



**IN THE FIRST SESSION OF THE SEVENTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF  
GHANA**

**REPORT OF THE COMMITTEE ON LOCAL  
GOVERNMENT AND RURAL DEVELOPMENT**

**ON THE LOCAL GOVERNANCE  
(AMENDMENT BILL 2017)**

**31<sup>ST</sup> JANUARY, 2017**

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(AMENDMENT BILL 2017)**

**1.0 INTRODUCTION**

The Local Governance Amendment Bill 2017 was laid before the House on **Tuesday, 31<sup>st</sup> January, 2017** by the Hon. Minister for Local Government and Rural Development, Hon. Alima Mahama and was subsequently referred to the Committee on Local Government and Rural Development by the Rt. Hon. Speaker for consideration and Report.

**2.0 REFERENCE DOCUMENTS**

In considering the Bill, the Committee made reference to the following documents:

- i. The 1992 Constitution of the Republic of Ghana
- ii. The Standing Orders of Parliament
- iii. The Local Governance Act, 2016 (Act 936)
- iv. The Interpretation Act, 2009 (Act 792)

**3.0 BACKGROUND**

Members may recall that following the passage of the consolidated Local Governance Bill in 2016 (Act 936), the Local Government Act 1993 (Act 462) was repealed. However, there is no provision in Act 936 enabling the President to revoke the appointment of his

appointees as provided under Article 249 of the Constitution which states that "Subject to any procedure established by law, the mandate of a member of a District Assembly may be revoked by the electorate or the appointing body."

#### 4.0 **OBJECTIVES OF THE BILL**

The amendment seeks to restore the Presidents discretionary power to revoke the appointment of government appointees to District Assemblies as provided under Article 249 of the 1992 Constitution.

#### 5.0 **OBSERVATIONS AND RECOMMENDATIONS**

The Committee observed that indeed there is the need to provide for the power of the President to revoke the appointment of government appointees to District Assemblies when required and at his discretion.

Members of the Committee deliberated the proposed amendments and considered whether the discretionary powers of the President is required in the revocation of the appointments of the appointed Members of District assemblies.

Members concluded that considering the power of the President to appoint Members of District assemblies as provided under Article 242, paragraph (d) of the 1992 Constitution which states that "other members not being more than thirty percent of all the members of the Assembly, appointed by the President in consultation with the

traditional authorities and other interest groups in the District” as well as Article 249 of the Constitution mentioned earlier and Section 23, sub-clause (1) of the Interpretation Act, 2009, (Act 792) which states that “(1) Words in an enactment which authorizes the appointment of a person to an office confer, in addition, on the authority in whom the power is vested,

- (a) a power, at the discretion of the authority, to remove or suspend that person”.

The combined effect of the above mentioned provisions empower the President to appoint and also to revoke the appointments of his or her appointees.

#### 6.0 **URGENCY OF THE BILL**

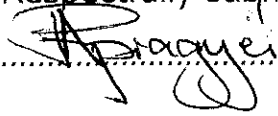
Considering the need for the President to speed up the appointments process to enable District assemblies function effectively and to forestall further delay of appointments into District assemblies, the Committee wishes to recommend to the House to consider the Bill as an urgent in accordance with Article 106 (13) and Standing order 119 of the House.

- 7.0 **Amendment Proposed – Clause 9,** Paragraph (a) after “President” insert “or”.

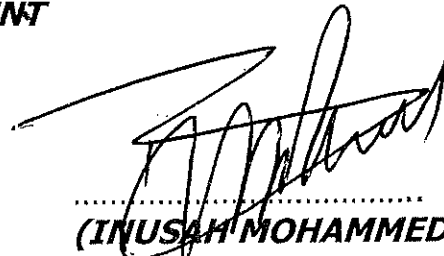
#### 7.0 **CONCLUSION**

In conclusion, the Committee wishes to state that considering the importance of the amendment to the smooth running of District Assemblies, the Committee wishes to recommend to the House to adopt its report and approve the amendments.

Respectfully submitted.



**(HON. PATRICIA APPIAGYEI)**  
**CHAIRPERSON, COMMITTEE ON LOCAL**  
**GOVERNMENT AND RURAL DEVELOPMENT**



**(INUSAH MOHAMMED)**  
**CLERK TO THE COMMITTEE**

31-Jan-2017