

SUPREME COURT (AMENDMENT) (No. 2) RULES, 2016

ARRANGEMENT OF RULES

Rule

1. Rule 68 of C.I. 16 amended
2. Rules 68A and 68B substituted
3. Rule 69A of C.I. 16 substituted
4. Rule 69BA of C.I. 16 inserted
5. Rule 69C of C.I. 16 amended
6. Rule 70A of C.I. 16 revoked
7. Rule 71B of C.I. 16 amended
8. Second Schedule to C.I. 16 inserted

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IN exercise of the power conferred on the Rules of Court Committee by clause (4) of article 33, clause (3) of article 64 and clause (2) of article 157 of the Constitution, these Rules are made this 12th day of October, 2016.

Rule 68 of C. I. 16 amended

1. The Supreme Court Rules, 1996 (C.I. 16) referred to in this enactment as the principal enactment is amended in rule 68 by the addition of a new subrule (7) as follows:

“(7) A petitioner shall not amend a petition so as to add unto or alter the grounds of petition as stated in the filed petition.”.

Rules 68A and 68B substituted

2. The principal enactment is amended by the substitution for rules 68A and 68B of

“Parties to the Petition

- 68A.** Despite rule 45(4), the parties in a petition shall be
- (a) the petitioner as specified in article 64(1) of the Constitution, and
 - (b) the person declared elected as President and the Electoral Commission who together shall be the respondents.

Mode of presentation

- 68B.** (1) A petition shall be filed with the Registrar within twenty-one days of the declaration of the results of the election in respect of which the petition is presented.
- (2) The petitioner shall provide not less than seven copies of the petition for the use of the Justices of the Court and for service on each of the respondents.
- (3) The petitioner, at the time of presenting the petition, shall pay the relevant fee and deposit as set out in the Civil Proceedings (Fees and Allowances) (Amendment) Rules, 2014 (C.I. 86).

*SUPREME COURT (AMENDMENT) (No. 2) RULES, 2016***Service**

68C. (1) The Registrar shall, as soon as practicable after the filing of the petition, serve a copy on each of the respondents.

(2) The service of document referred to in subrule (1) on the respondents is personal service except as provided in subrules (4) and (5).

(3) Where an order for substituted service is not made under subrule (5), the Registrar shall post on the notice board of the Court a copy of the petition, and shall publish, at the cost of the petitioner, a copy of the petition in two daily newspapers with nationwide coverage.

(4) Where personal service on the respondents cannot be effected within two days from the date of the acceptance of the petition, the petitioner shall make an application to the Court supported by an affidavit, stating that reasonable efforts have been made to effect personal service on the respondent but without success.

(5) The Court on being satisfied, on an application made under subrule (4), that reasonable efforts have been made to effect personal service on the respondents but without success, shall make an order specifying the mode of service.”.

Rule 69A of C. I. 16 substituted

3. The principal enactment is amended by the substitution for rule 69A of

“Respondents’ answer and preliminary objection

69A. (1) A respondent who wants to oppose the petition

(a) shall, within ten days after the petition is served, file an answer to the petition, and

(b) may, in the answer, raise a preliminary objection.

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(2) The answer shall contain a statement of the facts on which the respondent intends to rely, verified by an affidavit, and for the answer as well as for the preliminary objection, state the law in support of the legal arguments to be relied on.

(3) The respondents shall provide not less than seven copies of the answer for the use of the Justices of the Court and for service on

(a) all of the parties, or

(b) a person as directed by the Court.

(4) The Registrar shall, as soon as practicable, after the filing of the answer by the respondents, serve a copy on the petitioner.

(5) The respondents may apply to the Court for further and better particulars of the petition on filing the answer.

(6) The respondents to the petition shall not amend an answer to the petition so as to add unto or alter the answer to the filed petition.”;

Rule 69BA of C.I 16 inserted

4. The principal enactment is amended by the insertion after rule 69B of a new rule 69BA

“Prohibition of joinder

69BA. A person who is not stated in the petition to be the petitioner or the respondents shall not be permitted to join the action or intervene in the action in any manner whatsoever.”.

Rule 69C of C. I. 16 amended

5. Rule 69C of the principal enactment is amended by

(a) the substitution for subrule (2) of

“(2) The Registrar shall give notice of the time and place of the hearing, within forty-eight hours of the Court fixing the date for the hearing of the petition,

(a) by posting up the notice on the notice board of the Court, and

(b) by sending a copy of the notice to each of the parties to the proceedings.”;

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(b) the substitution for subrule (4) of

“(4) The Court shall inquire into and determine the petition expeditiously and the time for the processes in relation to the petition shall be as specified in the Second Schedule.”; and

(c) the insertion after subrule (4) of

“(4A) The proceedings of the Court may be transmitted live if the Court so determines.

(4B) The Court may

(a) dismiss the petition, where the petitioner fails to file the processes regarding the petition within the specified time; or

(b) hear and determine the petition, where the respondents fail to file their answers or the processes regarding their answer within the specified time.”.

Rule 70A of C. I. 16 revoked

6. The principal enactment is amended by the revocation of rule 70A.

Rule 71B of C. I. 16 amended

7. Rule 71B of the principal enactment is amended by the substitution for the definition of “respondents” of

““respondents” mean the person declared elected as President and whose election is challenged by a petition and the Electoral Commission;”.

Second Schedule to C.I. 16 inserted

8. The principal enactment is amended by the insertion of a new Second Schedule

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“SECOND SCHEDULE

(rule 69C(4))

Timelines for determination of Presidential petition

	PROCESS	ACTION	DURATION
1.	Filing and Service		January
2.	7 th day	Appearance and Answer	
3.	10 th day	Pre-trial	
4.	15 th day	Hearing	
5.	21 st day	End of Hearing	
6.	42 nd day	Judgement	

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 The Hon. Mrs. Georgina Wood
Chief Justice

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The Hon. Mrs. Marietta Brew Appiah-Opong
Attorney-General and Minister for Justice

.....
The Hon. Mrs. Sophia O. A. Adinyira
Justice of the Supreme Court

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The Hon. Mr. S. E. Kanyoke
Justice of the Court of Appeal

.....
The Hon. Mrs. Elizabeth Ankumah
Justice of the High Court

.....
Ms. Joyce N. N. Oku
Ag. Editor, Council for Law Reporting

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Brig. Gen. Edward Fiawoo
Armed Forces, Burma Camp, Accra

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Entry into force: 5th January, 2017.