

REPUBLIC OF GHANA



THE EIGHT HUNDRED AND TWENTY-SECOND

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

LAW REFORM COMMISSION ACT, 2011

An Act to establish the Law Reform Commission and to provide for related purposes.

DATE OF ASSENT: 29th July, 2011

Date of Gazette Notification: 12th August, 2011

Law Reform Commission of Ghana

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PASSED by Parliament and assented to by the President.

Law Reform Commission

Establishment of the Law Reform Commission

1. (1) There is established by this Act a body corporate to be known as the Law Reform Commission.
(2) Where there is a hindrance to the acquisition of property, the property may be acquired for the Commission under the State Property and Contracts Act 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Commission.

Object of the Commission

2. The object of the Commission is to promote law reform in the country.

Functions of the Commission

3. To achieve the object, the Commission shall
 - (a) receive, consider and make proposals for the initiation and reform of any law in the country;
 - (b) prepare and submit through the Minister proposals for the examination of different aspects of the law including recommendations for the codification and consolidation of legislation;
 - (c) make practical proposals for the development, simplification and modernisation of the law;
 - (d) advise the Minister on policies for law reform;
 - (e) undertake the examination of particular areas of the law and formulate proposals for reform after appropriate research;
 - (f) provide advice and information to Ministries, Departments, Agencies and the private sector for the reform or amendment of a law;
 - (g) obtain information on the legal systems of other countries that may facilitate the performance of its functions; and
 - (h) perform any other functions that are ancillary to the object of the Commission.

Governing body of the Commission

4. (1) The governing body of the Commission is a Board consisting of
- (a) a chairperson who is a lawyer of not less than fifteen years standing,
 - (b) seven other persons, five of whom are lawyers of not less than eight years standing nominated by the Minister, and
 - (c) the Executive Director.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.
- (3) The Board shall ensure the proper and effective performance of the functions of the Commission.

Tenure of office of members

5. (1) A member of the Board shall hold office for a period of four years and is eligible for re-appointment.
- (2) Subsection (1) does not apply to the Executive Director of the Commission.
 - (3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.
 - (4) A member of the Board, other than the Executive Director of the Commission, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.
 - (5) The President may by letter addressed to a member revoke the appointment of that member.
 - (6) Where a member of the Board other than the Executive Director is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.
 - (7) Where there is a vacancy
 - (a) under subsection (3) or (4) or section 7 (2), or
 - (b) as a result of a declaration under subsection (6), or
 - (c) by reason of the death of a member,the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

6. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.
- (2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

- (3) The quorum at a meeting of the Board is five members of the Board or a greater number determined by the Board in respect of an important matter.
- (4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.
- (5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.
- (6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

Disclosure of interest

- 7. (1) A member of the Board who has an interest in a matter for consideration
 - (a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and
 - (b) shall not participate in the deliberations of the Board in respect of that matter.
- (2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board, and
 - (a) fails to disclose that interest, or
 - (b) participates in deliberations of the Board on the matter.

Establishment of committees

- 8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.
 - (2) Without limiting subsection (1), the Board shall have a research committee to undertake research for the Commission.
 - (3) A committee of the Board may be chaired by a member of the Board.
 - (4) Section 7 applies to members of committees of the Board.

Allowances

- 9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

The Law Reform Fund

Establishment of the Law Reform Fund

10. There is established under this Act the Law Reform Fund.

Objects of the Fund

11. The objects of the Fund are

- (a) to undertake projects for the development and reform of laws,
- (b) to develop human resource in law reform, and
- (c) for any other purpose that may be determined by the Board.

Sources of money for the Fund

12. The sources of money for the Fund are

- (a) moneys approved by Parliament,
- (b) moneys accruing to the Commission in the performance of its functions,
- (c) donations, grants and gifts, and
- (d) any other moneys that are approved by the Minister responsible for Finance.

Management of the Fund

13. (1) The Board shall in consultation with the Minister and the Controller and Accountant-General provide for the day to day management of the Fund.

(2) Despite subsection (1), the Board is responsible for the management of the Fund.

(3) In furtherance of subsection (1), the Board shall

- (a) open a bank account for the Fund,
- (b) identify additional sources of funding,
- (c) recommend to the Minister additional sources and level of payments into the Fund,
- (d) prepare and publish procedures for the disbursement of the Fund,
- (e) determine the expenditure programmes from the Fund taking into consideration the provisions of this Act and government policy,
- (f) in consultation with the Minister and Minister for Finance invest part of the Fund in appropriate ventures, and
- (g) perform other functions incidental to the administration of the Fund.

(4) Sections 17 and 18 apply to the Fund.

Administrative and Financial Provisions

Executive Director of the Commission

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a lawyer of not less than twelve years standing as the Executive Director of the Commission.

(2) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Executive Director is the secretary to the Board.

Functions of the Executive Director

15. (1) The Executive Director is responsible for the day to day administration of the affairs of the Commission and is answerable to the Board in the performance of functions under this Act.

(2) The Executive Director shall perform any other functions determined by the Board.

(3) The Executive Director may delegate a function to an officer of the Commission but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Appointment of staff

16. (1) The President shall in accordance with article 195 of the Constitution appoint staff of the Commission that are necessary for the proper and effective performance of its functions.

(2) A lawyer who is appointed as a staff of the Commission shall enjoy the conditions of service applicable to lawyers in the legal service.

(3) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to it.

(4) The Board may engage the services of advisers for the Commission.

Accounts and audit

17. (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Commission to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(4) The Internal Audit Agency Act, 2003 (Act 658) applies to this Act.

(5) The financial year of the Commission is the same as the financial year of the Government.

Annual report and other reports

18. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Commission for the year.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament.

(4) The Board shall also submit to the Minister any other reports which the Minister may require in writing.

Miscellaneous Provisions

Prohibition of disclosure of information

19. (1) A person shall not publish the contents of any document, communication or information which relates to, and has come to the knowledge of that person in the performance of functions under this Act, without the consent in writing of the Commission.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to disciplinary action determined by the Commission.

Regulations

20. The Minister may, on the advice of the Board, by legislative instrument, make Regulations to

(a) prescribe the fees to be charged in respect of programmes, publication, consultancy and other services provided by the Commission; and

(b) provide for any other matter necessary for the effective implementation of the provisions of this Act.

Interpretation

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

"Board" means the governing body of the Commission;

"Commission" means the Law Reform Commission;

"Fund" means the Law Reform Fund;

"Minister" means the Attorney-General and Minister responsible for Justice; and

"Regulations" means the Regulations made under this Act.

Transitional provisions

22. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Commission established under the Law Reform Commission Act, 1975 (N.R.C.D. 325) immediately before the commencement of this Act and the persons employed by the Commission shall be transferred to the Law Reform Commission established under this Act.

(2) Proceedings taken by or against the former Commission may be continued by or against the Commission.

(3) A contract subsisting between the former Commission established under the Law Reform Commission Act, 1975 (N.R.C.D. 325) and another person and in effect immediately before the commencement of this Act shall subsist between the Commission under this Act and that other person.

Repeal and savings

23. (1) The Law Reform Commission Act, 1975 (N.R.C.D. 325) is hereby repealed.

(2) Despite the repeal of N.R.C.D. 325, the Regulations, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled, revoked or terminated.

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Law Reform Commission of Ghana

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