

N.R.C.D. 64
COUNCIL FOR LAW REPORTING ACT, 1972

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N.R.C.D. 64

COUNCIL FOR LAW REPORTING ACT, 1972¹

AN ACT to provide for the continuance in existence of the Council for Law Reporting and for related matters.

1. This Act was issued as the Council for Law Reporting Decree, 1972 (N.R.C.D. 64) made on the 3rd day of May, 1972 and notified in the *Gazette* on 5th May, 1972.

*Establishment of the Council***1. Council for law reporting**

- (1) There shall continue to be a Council for law reporting.
- (2) The Council is a body corporate, and has perpetual succession and a common seal, and may sue and be sued in its own name.

2. Functions of the Council

The Council is responsible for the preparation and publication of the "Ghana Law Reports" containing the judgments, rulings and opinions of the Superior Courts of Judicature and may also effect any other publications that in the opinion of the Board could conveniently be effected together with the preparation and publication of the reports.

3. Governing body of the Council

- (1) The governing body of the Council is a Board consisting of
 - (a) a Justice of the Superior Court of Judicature nominated by the Chief Justice as chairman,
 - (b) the Attorney-General or a public officer who is a lawyer, nominated by the Attorney-General,
 - (c) one representative of the Ghana Bar Association nominated by that Association who is a lawyer of not less than seven years standing as a lawyer,
 - (d) one representative of the department of State or statutory corporation which is responsible for the printing of the Ghana Law Reports who is a person not below the rank of head or deputy head of that department or corporation,
 - (e) the editor referred to in section 6, and
 - (f) the Dean of the Faculty of Law, University of Ghana, or the representative of the Dean.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.
- (3) The members, other than the Attorney-General or the editor, shall hold office for a period of three years.
- (4) A member, other than the Attorney-General or the editor, may resign from office, by notice in writing addressed to the Minister and a member may for just cause be removed from office by the President in consultation with the person or authority who or which nominated that member for appointment under subsection (1).
- (5) Where the office of a member, other than the editor becomes vacant by death, resignation or removal the Minister shall notify the President of the vacancy and the President may, subject to this Act appoint another person in the place of the member.
- (6) Subject to this Act, where a member is unable by reason of absence from the Republic or illness or any other sufficient cause to perform the functions of office the President shall, in consultation with the Minister and the person or authority who or which

nominated that member for appointment, appoint another person to hold office in place of that member until the time that the member is able to perform those functions or until the term of that member expires whichever occurs first.

(7) A member, on ceasing to be a member, is eligible for re-appointment.

4. Meetings of the Board

(1) The Board shall meet at intervals not exceeding three months for the performance of its functions at the times and places appointed by the chairman.

(2) The chairman shall preside at the meetings of the Council and in the absence of the chairman a member appointed by the members present from among their number shall preside.

(3) Questions proposed at a meeting of the Council shall be determined by a simple majority of members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(4) Any three members of the Board including the chairman or the editor constitute a quorum at a meeting of the Board.

(5) The Board may, co-opt a person to be an adviser at a meeting of the Board, but the person so co-opted is not entitled to vote at the meeting on a matter for decision by the Board.

(6) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.

5. Remuneration of Board members

A member, other than the editor, as well as a person co-opted to a meeting of the Board under section 4 may be paid the remuneration that the Board may, with the approval of the Minister given after consultation with the Minister responsible for Finance, determine in relation to that member.

Administration

6. Editor and management

(1) There shall be an editor of the Ghana Law Reports who shall be a public officer appointed by the President in accordance with article 195 of the Constitution, and on the terms and conditions determined by the Board.

(2) A person is not qualified for appointment as editor unless that person is qualified to be appointed as a Justice of the High Court under the Constitution.

(3) The editor is responsible, subject to the general control of the Board on matters of policy, for the preparation and publication of the Ghana Law Reports and for any other publications that may be approved by the Board under section 2.

(4) Where the editor is incapacitated from the performance of the functions of the editor, the Board may, subject to this section, authorise an officer of the Council to perform those functions for the duration of the incapacity.

7. Appointment of other officers and employees

(1) The Council shall have assistant editors, reporters, a secretary and any other employees as are necessary for the efficient performance of its functions.

(2) A person is not qualified for appointment as an assistant editor unless that person is qualified to be appointed as a Circuit Court Judge.

(3) Subject to article 195 of the Constitution, the employees of the Council, other than the editor, shall be appointed by the Board.

(4) Subject to article 195 of the Constitution, the Board may delegate to the chairman, the editor or any other officer of the Council its powers to appoint persons as employees of the Council in respect of a post, the initial salary attached to which is less than two thousand cedis per annum.

(5) The employees of the Council shall hold office on the terms and conditions determined by the Board.

(6) Public officers may be transferred or seconded to the Council or may otherwise give assistance to the Council.

8. Duties of secretary

(1) The secretary is responsible, under the direction and supervision of the editor, for the day-to-day management and administration of the affairs of the Council.

(2) The secretary shall act as secretary to the Board and shall, subject to the directions of the Board arrange the business for and be responsible for, the recording and keeping of minutes of proceedings of the meetings of the Board.

9. Pensionable officers

(1) The office of the editor, assistant editor, reporter and secretary is each a pensionable office.

(2) The Council may grant pensions, gratuities or any other retiring awards to any of its employees and may require employees to contribute to a pension or superannuation scheme.

Finance

10. Funds of the Council

Parliament may provide the sums of money that are required for the running of the Council.

11. Payment into bank

(1) The sums of money received on account of the Council may be paid into a bank approved by the Board for the credit of the Council's general current or deposit account.

(2) The Council may invest as the Board considers fit, moneys not required for current use.

12. Accounts and audit

(1) The Council shall keep proper books of account and proper records of the accounts in relation to the financial affairs and transactions of the Council in the form approved by the Auditor-General.

(2) The books of account of the Council shall be audited annually by the Auditor-General.

13. Annual reports

The Board shall prepare and submit to the Minister not later than the 31st day of March in every year a report on the activities of the Council during the preceding year and the Minister shall, as soon as possible after receiving the report, lay it before Parliament.

*Miscellaneous***14. Rules**

The Council may, with the approval of the Minister, make by legislative instrument, Rules generally for the effective carrying out of the purposes of this Act.

15. Supply of judgment to the editor

A Justice of the Superior Court of Judicature shall as soon as practicable after delivering it, cause to be furnished to the editor a certified true copy of the judgment, ruling or opinion delivered by the Justice.

16. Returns by registrars of Superior Court

A registrar attached to a Superior Court of Judicature shall at the end of every calendar month furnish the editor with a list of the judgments, rulings or opinions delivered by a Justice of that Court.

17. Ghana Law Reports as official reports

The Ghana Law Reports, including any of the reports published by the General Legal Council before the commencement of this Act are the official law reports of Ghana which may be cited in proceedings in the Courts.

18. Interpretation

In this Act, unless the context otherwise requires,

“Board” means the governing body of the Council;

“**Council**” means the Council continued in existence by section 1;

“**member**” means a member of the Board

“**Minister**” means the Minister responsible for Justice;

“**reports**” means the Ghana Law Reports.

19. Repeal

*Spent.*²

20. Transitional provisions

*Spent.*³

21. Transfer of assets and liabilities

*Spent.*⁴

22. Commencement

*Spent.*⁵

2. The section repealed the Council for Law Reporting Act, 1971 (Act 366).

3. The provision reads:

“(1) The Chairman and members of the Council holding office immediately before the commencement of this Decree shall be deemed to have been duly appointed for the purposes of section 3 of this Decree.

(2) Unless the contrary intention is indicated by the Council, the Editor and every member of the staff of the Ghana Law Reports appointed or employed by the General Legal Council established under the Legal Profession Act, 1960 (Act 32) and who was engaged directly in the preparation of the Ghana Law Reports immediately before the commencement of the Council for Law Reporting Act, 1971 (Act 366) shall be deemed to have been duly appointed under this Decree.

(3) Nothing in this Decree shall be taken to effect any alteration in the terms of a contract subsisting immediately before the commencement of this Decree or to authorise the making of any such alteration without the consent of all parties bound by the contract.”

4. The provision reads:

“All rights, assets, property, obligations and liabilities of the General Legal Council acquired or incurred in connection with the law reporting functions of that Council and in existence immediately before the commencement of the Council for Law Reporting Act, 1971 (Act 366) are hereby transferred to the Council.”

5. The section provided for the 1st day of March, 1972 as the day for the coming into force of the Decree.