A decorative border consisting of a repeating pattern of small, stylized icons, possibly representing a building or a symbol, surrounds the entire page.

**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 ATTORNEY-
GENERAL AND MINISTRY OF JUSTICE (OAGMOJ)
FOR THE 2021 FINANCIAL YEAR**

MARCH 2021

**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 2021
FINANCIAL YEAR**

1.0 INTRODUCTION

- 1.1 The Budget Statement and Economic Policy of the Government of Ghana for the 2021 Financial Year was presented to Parliament on Friday, 12th March, 2021 by the Hon. Minister for Parliamentary Affairs, Mr. Osei Kyei-Mensah-Bonsu in accordance with Article 179 of the Constitution.
- 1.2 The Annual Budget Estimates of the Office of the Attorney-General and Ministry of Justice (OAGMOJ) were referred 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, Mr. Godfred Dame and Officials of the OAGMOJ. The heads of the Departments and Agencies under the Ministry of Justice were in attendance to assist the Committee in the deliberations on the Estimates of the Ministry. Budget Officers from the Ministry of Finance were also in attendance.

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);
- v. The Budget Statement and Economic Policy of the Government for the 2020 Financial Year; and

- vi. The Budget Statement and Economic Policy of the Government for the 2021 Financial Year.

4.0 GOAL OF THE OAGMOJ

The goal of the Office of the Attorney-General and Ministry of Justice within the Medium Term is to provide quality advice and 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, initiation and conduct of all civil proceedings on behalf of the State.
- 5.2 The OAGMOJ is responsible for the 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 OAGMOJ is also responsible for drafting legislations and vetting of subsidiary legislations of State Institutions. The Ministry exercises oversight on the activities of the following department and agencies:
 - i. The Registrar-General's Department;
 - ii. The General Legal Council (Ghana School of Law);
 - iii. The Council for Law Reporting;
 - iv. The Law Reform Commission;
 - v. The Copyright Office; and
 - vi. 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.
- 5.6 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 organized crime and to facilitate the confiscation of proceeds of crime.

6.0 PERFORMANCE OF 2020 APPROVED BUDGET OF THE OAGMOJ

- 6.1 In the year under review, an amount of **One Hundred and Thirty-Nine Million, Two Hundred and Ninety-One Thousand, One hundred and Sixty-Nine Ghana Cedis, Ninety-One pesewas (GH¢139, 291, 169.91)** was allocated to the OAGMOJ for the 2020 Financial Year. This is made up of **One Hundred and Eleven Million, Two Hundred and Seventy-Four Thousand, Six Hundred and Twenty-Nine Ghana Cedis (GH¢ 111,274,629.00)** from Government of Ghana (GoG) and **Twenty-Eight Million and Sixteen Thousand, Five Hundred and Forty Ghana Cedis, Ninety-One Ghana Cedis (GH¢ 28,016,540.91)** from Internally Generated Funds (IGF's).
- 6.2 As at the end of December 2020, the actual payment to the OAGMOJ and its Agencies, amounted to the sum of **One Hundred and Forty-Six Million, Nine Hundred and Fifty-Two Thousand, Two Hundred and Seventy-Two Ghana Cedis, Ninety-One Pesewas (GH¢146,952,272.91)**. Compensation of Employees constituted **One Hundred and Two million, Seven Hundred and Ninty Thousand, Two Hundred and Fifteen Ghana Cedis, Eighty-Seven Pesewas (GH¢102,790,215.87)**, Goods and Services was **Thirty-One Million, Eight Hundred and Nineteen Thousand, Six Hundred and Eighty-Two Ghana Cedis, Fifty-Nine Pesewas (GH¢31,819,682.59)**, and **Twelve Million, Three Hundred and Forty-Two Thousand, Three Hundred and Seventy Ghana Cedis, Ninety-Six Pesewas (GH¢ 12,342,370.96)** was spent on Capital Expenditure.

Details of the breakdown of the approved Budget and Expenditure are shown in Table 1 in Appendix 'A'.

7.0 PERFORMANCE OF OAGMOJ FOR THE YEAR 2020

Key performance achievements of the OAGMOJ for the 2020 financial year is indicated as follows:

- 7.1 The Office of the Attorney-General represented the State in 305 civil cases in various Courts. The Civil Division successfully defended the State in a number of civil suits which could have resulted in the State paying substantial sums of money to the plaintiffs as judgment debts.

One of the notable civil cases is African Automobile Versus Accra Metropolitan Assembly. The Plaintiff attempted to enforce an amount of GH¢ 592,092,705,048.00 as an unpaid interest on a judgment obtained in 2009 against Accra Metropolitan Assembly. The Attorney-General (AG) obtained an order of the court staying the execution of the 2009 judgment pending the determination of a writ issued by the AG.

- 7.2 The Civil Division of the Office of the Attorney-General reviewed one hundred and twenty-four (124) agreements, contracts and Memoranda of Understanding (MoU) for MDAs and MMDAs. The Division received and resolved seventy-one (71) petitions from MDA's and the Public. It provided seventy-six (76) legal opinion and advice to MDAs and MMDAs.

- 7.3 The Legislative Drafting Division prepared four hundred and seventy-four (474) pieces of legislation consisting of twenty-four (24) substantive legislation and four hundred and fifty (450) subsidiary legislation including Executive Instruments. Key legislations enacted include the Imposition of Restrictions Act, 2020 (Act 1012), Novel Coronavirus (COVID-19) National Trust Fund Act, 2020 (Act 1013), Corporate Insolvency and Restructuring Act, 2020 (Act 1015), Narcotics Commission Act, 2020 (Act 1019), Public Elections (Registration of Voters) (Amendment) Regulations, 2020 (C.I. 126) and the Public Elections Regulations, 2020 (C.I. 127).

- 7.4 The Prosecution Division received three thousand, eight hundred and sixty-two (3,862) criminal cases and initiated prosecutions in two thousand, eight hundred and thirty-seven (2,837) in various courts across the country. These include eight (8) high profile corruption cases involving thirty-nine (39) accused persons charged with causing financial loss to the State, money laundering and procurement breaches among others.

- 7.5 The Ministry of Justice organised a workshop to validate the Sector's 2019 End of Year Monitoring and evaluation Report on the assessment of the level of implementation of the programme and activities based on the key outputs and deliverables in its 2019 Sector's Annual Action Plan (AAP). The Ministry also organised a validation workshop to finalise a Sexual Harassment Policy which was developed in 2019.
- 7.6 The Registrar-General's Department (RGD) registered 134,299 companies consisting of 652 Subsidiary Business Names, 6794 Companies Limited by Guarantee, 310 Partnerships, 17,578 Companies Limited by Shares, 108,896 Sole Proprietor and 69 External Companies. The Department also registered 1,401 Marriages, 1,703 Trademarks and administered 400 death gratuities. Upon the passage of the Companies Act, 2019 (Act 992), the software of the RGD has been upgraded and the Beneficial Ownership Register has been deployed to improve transparency in business registration processes.
- 7.7 The General Legal Council through the Ghana Law School enrolled a total of five Hundred and Forty-nine (549) Lawyers to the Bar in the year 2020 and also conducted entrance examination for 2,701 applicants in August, 2020 for admissions into the Ghana School of Law out of which a total of one thousand and forty-five (1,045) students passed. This represents 23% increment in the number of students who passed the entrance examination in 2019.
- 7.8 The Copyright Office registered thousand and fifty-two (1,052) copyright protected works and conducted 11 virtual sensitization programs for targeted stakeholders. The Office also conducted public education programs on radio stations mostly in Kumasi and Tamale.
- 7.9 The Council for Law Reporting sold various volumes of the Ghana Law Reports and editions of the Review of Ghana Law and realised an amount of Two hundred and Seventy-Six Thousand, Five Hundred and Two Ghana Cedis, Ten Pesewas (GH¢276, 502.10.) The Council reprinted four hundred (400) copies of the Consolidated Index of the 1959-1966 Ghana Law Reports and four hundred (400) copies of the Consolidated Index of the 1971-1976 Ghana Law Reports. The Process for the electronic sale of the Ghana Law Reports and the Review of Ghana Law is about 70% complete.

- 7.10 The EOCO recovered an amount of Seven Million and Fifty-Six Thousand, Seven Hundred and Nineteen Ghana Cedis (GH¢7,056,719.00) from suspects. Five Million, Seven Hundred and Twenty-Eight Thousand and Twenty-Three Ghana Cedis, Six Pesewas (GH¢5,728,023.06) of the amount consisted of direct recoveries into the Consolidated Fund and indirect recovery totalled an amount of One Million, Three Hundred and Twenty-Eight Thousand, Six Hundred and Ninety-Six Ghana Cedis (GH¢1,328,696) to beneficiary institutions. 286 cases were reported to the Office out of which 130 were completed.
- 7.11 The Law Reform Commission prepared various amendment to about fifty (50) laws and several amendments to the Criminal Offences and other offences Act. Current reports prepared by the Commission for further passage into law in the public domain are the Rent Bill, Interstate Succession Bill, Property Rights of Spouses Bill, Registration of Marriages Bill and Community Sentencing Bill among others. The Commission also completed its research work on the Occupiers' Liability and a revision on the law of defamation.

8.0 OUTLOOK FOR THE YEAR 2021

In the year 2021, the OAGMOJ, the Departments and Agencies under the Ministry seeks to among others implement the following programmes:

8.1 Ministry of Justice

- i. The Ministry intends to continue construction of the Law House project to ease the acute official accommodation problem at the office. Currently some lawyers operate in containers located at the headquarters of the Ministry.
- ii. The Ministry intends to conduct and publish a research on emerging issues in the Legal and Justice Sector and thereafter hold a stakeholder workshop on the research findings and its recommendations.
- iii. The Ministry will strengthen its monitoring and evaluation exercises to ensure an effective and efficient implementation of programmes and activities. The Ministry intends to also train 60 State Attorneys in legal education and 25 administration staff in Scheme of Service.

8.2 Office of the Attorney-General (OAG)

- i. Plans to review 125 agreements for MDAs and MMDAs;

- ii. Respond to estimated 230 petitions;
- iii. Provide about 140 Legal Opinions and Advices;
- iv. Prosecute about 1,600 cases; and
- v. Draft 15 pieces of substantive legislation and 220 subsidiary legislations.

8.3 Registrar General's Department (RGD)

- i. Decouple the Office of the Registrar of Companies from the RGD pursuant to provision in the Companies Act, 2019 (Act 992);
- ii. Deploy the Beneficial Ownership Register to enable companies declare the Beneficial Owners of their registered businesses in compliance with Act 992;
- iii. Digitize manual records to enable easy retrieval and storage of records on Company/business registration; and
- iv. Operationalize a regional office in Koforidua.

8.4 Ghana School of Law (GSL)

In 2021, in an effort at addressing the perennial problem of inadequate facilities to admit more qualified applicants into the Ghana School of Law, the School intends to construct the Law School Village Project. In 2021 the GSL also expects to admit eight hundred (800) successful applicants to the School of Law.

8.5 Council for Law Reporting (CLR)

- i. The Council intends to publish 700 copies each of [2018-2019] Vol. 2 of the Ghana Law Reports;
- ii. The Council would publish 500 copies of the [2016-2019] Review of Ghana Law; and
- iii. The Council would finalize the digitization of the Ghana Law Reports and the Review of the Ghana Law.

8.6 Copyright Office (CO)

- i. The Copyright Office intends to review the Copyright Regulations, 2010 (L.I. 1962);
- ii. Initiate the process for the review of the Copyright Act, 2005 (Act 690);
- iii. The Office intends to continue with its public education and sensitization programs; and
- iv. Undertake vigorous antipiracy activities to curb copyright infringement and Continue with the rehabilitation of its office building

8.7 Economic and Organised Crime (EOCO)

In 2012, EOCO intends to continue the fight against cybercrime and recover proceeds from economic crimes. The Office plans to investigate about 450 cases and prosecution of about 50 cases.

8.8 Law Reform Commission (LRC)

As part of the mandate of the Law Reform Commission, the Commission intends to work on the Unfair Contract Terms among others.

9.0 2021 ANNUAL BUDGET ESTIMATES OF THE MINISTRY

The amount of **GH¢133,640,428.00** has been allocated to the Office of the Attorney-General and Ministry of Justice for the 2021 Financial Year. This allocation comprises of an amount of **GH¢104, 363,396.00** from GoG and **GH¢29,277,033** from IGF.

Details of the Budget is shown in Table 2 as Appendix 'B'.

10.0 OBSERVATIONS

10.1 Compensation of Employees

The Committee observed an expenditure above the initial budget allocation in the 2020 Employee Compensation, which was explained to be resulting from financial clearance given to the Office of the Attorney-General in 2019 to recruit 60 state

Attorneys for placement in the Regional Offices of the OAG. Although the recruitment took effect in 2020, the financial clearance was not reflected in the Approved Compensation Allocation for 2020, but it was carried over as an Actual Compensation Expenditure for 2020. This among other things accounted for the increase in the actual expenditure of **GH¢ 48,064,553.03** in the Compensation of Employees allocation of the Ministry in 2020.

Similarly, an amount of **GH¢ 4,209,487.00** was approved in the 2020 for Goods and Services expenditure, however, due to the payment of outstanding Ghana Bar Association Conference Fees, other annual subscription fees and the cost of fuel for Attorneys, the actual expenditure for Goods and Services in 2020 increased to **GH¢ 6,324,494.37**. In addition, in view of the COVID-19 pandemic, the Ministry sought authorization from the Ministry of Finance for an amount of **GH¢700,000** to procure COVID-19 essential items for the Ministry. This sum also contributed to the increase in the actual expenditure of the Goods and Services allocation of the Ministry.

10.2 **The Law House Project**

The Hon. Attorney-General and Minister for Justice informed the Committee that, in the last quarter of 2020, the Ministry of Finance allocated an amount of GHs 400,000 to the Ministry of Justice for continuation of the construction of the Law House Project which will house the OAG and other sister legal institutions. The Committee was informed that, the Project was commenced about nine years ago but stalled due to lack of funds. The release of the said amount was however made available in February 2021. Currently the contractors are on site working on the project. The Committee urges the Ministry of Finance to provide the necessary funding required for the completion of this important project.

10.3 **Drastic decrease in Revenue Generation at the Registrar-General's Department**

The Committee noticed a shortfall of about 66% in the projected revenue of the RGD and was informed by the Register General that, because of the outbreak of the COVID-19 pandemic, the revenue generation projections of the RGD was highly affected. The low revenue generation was largely due to measures introduced by the government to curb the spread of the virus and to protect lives. These were travel restrictions and movements, the lock down and the directives given to public institutions to run at a reduced staff capacity and to the introduction of the shift system. The shift system which though protected the lives of staff, resulted in a reduction in the number of staff manning the workstations at every given period hence affecting productivity and revenue collection. Also, the lockdown in the Greater Accra and Greater Kumasi areas

which are the main strongholds for revenue collection in the Department led to a drastic reduction in the revenue generation. As a result, the Department generated only **Seventy-Four Million, One Hundred and Sixteen Thousand and Thirty-Nine Ghana Cedis, Fourteen Pesewas (GH¢74,116,039.14)** falling short of its projected target of **One Hundred and Eleven Million, Nine Hundred and Ninety-Four Thousand, Seven Hundred and Eighty-Nine Ghana Cedis (GH¢ 111,994,789.00)**.

Notwithstanding the above, the Committee is of the strong conviction that, RGD has the potential of being one of the foremost revenue generation public institutions if given the necessary resources to undertake the decoupling exercise as intended by the Companies Act (992). Currently, the percentage of Internally Generated Funds (IGF) retained by the RGD has been capped from 16% to 13% which has decelerated the operations of the Department. The Department lamented on the adverse impact of the capping policy on its operations by impeding its enormous potential to maximise revenue generation for the State. The Committee recommends that the Department's current IGF retention rate be increased from 13% to 20%. The Committee is confident that this measure would enable the Department fully operationalize the new Office of the Registrar of Companies, optimise its revenue generation potential and improve the ease of doing business in the country.

10.4 Council for Law Reporting

The Committee acknowledged the fact that the Council for Law Reporting basically work towards the strengthening of capacity of Judges, lawyers and Paralegals to promote rule of law, thus provides a social service. However, the Committee questioned why the Council could not be competitive enough to wean itself off government's subvention. The Committee was particularly concerned as to justification for expending a total of **Three Million and Seventy-One Thousand, Five Hundred and Eighty-Two Ghana Cedis, Eighty-Five Pesewas (GH¢ 3,071,582.85)** on the Council for Law Reporting in 2020 for a return of a paltry five hundred and twenty thousand (520,000) in sales. The Committee noted that, several private entities are plagiarizing the work of the Council, thus riding back of the Council who consistently laments of inadequate budgetary allocation, poor working environment, and inadequate staffing all the time. The Committee urges the Council to be more innovative and proactive in the pursuit of its duties and work very hard to finalize the digitization drive, which will make the Council more current and competitive. The Committee strongly believed that, if the Council is adequately equipped it can deliver on its mandate and generate enough revenue to contribute to the national coffers. The MOF is urged to take a critical look at this proposition.

10.5 Copyright Office

The Committee observed that the Copyright Office is unable to deliver its mandate nationwide due to insufficient budgetary allocations. The Office lacks a state of the art computerized infrastructure for storing registered copyright works. In view of budgetary constraints, the office building in Accra is incomplete and rehabilitation works stalled. The committee further observed that the Office requires adequate funding to effectively embark on regular public education and enforcement activities throughout the country. Adequate funding is also required to establish zonal offices across the country in order to improve accessibility in other parts of the country.

10.6 Economic and Organised Crime

The Committee noted that, in view of the mandate of EOCO, the employees of the Office require periodic training in specialized areas. Some of the employees constantly travel around the country to investigate economic and organized crime and recover the proceeds thereof. Hence, the Office is appealing to the Ministry of Finance to increase its budgetary allocation for Goods and Services from **One Million, Three Hundred and Seventy-Seven Thousand, Nine Hundred and Seventy-Nine Ghana Cedis (GH¢1,377,979.00)** to **Two Million Ghana Cedis (GH¢2,000,000.00)**. This would enable the Office meet the expenditure on fuel and the maintenance of dilapidated official vehicles. There is therefore the urgent need for the Office to procure sixteen (16) pick-ups; ideally one for each regional office and four (4) cross country vehicles.

10.7 Law Reform Commission

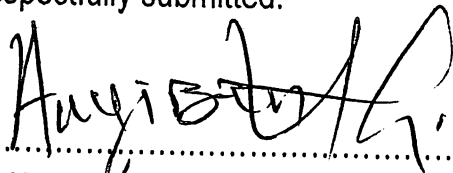
With regards to the Law Reform Commission, the Committee was informed that, currently, their mandate has expanded beyond proffering reform in the laws of Ghana and also supporting the Legislative Drafting Division of the Office of Attorney-General to prepare Memorandum attached to Bills, into making practical proposals that are relevant and useful to society towards wealth creation, poverty reduction and social protection for the poor and vulnerable. In view of the COVID-19 restrictions, the Committee appreciates the critical need for an effective ICT to enable the Commission work remotely and push the Commission into the digital age. Hence, the Committee is calling on the Ministry of Finance to consider an increase in the Goods and Services Allocation of Law Reform Commission to enable it invest in a robust ICT infrastructure.

11.0 RECOMMENDATIONS AND CONCLUSION

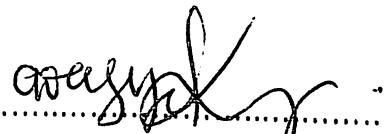
The Committee recognizes the role played by the Office of the Attorney General and Ministry of Justice in promoting rule of law, access to justice, peace and deepening of the country's democratic governance. The Committee also recognizes the inadequate funding of the OAGMOJ and appeals to the Ministry of Finance for additional funding to the OAGMOJ to improve the poor working conditions of its Attorney and other staff.

Accordingly, the Committee recommends to the House to adopt this Report and approve the sum of **One Hundred and Thirty Three Million, Six Hundred and Forty Thousand, Four hundred and Twenty Eight Ghana Cedis (GH¢133,640,428.00)** for the activities of the Office of the Attorney-General and Ministry of Justice for the 2021 Financial Year.

Respectfully submitted.



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



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

MARCH 2021

APPENDIX 'A'

Table 1: **Approved budget and actual expenditure of the OAGMOJ as at the end of December 2020**

	GOG Approved Budget (GH¢)	IGF Approved Allocation (GH¢)	Total Allocation (GH¢) (A)	GOG Actual (GH¢)	IGF Actual Payment	Total Actual Payment (GH¢) (B)	Variance (A) – (B)
EMPLOYEE COMPENSATION	90,744,241.00	3,502,884.41	94,247,125.41	98,574,334.86	4,215,881.00	102,790,219.37	-8,543,093.96
GOODS & SERVICES	11,530,388.00	17,930,301.28	29,460,689.28	13,405,998.09	18,413,688.50	31,819,682.59	-2,358,993.31
CAPEX	9,000,000.00	6,583,355.22	15,583,355.22	8,075,143.64	4,267,227.32	12,342,370.96	3,240,984.26
TOTAL	111,274,629.00	28,016,540.91	139,291,169.91	120,055,476.59	26,896,796.83	146,952,272.91	-7,661,099.51