aircraft material" includes—

(a) parts of, and components of or accessories for, aircraft, whether for the time being in aircraft or not,

(b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft,

(c) any other gear, apparatus or instruments in, or for use in, aircraft,

(d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft, and

(e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;

"Armed Forces" mean the Army of Ghana, Navy of Ghana and Air Force of Ghana;

"boy" means a male person over the age of thirteen years enrolled in the Army and below the prescribed maximum age;

"civil court" means a court of ordinary criminal jurisdiction in Ghana and includes a Court of summary jurisdiction;

"civil custody" means the holding under arrest or in confinement of a person by the Police or other competent civil authority and includes confinement in a civil prison;

"Code of Service Discipline" means the provisions of Parts II, III and IV of this Act;

"commanding officer", in respect of a person, means the commanding officer of that person or such other officer as may in accordance with regulations be empowered to act as the commanding officer of that person;

"defence establishment" means any establishment declared by the President or any person authorised in that behalf by him to be a defence establishment, and includes any property therein;

"Disciplinary Board" means Disciplinary Board established under section 63 or 64 of this Act;[As inserted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.9(a)]

"enemy" includes all persons engaged in armed operations against any of the Armed Forces of Ghana or part thereof and includes armed mutineers, armed rebels, armed rioters and pirates;

"man" means any person, other than an officer, who is enrolled in, or who is attached or seconded otherwise than as an officer to, any of the Armed Forces;

"material" means all movable public property, other than money provided for the Armed Forces or for any other purpose under this Act and includes any vessel, vehicle, aircraft, animal, missile, arms, ammunition, clothing, stores, provisions or equipment so provided;

"military" shall be construed as relating to all or any of the Armed Forces;

"mutiny" means a combination between two or more persons subject to the Code of Service Discipline or between persons two at least of whom are subject to such Code—

(a) to overthrow or resist lawful authority in the Armed Forces or any forces co-operating therewith or any part thereof;

(b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against or in connection with operations against, the enemy; or

(c) to impede the performance of any duty or service in the Armed Forces or any forces co-operating therewith or any part thereof;

"non-public property" means—

(a) all money and property, other than issues of material, received for or administered by or through messes, institutes or canteens of the Armed Forces;

(b) all money and property contributed to or by officers, men, units or other elements of the Armed Forces for the collective benefit and welfare of such officers, men, units or other elements;

(c) by products and refuse derived from rations and other consumable stores issued to the Armed Forces for use in service kitchens to such extent as may be prescribed; and

(d) all money and property, as the case may be, derived from, purchased out of the proceeds of the sale of, or received in exchange for money and property described in the preceding subparagraphs of this paragraph;

"public property" means all money and property vested in the President in trust for and on behalf of the people of Ghana for the Public Service of the Republic of Ghana;

"officer" means—

(a) a person commissioned by the President to any of the Armed Forces; or

(b) any person who is attached or seconded as an officer to any of the Armed Forces;

"service custody" means the holding under arrest or in confinement of any person by the Armed Forces and includes confinement in a service prison or detention barrack;

"service estate" means the following parts of the estate of a deceased officer or man in the Armed Forces—

(a) pay and allowances in respect of his service in such Forces;

(b) personal equipment that such officer or man is permitted, under regulations made under this Act, to retain; and

(c) personal belongings, including cash, found on such officer or man or in camp, quarters or otherwise in the care or custody of such Forces;

"service offence" means an offence under this Act or any other enactment for the time being in force, committed by a person while subject to the Code of Service Discipline;

"service tribunal" means a court martial or a "Disciplinary Board;[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.9(b)]

"stoppages" means the recovery, by deduction from the pay of the offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence;

"summary trial" means a trial conducted by a Disciplinary Board established under section 63 or 64 of this Act.[As substituted by the Armed Forces (Amendment) Law, 1983 (PNDCL 63), s.9(b)]

"superior officer" means any officer or man who, in relation to any other officer or man, is, by this Act or by regulations made thereunder or by custom of the appropriate Force, authorised to give a lawful command to that other officer or man.

Section 99—Continuance of Existing Forces.

The Army, Navy and Air Force of Ghana in existence immediately before the date of the commencement of this Act shall be deemed, on and after that date, to be included in the Armed Forces of Ghana raised and maintained under this Act.

Section 100—Application of Act to Boys.

The provisions of this Act shall as far as may be practicable and subject to such modifications as may be prescribed apply to boys in like manner as those provisions apply to men.

Section 101—Repeals and Savings.

(1) The enactments specified in the Schedule hereto are hereby repealed:

Provided that any statutory instrument made under those enactments and the regulations contained in the Schedule to the Military Pensions Ordinance, 1954 (No. 16) and in force immediately before the commencement of this Act shall, until such instrument and regulations are altered, revoked or otherwise modified under this Act, continue in force as if such instrument and regulations had been made under this Act.

(2) Notwithstanding the repeal of the enactments specified in the Schedule hereto, every officer commissioned, and every man enrolled or re-engaged under those enactments, who is in the Army, Navy or Air Force, of Ghana, immediately before the commencement of this Act shall continue on and after such commencement to serve in the Army of Ghana, Navy of Ghana or Air Force of Ghana as if he had been given his commission or had enrolled or been re-engaged, as the case may be, under this Act.

(3) Until regulations are made under this Act, the provisions of any enactment relating to any matter connected with, or incidental to, the discipline, arrest, trial and punishment of any officer or man of the Armed Forces and in force and applicable to such officer or man immediately preceding the first day of April, 1962, shall on and after that day continue to apply to such officer or man, unless such provisions are included in or are inconsistent with the provisions of this Act.[As inserted by the Armed Forces (Amendment) Act, 1962 (Act 131), s.3(1)]

(3A) Any matter determined under the provisions referred to in section 101 (3) of the principal Act (inserted by this Act) during the period commencing on the first day of April 1962, and ending on the date of the commencement of this Act shall be deemed to be validly determined.[Inserted and to be cited as the Armed Forces (Amendment) Act, 1962 (Act 131), s.3(2)]

(3B) Subject to the provisions of this Decree the Armed Forces of Ghana as constituted immediately before the commencement of this Decree shall continue in existence until provision is otherwise made by law. [Inserted and to be cited as the Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.9]

Section 102—Commencement.

The President may by executive instrument order that the Act or any provisions thereof shall come into operation on a date specified in such instrument, and thereupon such Act or those provisions shall come into operation.

SCHEDULE

1. The Army Ordinance (Cap. 53), as subsequently amended.
2. The Army (Reserve Force) Ordinance (Cap. 54).
3. The Local Forces Ordinance (Cap. 55).
4. The Uniforms Ordinance (Cap. 58).
5. War Pensions Ordinance, 1943 (No. 1), as subsequently amended.

6. The Military Pensions Ordinance, 1954 (No.16).
7. The Ghana Armed Forces Council Ordinance, 1957 (No. 40).
8. The Naval Volunteer Ordinance (Cap. 52).
9. The Naval Volunteer and Defence Ordinance (Cap. 60).
10. The Forces (Ghana Regiment) Act, 1959 (No. 1).
11. The Armed Forces Act, 1962 (Amendment) (No.2) Decree, 1967 (NLCD 138)[Repealed by Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.8(a)]
12. Section 7 of the National Redemption Council (Establishment) Proclamation, 1972.[Repealed by Armed Forces (Amendment) Decree, 1972 (NRCD 45), s.8(b)]