

IN THE THIRD SESSION OF THE SEVENTH
PARLIAMENT OF THE FOURTH REPUBLIC OF
GHANA

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REPORT OF THE COMMITTEE ON
CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS

ON THE

ANNUAL BUDGET ESTIMATES OF THE OFFICE
OF THE ATTORNEY-GENERAL AND MINISTRY
OF JUSTICE THE 2020 FINANCIAL YEAR

DECEMBER 2019

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL
AND PARLIAMENTARY AFFAIRS ON THE ANNUAL BUDGET
ESTIMATES OF THE OFFICE OF THE ATTORNEY-GENERAL AND
MINISTRY OF JUSTICE (OAGMOJ) FOR THE 2020 FINANCIAL YEAR**

1.0 INTRODUCTION

- 1.1 The Budget Statement and Economic Policy of the Government of Ghana for the 2020 Financial Year was presented to Parliament on Wednesday, 13th November, 2019 by the Hon. Minister for Finance, Mr. Ken Ofori-Atta in accordance with Article 179 of the Constitution.
- 1.2 Thereafter, the Annual Budget Estimates of Office of the Attorney-General and Ministry Justice (OAGMOJ) were committed to the Committee on Constitutional, Legal & Parliamentary Affairs for consideration and report pursuant to Orders 140(4) and 179 of the Standing Orders of the House.

2.0 DELIBERATIONS

The Committee met with the Hon. Attorney-General and Minister for Justice, Ms. Gloria Akuffo and Officials of the OAGMOJ to consider the Estimates. In attendance were Officials of the Ministry of Finance to assist in the deliberations.

The Committee is grateful to the Hon. Minister and the Officials for the attendance and for assisting the Committee in its deliberations.

3.0 REFERENCE DOCUMENTS

The Committee referred to the following documents during deliberations:

- i. The 1992 Constitution of the Republic of Ghana;
- ii. The Standing Orders of the Parliament of Ghana;
- iii. Legal Aid Commission Act, 2018 (Act 977);
- iv. Companies Act, 2019 (Act 992); and
- v. The Budget Statement and Economic Policy of the Government for the 2020 Financial Year.

4.0 GOAL OF THE OAGMOJ

The goal of the Office of the Attorney-General and Ministry of Justice is to provide quality legal services to the Government and the people of Ghana.

5.0 CORE FUNCTIONS OF THE OAGMOJ

- 5.1 The mandate of the Attorney-General is specified under Article 88(1) of the Constitution, and includes provision of legal advice to the Government, initiation and conduct of criminal cases, institution and conduct of all civil proceedings on behalf of the State.
- 5.2 The OAGMOJ is responsible for formulation of policies, supervision, monitoring and evaluation of programmes and activities of departments and agencies under the Ministry to ensure effective justice delivery.
- 5.3 The Ministry exercises oversight of the activities of the following department and agencies:
 - i. The Registrar-General's Department;
 - ii. The Legal Aid Commission;
 - iii. The General Legal Council (Ghana School of Law);
 - iv. The Council for Law Reporting;
 - v. The Law Reform Commission;
 - vi. The Copyright Office; and
 - vii. The Economic and Organised Crime Office (EOCO).
- 5.4 The Registrar-General's Department is responsible for registration of businesses, marriages, protection of industrial property rights and administration of estates.
- 5.5 The Legal Aid Commission exist to provide free legal services to the indigenes, the vulnerable and persons who participate in proceedings relating to the enforcement of the Constitution.
- 5.6 The General Legal Council (Ghana School of Law) provides professional legal education and ensures standards of professional conduct of lawyers.

- 5.7 The Council for Law Reporting produces and publishes the Ghana Law Reports and Review of Ghana Law to strengthen capacity of Judges and Lawyers.
- 5.8 The Law Reform Commission conducts research and make recommendations for the reform of laws in Ghana.
- 5.9 The Copyright Office seeks to implement copyright and copyright related laws and regulations and to provide for copyright administration.
- 5.10 The EOCO seeks to prevent and detect organised crime and to facilitate the confiscation of proceeds of crime.

6.0 PERFORMANCE OF 2019 APPROVED BUDGET OF THE OAGMOJ

- 6.1 The sum of **One Hundred and Four Million, Six Hundred and Fifty-five Thousand, Seven Hundred and Ninety-Six Ghana Cedis, Ten Pesewas (GH¢104,655,796.10)** was approved for the OAGMOJ for the 2019 Financial Year. In addition, an IGF amount of **Thirty-One Million, Three Hundred and Twenty-Seven thousand, Nine Hundred and Nineteen Ghana Cedis (GH¢31,327,919.00)** was approved for the Ministry for the year 2019.
- 6.2 As at the end of September 2019, the amount of **Ninety-Three Million, One Hundred and Nineteen Thousand, Four Hundred and Fifty-One Ghana Cedis, Forty-Eight Pesewas (GH¢93,119,451.48)**, representing 68% of the total allocation had been expended. The breakdown is shown in Table 1 in the overleaf:

Table 1: Details of Expenditure of the OAGMOJ as at end of September 2019

Cost Centres	Compensation (GH¢) (GOG + IGF)	Goods & Services (GH¢) (GOG + IGF)	Capital Exp (GH¢) (GOG + IGF)	Total (GH¢)
Ministry of Justice	1,627,939.42	1,690,269.92	1,127,785.06	4,445,994.40
Office of the Attorney-General	32,585,414.61	1,229,912.16	885,081.20	34,700,407.97
Registrar-General's Department	4,051,902.55	16,147,613.60	56,678.00	20,256,194.85
Copyright Office	294,915.02	308,068.00	52,273.08	655,256.10
Law Reform Commission	723,502.02	263,797.05	32,700.00	1,019,999.07
Council for Law Reporting	1,569,750.06	161,436.04	40,849.34	1,772,035.44
Legal Aid Commission	3,540,287.22	294,150.43		3,834,437.65
GLC (Ghana School of Law)	4,156,471.73	5,624,482.00	236,741.89	10,017,695.62
Economic and Organised Crime Office	15,233,668.63	954,374.04	229,767.95	16,417,810.62
TOTAL	63,783,851.26	26,674,103.24	2,661,877.22	93,119,831.72

7.0 PERFORMANCE OF OAGMOJ FOR THE YEAR 2019

In pursuit of its mandate, the OAGMOJ realised some major achievements including the following:

- 7.1 The Office of the Attorney-General continued to defend the State in 252 civil cases in various Courts and saved the country huge sums of money. Among the notable cases are *The Republic vrs. The High Court (Commercial Division)*, *Accra: Ex Parte Attorney-General (Zenith Bank Interested Party)* (An Appeal yielding discharge of garnishee nisi worth USD 13,000,000.00), *Martin Alamisi Amidu vrs. The Attorney-General & 2 Others* (Secured Supreme Judgment to retrieve the amount of GH¢46,000,000.00 judgment debt).

- 7.2 The Office of the Attorney-General also reviewed 54 agreements, contracts and Memoranda of Understanding (MoU), 106 petitions from MDAs and the general public, and provided 63 legal opinions to MDAs and MMDAs.
- 7.3 The Office again drafted 17 bills and 258 subsidiary legislations for enactment by Parliament, with notable ones being the Right to Information Act, 2019 (Act 989), State Interests and Governance Authority Act, 2019 (Act 990), Chartered Institute of Bankers Act, 2019 (Act 991), Companies Act, 2019 (Act 992), and National Road Safety Authority Act, 2019 (Act 993).
- 7.4 The Office of the Attorney-General further dealt with 848 out of 1,361 dockets, handled 1,058 out of 1,138 motions, handled 145 out of 152 appeals, dealt with 407 petitions out of 654, handled 6 out of 16 extraditions, and dealt with 129 of 160 mutual legal assistance requests.
- 7.5 The Ministry of Justice organised a sensitization workshop for the Media, Civil Society Organisations and the general public on the provisions of the Whistleblower Act, 2006 (Act 720), renovated the Head Office Building and the Tamale and Wa Regional Offices as well as procurement of office equipment and operational vehicles.
- 7.6 The Registrar-General's Department registered 68,651 businesses, 1,241 marriages and 650 trademarks.
- 7.7 An IGF amount of GH¢88,203,520.72 had been generated by Registrar-General's Department as at the end of September 2019.
- 7.8 The Copyright Office registered 801 copyright protected works, conducted 6 anti-piracy activities in Accra and initiated processes towards the amendment of the Copyright Regulations, 2010 (LI 1962).
- 7.9 The Council for Law Reporting sold 562 copies of various editions of the Ghana Law Reports and Review of Ghana Law and realised the amount of GH¢138,421.00. The Council has also awarded contract for the printing of the 2016-2017 Vol. 1 of the Ghana Law Report and achieved 60% preparation of the 2016-2017 Vol. 2 of the Ghana Law Report and 2016-2017 Review of Ghana Law.
- 7.10 The Law Reform Commission achieved 90% completion of the Occupier's Liability Report as at the end of September 2019, and organised Stakeholders' Conference on the Draft Defamation Bill.

- 7.11 The Legal Aid Commission resolved 637 out of 1,451 court cases, and resolved 3,240 cases through Alternative Dispute Resolution mechanisms (ADR).
- 7.12 The General Legal Council called 6 lawyers to the Ghana bar at the Special Call and successfully disposed of 78 out of 118 complaints concerning conduct of certain lawyers. The Ghana School of Law conducted entrance examination for 1,826 applicants in July 2019 out of which 128 passed and gained admission to the School.
- 7.13 The EOCO recovered an amount of GH¢1,368,806.45 as direct recovery into the Consolidated Fund and indirect recovery of GH¢1,286,962.24 to relevant institutions and also secured one confiscation to the State. The Office also investigated 250 cases, with 30 of them under various stages of prosecution and one conviction so far.

8.0 THE OAGMOJ'S OUTLOOK FOR THE YEAR 2020

In the year 2020, OAGMOJ seeks to implement the following programmes:

8.1 Management and Administration Programme

- i. The Ministry intends to continue construction of the Law House project to ease the acute official accommodation problem in Accra.
- ii. It will strengthen its monitoring and evaluation roles, and implement its Sexual Harassment Policy (SHP).
- iii. It will also conduct and publish a research on the "The Implications of the Current Policy in Accessing Professional Legal Education in Ghana."

8.2 Law Administration

The Office of the Attorney-General plans to undertake the following:

- i. Plans to review 120 agreements for MDAs and MMDAs;
- ii. Respond to estimated 200 petitions;
- iii. Prosecute 70% of criminal cases to be referred to the Office;
- iv. Recruit 50 State Attorneys to augment its Staff strength; and
- vi. Draft 20 pieces Bills and 200 subsidiary legislations.

8.3 Law Reports and Reviews

The Council for Law Reporting plans to publish 700 copies each of [2016-2017] Vol. 2 of and [2018-2019] Ghana Law Reports.

8.4 Legal Aid

The Legal Aid Commission envisages to represent 900 clients in litigation and resolve 6,570 cases through ADR mechanisms. The Commission plans to open new District offices to enhance access to legal aid to indigents and the vulnerable.

8.5 Law Reforms

The Law Reform Commission will commence work on unfair contract terms.

8.6 Copyright Administration

The Copyright Office intends to organise 15 sensitization programmes on copyright and copyright related rights in the print and electronic media.

8.7 Copyright and Entity Administration

- i. The Registrar-General's Department plans to register 95,000 businesses, 2,800 marriages and 1,700 trademarks.
- ii. The Department intends to establish new offices in the Eastern and Bono Regions.
- iii. The Department will commence the implementation of the new Companies Act, 2019 (Act 992).

8.9 Economic and Organised Crime

- i. The EOCO plans to investigate 400 cases, and prosecute 45 of them,
- ii. The Office intends to recruit 52 new Staff,
- iii. It plans to furnish its Forensic Laboratory and set up a fully equipped tracking unit.

8.10 Legal Education

The General Legal Council (Ghana School of Law) plans to call 416 lawyers to the Bar and dispose of 85 disciplinary cases. The Council also plans to conduct entrance examination for over 2,000 law students.

9.0 2020 ANNUAL BUDGET ESTIMATES OF THE MINISTRY

The sum of **GH¢136,627,625.00** has been allocated to the Office of the Attorney-General and Ministry of Justice for the 2020 Financial Year. This allocation comprises a GoG amount of **GH¢107,951,838**, representing 79% and IGF of **GH¢28,675,787.00**, representing 21%. Further details of the Budget are shown in Table 2 below.

Table 2: Details of Annual Budget Estimates of the Office of the Attorney-General and Ministry of Justice for the 2020 Financial Year

Cost Centres	Compensation of Employees (GH¢)	Goods Services & (GH¢)	Capital Expenditure (GH¢)	Total (GH¢)
Ministry of Justice (Headquarters)	4,649,916.00	1,765,876.00	7,000,000.00	13,415,792.00
Office of the Attorney-General	40,418,496.00	2,443,611.00	300,000.00	43,162,107.00
Registrar-General's Department	6,124,091.00	12,733,416.00	5,375,750.00	24,233,776.00
Copyright Office	1,144,595.00	709,156.00	265,936.00	2,119,687.00
Law Reform Commission	1,287,669.00	582,099.00	100,000.00	1,969,768.00
Council for Law Reporting	3,864,284.00	335,855.00	543,200.00	4,743,339.00
Legal Aid Commission	6,796,030.00	2,037,000.00	1,000,000.00	9,833,030.00
GLC (Ghana School of Law)	7,818,179.00	5,504,234.00	941,669.00	13,767,082.00
Economic and Organised Crime Office	21,318,074.00	1,664,969.00	400,000.00	23,383,043.00
TOTAL	92,924,334.00	28,552,547.00	15,583,355.00	136,627,625.00

10.0 OBSERVATIONS

The following observations were made by the Committee during its deliberations:

10.1 High Electricity Consumption

The Committee observed that the Ministry continued to spend substantial amount of its Goods and Services budget on electricity. According to Officials of the Ministry, the Ministry spends an amount of **GH¢1,666,499.00** annually as electricity expenditure for the Headquarters of the Ministry and Registrar-General's Department alone. This obviously causes a significant dint in the finances of the Ministry, thereby starving other functional areas of much needed resources. In view of this, the Committee strongly recommended to the OAGMOJ to consider solar energy as a viable alternative source of power, and urged the Ministry of Finance to provide funds towards meeting the initial capital requirement needed for solar installation.

10.2 Measures to Preserve the Law House Project

Officials of the Ministry informed the Committee that that the construction of the Law House which started nine years ago had stalled due to lack of funds. They also stated that the situation had subjected the uncompleted project to the vagaries of the weather thereby threatening its structural integrity. They intimated that there was the urgent need to preserve the project at the cost of **GH¢10,000,000.00** but the Ministry of Finance had allocated the amount of **GH¢6,000,000.00** for that purpose in the year 2020. They therefore appealed to the Ministry of Finance to provide the additional amount of **GH¢4,000,000.00** in the course of the year 2020 to protect this important project.

10.3 Revenue Generation Potential of the Registrar-General's Department

The Committee noted that, as at the end of September 2019, the Registrar-general's Department had generated an IGF of **GH¢88,205,520.72**. This amount represented 88.2% of the projected IGF target for the year. The Officials of the Department attributed this remarkable achievement partly to the introduction of innovations such as the One-Stop-Shop business mechanism (OSS) introduced by the Department in the course of the year. The OSS mechanism, integrates data requirement to generate Tax Identification Number (TIN), Business Operating Permit (BOP), registration of business and SSNIT registration, all at one instance.

The above achievement notwithstanding, Officials of the Department bemoaned the adverse impact of the capping policy on its operations by obstructing its huge potential to maximise revenue generation for the State. Based upon the analyses of the enormous potential of the Department to maximise revenue generation for the State, the Committee recommends that the Department's current IGF retention rate be raised from 16% to 50% of its 2020 IGF projection. It is believed that, the measure would enable the Department optimise its revenue generation potential and enable it implement the new Companies Act, 2019 (Act 992), by the operationalisation of the new Office of the Registrar of Companies. This will even afford the Department the latitude to cede certain percentage of its retained funds to supplement the budget of the mother Ministry when necessary.

10.4 Legal Aid Commission

It was again observed that the Legal Aid Commission continued to face funding difficulties despite its transformation from a Scheme to a Commission with the passage of the Legal Aid Commission Act, 2018 (Act 977). Officials of the Commission reiterated that the long years of under-funding had affected its infrastructural and logistical capacity to deliver. They intimated that, after so many years of its existence, the institution had no head office accommodation, and continue to perch at the premises of the Law Reform Commission in Accra. They also informed the Committee that, work on its Regional office at Ho had stalled since 2009. Again, the Commission does not have a single road-worthy vehicle to deliver on its mandate. To this end, the Committee urges the Ministry of Finance to provide additional funding to the Commission possibly in a supplementary budget in 2020 to augment its Investment Vote of **GH¢1,000,000.00**.

10.5 Law Reform Commission

The Committee noted that the precarious financial standing of the Ministry was not different from that of its agencies. Officials of the Law Reform Commission for instance, informed the Committee that the Council lacked simple logistical implements such as vehicles to carry out its field activities and computers and internet to carry out needed research work. They also intimated the urgent need for funds to undertake pavement works on the premises of its Accra Office. They stated that the current state of the premises makes it extremely difficult to access their offices during the rainy season. They accordingly appealed for additional funding to pave the premises as a first step in addressing the problem.

10.6 Legal Education Reforms

The Committee noted that the Ministry of Justice has planned to undertake research into the current legal education system for possible reforms. The Ministry has planned to conduct and publish a research on the "*Implications of the Current Policy in Accessing Professional Legal Education in Ghana*", and would hold Stakeholders' workshop to discuss the findings and recommendations thereof. The Committee endorses this initiative and urges the Ministry to pursue this programme as planned to form the foundation for the much-needed reforms in the country's legal education system.

10.7 Council for Law Reporting

The Committee noted that, despite major constraints faced by the Council in the performance of its mandate, it marked significant successes in the year under review. It was noted that the Council completed compilation of the 2016-2017 Volume 1 of the Ghana Law Reports and awarded same to be published by end of December 2019. It has also achieved 60% completion of the 2016-2017 Volume 2 of the Ghana Law Report and the 2016-2017 Review of Ghana Law. It is hoped that the Council would be better funded and equipped to generate up-to-date reports to support Judges, lawyers, student and other users of these important resources. It is strongly believed that, if the Council is provided with additional funding, it would be able to accomplish its planned programmes for the year 2020.

10.8 Copyright Office

On its part, the Copyright Office continued to perform its statutory functions by registering 801 copyright protected works and carrying out six anti-piracy activities in 2019. The office also initiated processes towards the review of the Copyright Regulations, 2010 (LI 1962) to take account of relevant technological advancement. In 2020, the Office plans to consolidate the gains made in 2019 by organizing 15 public education programmes on copyright, embark on 13 copyright education programmes in educational institutions and conduct 5 anti-piracy exercises across the country.

10.9 Economic and Organised Crime

The Committee noted that, the EOCO achieved notable successes in 2019 as it investigated 250 cases, initiated prosecution of 30 of the cases and achieved 1 conviction. The Office also made direct recovery of GH¢1,368,806.45 and indirect recovery of GH¢1,286,962.24 to relevant public institutions from proceeds of crime. It is hoped that the Office will build upon these achievements in 2020 by investigating 400 cases,

prosecute 52 cases and secure 10 convictions. The Committee strongly recommends to the Ministry of Finance to provide additional funds to the Office to furnish its new forensic laboratory, and set up a fully functional tracking unit in 2020 to improve the operations of the Office.

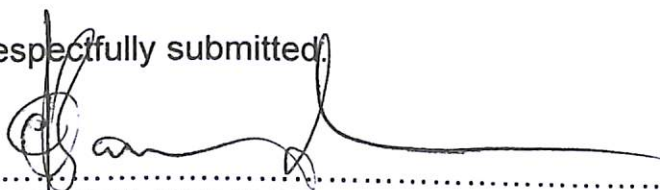
11.0 CONCLUSION AND RECOMMENDATION

The Committee acknowledges the critical role played by the Office of the Attorney General and Ministry of Justice in promoting rule of law, access to justice, peace and deepening of the country's democratic governance.

The Committee also acknowledges the precarious funding challenges that the OAGMOJ continues to face. As has been noted by the Committee in its Reports in the last three years, the funding challenges have resulted in general low staffing, and severe infrastructural and logistical constraints. The Committee accordingly urges the Ministry of Finance to find additional funding to the OAGMOJ to ameliorate the situation in 2020.

Subject to the above, the Committee recommends to the House to adopt this Report and approve the sum of **One Hundred and Thirty-Six Million, Six Hundred and Twenty-Seven Thousand, Six Hundred and Twenty-Five Ghana Cedis (GH¢136,627,625.00)** for the activities of the Office of the Attorney-General and Ministry of Justice for the 2020 Financial Year.

Respectfully submitted,



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HON. BEN ABDALLAH BANDA
CHAIRMAN, COMMITTEE ON CONSTITUTIONAL,
LEGAL AND PARLIAMENTARY AFFAIRS



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AKUA DUROWAA O. AGYEKUM (MRS)
CLERK TO THE COMMITTEE

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