

IN THE FIRST SESSION OF THE EIGHT
PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA

REPORT OF THE COMMITTEE ON
CONSTITUTIONAL, LEGAL &
PARLIAMENTARY AFFAIRS

ON THE

ANNUAL BUDGET ESTIMATES OF THE
OFFICE OF THE ATTORNEY-GENERAL
AND MINISTRY OF JUSTICE (OAGMOJ)
FOR THE 2022 FINANCIAL YEAR

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**IN THE THIRD MEETING OF THE FIRST SESSION OF THE EIGHTH PARLIAMENT
OF THE FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE 2022 ANNUAL BUDGET ESTIMATES OF THE
OFFICE OF THE ATTORNEY-GENERAL AND MINISTRY OF JUSTICE**

1.0 INTRODUCTION

The Budget Statement and Economic Policy of the Government of Ghana for the year ending 31st December, 2022 was presented to Parliament, by the Hon. Minister for Finance, Mr. Ken Ofori-Atta, on 17th November, in accordance with Section 21 (3) of the Public Financial Management Act, 2016 (Act 921) and Article 179 of the 1992 Constitution.

Pursuant to Orders 140(4) and 179 of the Standing Orders of Parliament, the Rt. Hon Speaker referred the Budget Estimates of the Office of the Attorney General and Ministry of Justice to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report to the House.

2.0 DELIBERATIONS

The Committee met on 9th December, 2021 and considered the 2022 Budget Estimates of the Office of Attorney General and Ministry of Justice. Present at the meeting were the Hon. Minister for the Office of the Attorney General and Ministry of Justice, Mr. Godfred Yeboah Dame, the Chief Director, Mr. Suleiman Ahmed and Heads of the Agencies and Departments and other representatives of the Office of the Attorney General and Ministry of Justice.

The Committee is grateful to them for their useful submissions.

3.0 REFERENCE DOCUMENTS

In considering the Estimates, the Committee made reference to the under-listed documents:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Legal Professional Act, 1960 (Act 32);
- iv. The Budget Statement and Economic Policy of the Government of the Republic of Ghana for the 2021 Financial Year;

- v. The Office of the Attorney General and Ministry of Justice Medium Term Expenditure Framework for 2021 -2024; and
- vi. The Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the 2021 Budget Estimates of the Office of the Attorney-General and ministry of Justice.

4.0 AGENCIES UNDER THE MINISTRY

The Office of the Attorney General and Ministry of Justice comprises the Headquarters and the under-listed Agencies:

- a) The General Legal Council;
- b) The Ghana School of Law;
- c) The Economic and Organised Crime Office (EOCO);
- d) The Registrar-General's Department (RGD);
- e) The Council for Law Reporting;
- f) The Law Reform Commission; and
- g) The Copyright Office

5.0 VISION

The vision of the Office of the Attorney General and Ministry of Justice is to deliver an efficient and accessible system of justice exhibiting highest standards of professionalism and engendering a high degree of public trust and confidence.

6.0 MISSION

The Office of the Attorney General and Ministry of Justice exists to undertake the following:

- Entrench at the core of the body politic an abiding respect for the rule of law and a constant observance of human rights;
- Ensure equality of access of justice and equality of treatment before the law for all citizens;
- Promote by law social justice, to facilitate the operations of a fair; and
- Promote efficient and transparent legal system, and to propagate a culture of due process and legality.

7.0 POLICY/STRATEGIC OBJECTIVES

The strategic policy objectives of the Office of the Attorney General and Ministry of Justice for the medium term are as follows:

- Promote access and efficiency in delivery of Justice.
- Promote the fight against corruption and economic crimes.
- Ensure improved fiscal performance and sustainability.
- Develop a competitive creative arts industry.
- Enhance capacity for policy formulation and coordination.

8.0 2021 PERFORMANCE OVERVIEW OF THE OFFICE OF THE ATTORNEY GENERAL AND MINISTRY OF JUSTICE

8.1 Operational Performance

The Office of the Attorney General and Ministry of Justice has four main development outcome orientations under the Programme Based-Budgeting of the country. These are Law and Administration, Copyright and Entity Administration, Management of Economic and Organised Crime, and Legal Education Programmes. The performance of the various Programmes during the year under-review are indicated below.

8.2 Law Administration Programme

The Office of the Attorney-General recorded the following performance as at September, 2021 financial year:

- a) Represented the State in 141 civil cases which could have resulted in the payment of huge sums of money to plaintiffs as judgement debts. Notable among the cases were:
 - i. NDK vs. Ahaman and Attorney-General involving a claim of GH¢1.27 billion as outstanding judgment debt against the State which was contested and judgment of only GH¢14,689 (including interest) granted against the State.
 - ii. International Automobile vs. Ministry of Employment and Manpower involving a claim of GH¢11.00 million which was litigated and eventually got a reduction to less than GH¢2.00 million against the State.

- iii. African Automobile vs. Attorney General involving an alleged claim of GH¢45.28 million which was abandoned by the claimant upon discovery by the Attorney-General that the actual claim had been paid since 2010.
- b) Received 910 criminal cases and initiated prosecutions in 874 across the country.
- c) Reviewed and advised Government on 35 Agreements and Contracts to ensure value for money, provided legal advice to 81 petitions and requests, and provided 45 legal opinions and advice to MDAs and MMDAs.
- d) Prepared 145 pieces of legislations made up of six substantive legislations and 139 subsidiary legislations which were enacted into law. The substantive legislation drafted and enacted into law included the following:
 - i. Energy Sector Levies (Amendment) Act, 2021 (Act 1064);
 - ii. Penalty and Interest Waiver Act, 2021 (Act 1065);
 - iii. Income Tax (Amendment) Act, 2021 (Act 1066);
 - iv. Financial Sector Recovery Levy Act, 2021 (Act 1067);
 - v. COVID-19 Health Recovery Levy Act, 2021 (Act 1068); and
 - vi. Appropriation Act, 2021 (Act 1069).
- e) Drafted and supported the enactment into law the following subsidiary legislations:
 - i. Civil Service (Ministries) Instrument, 2021 E.I 12;
 - ii. Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) Instrument, 2021 E.I. 17;
 - iii. State-Lands (Ho-Site for Women's Training Institute) Instrument, 2021 E.I 46; Public Holiday (Exemption) Instrument, 2021 E.I. 118; Public Holiday (Declaration) Instrument, 136; and
 - iv. Public Holiday (Exemption) Instrument, 2021 E.I. 137.

8.3 Copyright and Entity Administration Programme

- a) The Registrar-General's Department (RGD) registered 61,797 businesses and companies, 819 marriages and 758 trademarks. In addition, 541 trademarks were filed and 300 estates administered.
- b) The Copyright Office registered 484 copyright works as of the end of August, 2021.
- c) Held a sensitisation programme for 425 police recruits and undertook a 2-day anti-piracy media education.
- d) The Council for Law Reporting sold several volumes of the Ghana Law Report and Review of Ghana Law, Published 700 copies of the 2018-2019 volume 1 Ghana Law Reports and prepared Manuscripts of the 2018-2019 Volume 2 Ghana Law Reports. The Indexing (Digitizing) of the Law Report Index is about 95% complete and will be published by the end of 2021.

8.4 Management of Economic and Organised Crime Programme

The Economic and Organised Crime Office (EOCO) also made the following achievement:

- a) Directly recovered an amount of GH¢1.95 million into the Consolidated Fund, and GH¢1.64 million as indirect recovery to other institutions from proceeds of crime as at the end of August 2021.
- b) The Office investigated 143 cases, with 19 cases being prosecuted at various courts and 1 conviction secured.

8.5 Legal Education Programme

- a) The General Legal Council (Ghana School of Law) enrolled 312 lawyers to the Bar.
- b) The Council also dealt with some complaints of disciplinary issues.
- c) The Law School conducted entrance examination for 2,824 applicants for admissions into the Ghana School of Law out of which an initial total of 790 students passed and given admission and an additional 499 qualified applicants also granted late admission.

8.6 2021 Financial Performance

The Office of the Attorney-General and Ministry of Justice was allocated a total budgetary amount of **One-Hundred and Thirty-Three Million, Six Hundred and Forty Thousand Four Hundred and Twenty-Eight Ghana Cedis (GH¢133,640,428)** for the implementation of its planned programmes, projects and activities for the 2021 financial year. As at the end of September, 2021 an amount of **GH¢106,124,962.53** representing 79% had been released. The breakdown of the financial performance for 2021 financial year is provided in table 1 below.

Table 1: Financial Performance of the Office of the Attorney-General and Ministry of Justice as at September, 2021.

SOURCE	APPROVED BUDGET		SUB-TOTAL (GHC)	ACTUAL RELEASE		SUB-TOTAL	VARIANCE
	GOG GHC	IGF GHC		GOG	IGF		
Compensation	79,831,017.00	4,654,159.00	84,485,176.00	74,266,641.97	4,384,421.14	78,651,063.11	5,834,112.89
Goods and Service	6,232,378.00	16,144,446.00	22,376,824.00	3,394,839.93	15,857,807.53	19,252,647.46	3,124,176.54
Capex	18,300,000.00	8,478,428.00	26,778,428.00	505,639.67	7,715,612.29	8,221,251.96	18,557,176.04
Grand Total	104,363,395.00	29,277,033.00	133,640,428.00	78,167,121.57	27,957,840.96	106,124,962.53	27,515,465.47

Source: Presentation on the 2022 Annual Budget by the Office of the Attorney General and Ministry of Justice.

9.0 OUTLOOK FOR 2022

9.1 Programme Outlook:

In 2022, the Office of the Attorney-General and Ministry of Justice intends to achieve the following key targets under its four main programme areas:

9.2 Law and Administration

- a) The Office projects to represent and defend the State in 400 civil suits, review 130 agreements and contracts of MDAs MMDAs as well as resolve and respond to 270 petitions.

- b) Provide about 180 legal opinions and advice on request received.
- c) Continue prosecution of cases received from the various investigative bodies.
- d) Continue giving advice to the police on criminal cases.

9.3 Copyright and Entity Administration

- a) In 2022, the Registrar-General's Department projects to register 97,000 businesses and 2,400 marriages. The Ghana Intellectual Property Office (GIPO) expects to register, 1900 Trademarks and file 1,800 Trademarks.
- b) Sensitize 450 police recruits.
- c) The Copyright Office plans to register 1,200 copyright works.
- d) To hold 5 committee meetings to review and recommend amendment to the copyright legislation.
- e) To conduct five anti-piracy exercises nationwide.
- f) In 2022, the Law Reform Commission will prepare a background paper based on research report from key stakeholders, and hold major key stakeholders workshop aimed at reviewing sections of the Criminal Offenses Act, 1960 (Act 29).
- g) The Council will publish 700 copies of the 2016-2017 Ghana Law Report Volume 2 as well as publish 700 copies of the 2020-2021 Ghana Law Report Volumes 1 and 2, and Publish 500 copies of the 2016-2020 Review of Ghana Law.

9.4 Management of Economic and Organised Crime

- a) The Economic and Organised Crime Office (EOCO) projects to recover directly and indirectly an amount of GH¢4 million from proceeds of crime.
- b) Plans to investigate 450 cases and prosecute 25 cases.
- c) Plans to secure 4 convictions and 2 confiscations.

9.5 Legal Education

- a) The Ghana School of Law expects to conduct entrance examinations for 2,500 applicants and anticipates to admit 800 students into the Ghana School of Law.
- b) 700 students are expected to be called to the Bar.
- c) The General Legal Council is projected to handle 180 disciplinary proceedings against lawyers.
- d) To license 3,800 lawyers and 900 law firms.

9.6 Budgetary Allocation for the 2022 Fiscal Year

The Office of the Attorney-General and Ministry of Justice has been allocated a total sum of **One Hundred and Ninety-Five Million Five Hundred and Thirty-Nine Thousand Ghana Cedis (GH¢195,539,000)** for the implementation of its programme of activities for year 2022 financial year. The breakdown in terms of economic and programme classifications are shown in tables 2 and 3 below.

Table 2: Budgetary Allocation by Economic Classifications for 2022

Expenditure Item	Sources of funding			Total(GH¢)	Percent Alloc. (%)
	GOG(GH¢)	IGF(GH¢)	Donors(GH¢)		
Compensation	104,974,000	9,706,000	-	114,680,000	59
Goods and Services	8,363,000	34,930,000	-	43,293,000	22
Capital Expenditure	22,210,000	15,356,000	-	37,566,000	19
Grand Total	135,547,000	59,992,000	-	195,539,000	100

Source: The Budget Statement and Economic Policy of the Government for 2022 financial year

Table 3: Budgetary Allocation by Programmes for 2022

Programmes	Sources of Funding					
	GOG(GH¢)	IGF(GH¢)	Donors (GH¢)	ABFA(GH¢)	Total(GH¢)	Percent Allocation (%)
Management and Administration	28,764,019	-	-	-	28,764,019	14.71
Law Administration	65,962,148	25,399,770	-	-	91,361,918	46.72
Management of Economic and Organized Crime	35,650,604	-	-	-	35,650,604	18.23
Legal Education	5,170,229	34,592,230	-	-	39,762,459	20.33
Grand Total					195,539,000	100.00

Source: Programme Based Budget Estimates of the Ministry for 2022

10.0 OBSERVATIONS

10.1 Issues arising out of 2021/2022 admission into the Ghana School of Law

The Committee expressed concern about the manner in which the General Legal Council handled the 2021/2022 admissions into the Ghana School of law and the opinion proffered by the Attorney-General on the Parliamentary Resolution which sought to draw the attention of the Council to recognise the human resource constraints in the legal profession. It may be recalled that Parliament on Friday, 29th October 2021, passed a Resolution directing the General Legal Council (GLC) to admit all 499 LLB students who sat for the 2021/2022 academic year Law School entrance examination and had the minimum pass mark. Following the Resolution, the Attorney-General responded on 1st November, 2021 arguing that Parliament was devoid of the power to use Parliamentary Resolutions to control the process of admission into the Ghana School of Law.

In clarifying his argument, the Attorney-General indicated that he was only giving legal opinion on the matter as Chief Legal Advisor to Government, including Parliament, and therefore, was not in any way, seeking to undermine the oversight powers of Parliament as provided in the Constitution. He further explained that without prejudice to the oversight powers of Parliament, in his opinion, the process and criteria for admission of students into the Ghana School of Law, is vested in the General Legal Council pursuant to Section 1(1) of the Legal Professional Act, 1960 (Act 32) as amended.

The Committee recommends to the Attorney-General and all other Ministries, Departments and Agencies (MDAs) to recognize Parliament as partner in the development of the country and resort to consultative approach on issues of disagreements.

10.2 Judgement Debt

The Committee noted with dismay the quantum of public funds which go down the drain as a result of judgment debts. For instance, it was observed that, but for the intervention of the Attorney-General, the State would have paid an amount of GH¢1.83 billion on just three claims brought against the State by NDK, International Automobile and African Automobile. It was further indicated to the Committee that two other pending cases which Attorney-General is currently contesting at court involving Kwabena Aboagye vs. The Controller & Accountant & Anor and African Automobile vrs. Ministry of Employment and Manpower amount to a total claim of GH¢4.1trillion against the State.

The Committee commends the Office of the Attorney-General for the efforts being made to protect the public purse but recommends to Parliamentary Committees to intensify their oversight mandate for ex-ante detection and prevention of these unproductive use of public funds.

10.3 Incidence of Cybercrimes and Corruption

The Committee was informed that as at the end of August 2021 financial year, the Economic and Organised Crime Office (EOCO) had recovered an amount of GH¢3.7 million from proceeds of economic crimes, mainly cybercrimes. The Committee further noted that EOCO has planned to investigate 450 cases and prosecute 50 of the cases in 2022 financial year. The low target of prosecutions was attributed to budgetary constraints to recruit additional professional staff to augment the current staff strength. The Committee recommends to the Ministry of Finance to ensure timely release of funds and allocation of additional resources during the mid-year budget review to enable EOCO enhance its staff strength.

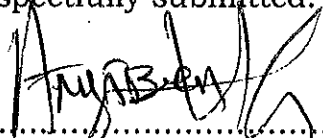
10.4 Quota on Legal Education

The Committee expressed concern about the plans of the General Legal Council to conduct entrance examinations for 2,500 applicants and admit 800 students into the Ghana School of Law in 2022/2023 academic year irrespective of whether or not those who passed the entrance exams exceed the quota. Similar concern was expressed on the target of 700 students to be called to the Bar in 2022.

The Committee considers the deliberate limitations on admissions into the Ghana School of Law as unacceptable, especially in view of the fact of a deficit of legal professionals in the country. Consequently, the Committee urges the General

The Committee accordingly recommends to the House to adopt its Report and approve the sum of **One Hundred and Ninety-Five Million Five Hundred and Thirty-Nine Thousand Ghana Cedis (GH¢195,539,000)** for the services of the Office of the Attorney-General and Ministry of Justice for the year ending 31st December 2022.

Respectfully submitted.



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HON. KWAME ANYIMADU ANTWI
(CHAIRMAN, COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS)



.....
AKUA DUROWAA O. AGYEKUM (MRS)
(HEAD, LEGAL CLUSTER)

16th December, 2022