

**N.L.C.D. 155****PASSPORTS AND TRAVEL CERTIFICATES ACT, 1967**

## ARRANGEMENT OF SECTIONS

*Passports*

## SECTION

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**N.L.C.D. 155****PASSPORT AND TRAVEL CERTIFICATES ACT, 1967<sup>1</sup>**

**AN ACT to provide for the issuance of passports and travel certificates and for related matters.**

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1. The Act was issued as the Passport and Travel Certificates Decree, 1967 (N.L.C.D. 155) made on the 5th day of April, 1967 and notified in the *Gazette* on 7th April, 1967.

*Passports***1. Authority to issue passport**

The Minister responsible for External Affairs, may subject to and in accordance with this Act,

- (a) issue a passport, and
- (b) authorise the issue of a passport by a diplomatic representative or consular officer of the Republic in any other country to a citizen.

**2. Application for a passport**

An application for the issue of a passport shall be in the prescribed form containing the prescribed particulars and shall be accompanied by the prescribed documents.

**3. Passport fees**

(1) A passport, other than a diplomatic or special passport, shall not be issued to a citizen except on payment of the prescribed fee.

(2) The fee shall be paid by the applicant to the issuing officer at the time of the application.

**4. Repatriation expenses**

(1) An applicant for the issue of a passport shall, at the time of the application, if so requested by the issuing officer, produce before that officer two sponsors in good standing and financial circumstances.

(2) The sponsors shall enter into a bond guaranteeing payment by them of the repatriation expenses of the applicant in the event of repatriation and any other expenses of the repatriation not being paid for by the applicant or any other person or authority.

(3) If the issuing officer is satisfied that the sponsors produced are not in a financial position to stand security for the payment of the repatriation expenses of the applicant, the issuing officer shall require the applicant to make a cash deposit with a sum of money sufficient for the payment of those expenses.

**5. Refusal to issue a passport**

(1) The Minister may, for reasons which the Minister considers sufficient, refuse to issue or authorise a refusal to issue a passport to an applicant.

(2) The Minister shall refuse to issue or refuse to authorise the issue of a passport to an applicant

- (a) who has forfeited the right to the recognition and protection of the Republic, or
- (b) who is,
  - (i) insane, or
  - (ii) a habitual criminal, or

- (iii) a security risk, or
  - (iv) a person believed on good evidence to be fleeing the Republic to avoid prosecution for a criminal offence, or
  - (v) a person under the age of twenty-one years suspected of being taken out of the Republic against the wishes of the parents, or contrary to the provisions of an enactment relating to children or young persons or the adoption of children, or
- (c) who has failed to comply with subsection (2) of section 3 (relating to the payment of fees), or with the request mentioned in section 4.

## 6. Diplomatic passport

(1) The Minister may issue a diplomatic passport to

- (a) a member of the Government proceeding abroad on official Government business and the wife of that member who accompanies the member on the journey;
- (b) a diplomatic representative of the Republic accredited to any other country or to an official international organisation as head of mission, and a member of the diplomatic staff of that representative;
- (c) a consular officer of the Republic;
- (d) the wife and every member of the immediate family residing with that person, of a person referred to at paragraph (b) or (c) to whom a diplomatic passport is issued;
- (e) the head of a delegation of the Republic attending an international conference or convention at which countries are officially represented; and
- (f) a prominent citizen or high public official proceeding abroad who, in the opinion of the Government requires a diplomatic passport for the purpose for which that person is travelling abroad.<sup>2</sup>

(2) A diplomatic passport shall not be issued to a person other than those referred to in subsection (1).

## 7. Special passport

The Minister may issue a special passport to a public officer or to any other citizen proceeding abroad on the official business of the Government not being a person to whom a diplomatic passport may be issued under section 6.

## 8. Period of validity of passport

(1) A passport, other than a diplomatic or a special passport issued under this Act shall remain valid for the period of time, not exceeding a period of ten years from the date of the issue of the passport specified on the passport, and shall then cease to be valid.

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2. Inserted by the Passport and Travel Certificate (Amendment) Law, 1993 (P.N.D.C.L. 310).

(2) On the application of the holder of a passport made to an issuing officer at the time when the passport ceases to be valid or prior to the cesser, and on payment of the prescribed fee, the issuing officer may renew the passport for a period not exceeding five years from the date of the renewal specified on the passport, and on the termination of the period so specified the passport shall cease to be valid.

(3) A diplomatic passport issued under section 6 shall remain valid until the return to the Republic of the holder on the termination of the mission or appointment in respect of or in connection with which it was issued, and shall then cease to be valid.

(4) A special passport issued under section 7 shall remain valid until the return to the Republic of the holder on the conclusion of the official business of the Government in respect of the conduct of which it was issued, and shall then cease to be valid.

(5) A passport shall not be expressed to be or be of permanent validity.

### *Travel Certificates*

#### **9. Travel certificate**

(1) The Minister may issue or authorise the issue of a travel certificate to an applicant who is a citizen for the purpose of travel to, in or from a West African country.

(2) A travel certificate shall be issued in accordance with the Regulations relating to travel certificates made under this Act.

#### **10. Travel certificate fees**

(1) A travel certificate shall not be issued to an applicant except upon payment of the prescribed fee.

(2) The fee shall be paid by the applicant to the issuing officer at the time of the application.

### *Miscellaneous*

#### **11. Passport, property of Government**

A passport or a travel certificate issued under this Act shall remain the property of the Government.

#### **12. Surrender of passport and travel certificate**

(1) A passport or travel certificate issued under this Act shall, subject to subsection (2), be surrendered to the Minister on ceasing to be valid.

(2) A passport, other than a diplomatic or special passport, which has been renewed on ceasing to be valid shall be surrendered to the Minister on the expiration of the period of time for which it has been renewed.

(3) Where the Minister is satisfied that a passport or travel certificate issued under this Act, whether the passport or travel certificate is still valid or has ceased to be valid, should be surrendered,

- (a) on the ground that it is being improperly used by the holder, or
- (b) on any other ground which the Minister considers sufficient to require its surrender,

the Minister may require the holder to surrender it to the Minister or to a diplomatic representative or consular officer of the Republic in a country in which the passport or travel certificate is being used.

(4) A diplomatic passport held by a member or former member of the Government immediately before the commencement of this Act shall, on that commencement, be surrendered forthwith by the holder to the Minister.

(5) The Minister may cancel a passport or travel certificate in respect of which a requirement under subsection (2) to surrender that passport or travel certificate is not complied with, and a diplomatic passport in respect of which subsection (3) requiring the surrender is not complied with.

### **13. Offence of failure to surrender passport**

A person who refuses or fails to comply with

- (a) a requirement under subsection (3) of section 12, or
- (b) subsection (4) of section 12,

commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

### **14. Procedure on death of holder**

(1) A passport or travel certificate shall cease to be valid on the death of the holder.

(2) Where the holder dies, any one of the persons mentioned in subsection (3) shall surrender or cause to be surrendered to the Minister or to an issuing officer within three months after the death of the holder the passport or travel certificate of the deceased.

(3) The persons charged with the obligation to surrender or cause to be surrendered a passport or travel certificate the holder of which has died are

- (a) the personal representatives of the deceased;
- (b) the successor to the estate of the deceased;
- (c) the surviving spouse of the deceased;
- (d) the head of the family of the deceased;
- (e) an adult child of the deceased not below the age twenty-one years on the date of the death of the deceased;
- (f) the father, mother or guardian of the deceased;
- (g) the nearest relative of the deceased present at the death or in attendance at the last illness of the deceased;
- (h) a prescribed person.

(4) A person into whose possession comes a passport or travel certificate the holder of which has died, shall surrender it or cause it to be surrendered to the Minister or to an issuing officer within one month after it came into that person's possession or if it came into possession before the death of the holder, within one month after the death of the holder.

(5) A person mentioned in subsection (3) or (4) who fails without reasonable excuse, the proof of which lies on that person to comply with the obligation imposed by subsection (2) or by subsection (4), commits an offence and is liable on conviction, to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

### **15. Forgery of passport or travel certificate**

(1) A person who

- (a) forges a passport or a travel certificate, or
- (b) makes a statement which is, to the knowledge of that person untrue for the purpose of procuring a passport or a travel certificate for that or any other person, or
- (c) wilfully and knowingly uses or attempts to use a passport or travel certificate issued or designed for the use of another person other than that person, or
- (d) wilfully and knowingly uses or attempts to use a passport or travel certificate in contravention of a condition or restriction contained in the passport or travel certificate or in contravention of the Regulations, or
- (e) wilfully and knowingly uses or attempts to use or furnishes to another for use a forged passport or travel certificate, or
- (f) wilfully and knowingly uses or attempts to use a passport or travel certificate validly issued but which has become void by its being cancelled by the Minister under this Act or for any other reason,

commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(2) In this section "forgery" has the same meaning as in the Criminal Offences Act, 1960 (Act 29).

### **16. Application of Act to existing passport**

A passport and a travel document issued prior to the commencement of this Act remains valid under this Act and this Act shall apply accordingly.

### **17. Regulations**

The Minister may, by legislative instrument, make Regulations prescribing

- (a) a matter or thing which is referred to in this Act as prescribed;
- (b) the form of a passport issued under this Act and the particulars to be contained in the passport;

- (c) the conditions of the renewal of a passport in addition to the payment of the fee required to be paid for the renewal;
- (d) the form of the application for a travel certificate, the particulars to be contained in the application and the documents to accompany the application;
- (e) the refusal in the absolute discretion of the Minister of an application for a travel certificate;
- (f) the conditions subject to which, in addition to the fees required to be paid by the applicant, a travel certificate is issued or renewed;
- (g) the period of the validity of a travel certificate;
- (h) the issue of a collective certificate in lieu of a separate passport or travel certificate in respect of parties of children under eighteen years of age proceeding abroad;
- (i) the conditions subject to which a collective certificate is issued; and
- (j) and other matter or thing which the Minister considers necessary or expedient for carrying this Act into effect.

## 18. Repeal

*Spent.*<sup>3</sup>

## 19. Interpretation

In this Act, unless the context otherwise requires,

“**citizen**” means a citizen of Ghana;

“**consular officer**” means a consul-general, consul, vice-consul and any other person for the time being authorised to perform consular functions;

“**diplomatic representative**” includes an ambassador extraordinary and plenipotentiary, a minister plenipotentiary and envoy extraordinary, a high commissioner and a charge d'affaires;

“**diplomatic staff**” includes those members of the staff of a diplomatic representative who are reported by that diplomat to the Government of the country to which that diplomat is accredited as having diplomatic rank and as constituting the diplomatic staff of that diplomat;

“**holder**” means the holder of a valid passport or a travel certificate;

“**issuing officer**” includes an officer appointed by the Minister to issue and renew passports and travel certificates on behalf of the Minister and a diplomatic representative or consular officer of the Republic in any other country;

“**Minister**” means the Minister responsible for External Affairs;

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3. The section provided as follows:

“18. **Spent**

Subsection (2) of section 2 of the Fees (Passports and Visas) Ordinance, 1957 (No. 8 of 1957) is hereby repealed.”

“**passport**” means a document so entitled issued to a citizen under this Act for the purpose of travel to, from, or in any other country and authenticating the right of the holder to the recognition and protection of the Republic;

“**prescribed**” means prescribed by the Regulations.

**20. Commencement**

*Spent.*<sup>4</sup>

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4. The section provided for the 1st day of April, 1967 as the date for the coming into operation of the Decree.