

**IN THE THIRD MEETING OF THE SECOND SESSION OF THE EIGHTH  
PARLIAMENT OF THE FOURTH REPUBLIC OF GHANA**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS ON THE 2023 ANNUAL BUDGET  
ESTIMATES OF THE OFFICE OF THE ATTORNEY-GENERAL AND  
MINISTRY OF JUSTICE**

**1.0 INTRODUCTION**

- 1.1 The Budget Statement and Economic Policy of the Government of Ghana for the year ending 31<sup>st</sup> December, 2023 was presented to Parliament, by the Hon Minister for Finance, Mr Ken Ofori-Atta, on 24<sup>th</sup> November, 2022 in accordance with Article 179 of the 1992 Constitution.
- 1.2 Pursuant to Orders 140(4) and 179 of the Standing Orders of Parliament, the Rt Hon Speaker referred the Budget Estimates of the Office of the Attorney-General and Ministry of Justice to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report to the House.

**2.0 DELIBERATIONS**

The Committee met on 12<sup>th</sup> December, 2022 and considered the 2023 Budget Estimates of the Office of the Attorney-General and Ministry of Justice. Present at the meeting were the Hon Deputy Minister for Justice and the Attorney-General, Mr Alfred Tuah-Yeboah, the Chief Director, Mr Justin Selorm Dzinyanu, and Heads of the Agencies and Departments under the Office of the Attorney-General and Ministry of Justice, as well as officials from the Ministry of Finance.

The Committee is grateful to them for their useful submissions.

### **3.0 REFERENCE DOCUMENTS**

3.1 In considering the Estimates, the Committee made reference to the under-listed documents:

- i. The 1992 Constitution;
- ii. The Standing Orders of Parliament;
- iii. The Budget Statement and Economic Policy of the Government of the Republic of Ghana for 2021 and 2022 Financial Years;
- iv. The Office of the Attorney-General and Ministry of Justice Medium Term Expenditure Framework for 2022 -2025; and
- v. Report of the Committee on Constitutional, Legal and Parliamentary Affairs on the 2022 Budget Estimates of the Office of the Attorney-General and Ministry of Justice.

### **4.0 AGENCIES UNDER THE MINISTRY**

The Office of the Attorney-General and Ministry of Justice comprises of the Headquarters and the under-listed Agencies:

- i. The General Legal Council;
- ii. The Ghana School of Law;
- iii. The Economic and Organised Crime Office (EOCO);
- iv. The Registrar-General's Department (RGD);
- v. Office of the Registrar of Companies;
- vi. The Council for Law Reporting;
- vii. The Law Reform Commission; and
- viii. The Copyright Office.

## **5.0 GOAL**

The goal of the Ministry within the medium term is “To provide quality advice and legal services to the Government and the people of Ghana.

## **6.0 POLICY/STRATEGIC OBJECTIVES**

The strategic policy objectives of the Office of the Attorney General and Ministry of Justice for the medium term are as follows:

- Promote the fight against corruption and economic crimes;
- Promote access and efficiency in the delivery of justice;
- Ensure improved fiscal performance and sustainability.

## **7.0 2022 PERFORMANCE OVERVIEW**

### **7.1 Programme Performance**

The Office of the Attorney-General and Ministry of Justice has four main development outcome orientations under the Programme Based-Budgeting of the country. These are Law and Administration; Copyright and Entity Administration; Management of Economic and Organised Crime; and Legal Education Programmes. The performance of the various Programmes during the year under-review are indicated below:

### **7.1.1 Law Administration Programme**

In furtherance of the law administration system in the country, the Office of the Attorney-General and Ministry of Justice undertook the following:

- i. Successfully represented the State in 811 civil cases initiated against the State, which could have otherwise resulted in the payment of huge sums of money to plaintiffs as judgment debts;
- ii. Reviewed 122 agreements and contracts, as well as 31 Memoranda of Understanding (MoU) for Ministries, Departments and Agencies (MDAs) and Municipal, Metropolitan and District Assemblies (MMDAs);
- iii. Resolved 146 petitions and requests, and provided 104 legal opinions;
- iv. Received 710 dockets and initiated prosecutions on 510 cases in various courts across the country;
- v. Dealt with 453 motions out of 520 and 75 appeals;
- vi. Resolved 172 petitions out of 203;
- vii. Dealt with 10 extradition requests to various countries, and 65 Mutual Legal Assistance requests;
- viii. Initiated, drafted and facilitated the passage of a number of essential Bills and prepared 350 pieces of legislation made up of 6 substantive legislations and 340 subsidiary legislations, which were enacted into law by Parliament;
- ix. Reviewed Legislative Instruments including the Ghana Shipping (Carriage of Containers) Regulations, 2022 (L.I. 2439) and the Narcotics Control Commission Regulations, 2022 (L.I. 2440);
- x. Reviewed a number of Executive Instruments including E.I. 20 Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) (No. 25) Instrument, 2022; E.I. 75 State Lands

(Manso) Mpohor District of the Western Region, (Site for Ghana Railway Development Authority) Instrument, 2022; E.I. 76 State Lands-Akuateng-Dodowa-Greater Accra Region (Site for Water Reservoir and Booster Station for Ghana Water Company Limited) Instrument, 2022; and the E.I 77 State Lands (Eshiem) Sekondi-Takoradi Metropolis of the Western Region (Site for Ghana Railway Development Authority) Instrument, 2022;

- xi. Prepared and laid the following legislations before Parliament; National Pensions (Amendment) Bill, Wildlife Resources Management Bill, Intestate Succession Bill, Ghana Commission for United Nations Educational, Scientific and Cultural Organisation (UNESCO) Bill, National Vaccine Institute Bill, and Grains Development Authority (Amendment) Bill;
- xii. Collaborated with other MDAs to enact 42 Bills including, the Advertising Council Bill, Aged Persons Bill, Affirmative Action (Gender Equality) Bill, Atomic Energy Commission (Amendment) Bill, Anti-Doping Agency Bill, Broadcasting Bill, Chemical Weapons and Industrial and Consumer Chemicals Bill, Child Justice Administration Bill, Children's Bill, Civil Service Bill, Cooperatives Bill, Community Service Sentencing Bill, and Consumer Protection Bill; and
- xiii. Prepared 18 Legal Opinions in response to requests for advice and legal reviews on agreements, contracts, policies and legislation.

### **7.1.2 Management of Economic and Organised Crime Programme**

The Economic and Organised Crime Office (EOCO) also made the following achievement:

- i. Recovered an amount of GH¢27,550,000 (being GH¢11.14 million directly into the Consolidated Fund and made GH¢16.41 million indirect recovery to other institutions) from the proceeds of crime as at the end of September, 2022;
- ii. Investigated 490 cases out of which 19 are being prosecuted at various courts;
- iii. Secured one court conviction and five dismissals; and
- iv. Carried out 55 sensitisation programmes on cybercrime and same on gaming, three outreach programmes on human trafficking and irregular migration.

### **7.1.3 Legal Education Programme**

- i. The General Legal Council (Ghana School of Law), enrolled 94 lawyers to the Bar at a mini call in June 2022 and 785 in the main call in November 2022; and
- ii. The Council received 96 complaints and successfully disposed of 148 disciplinary cases against lawyers.

### **7.1.4 Copyright and Entity Administration Programme**

- i. The Registrar-General's Department (RGD), registered 93,105 businesses and companies made up of; 452 subsidiary business names, 5,380 companies limited by guarantee, 147 partnerships, 12,651 companies limited by shares, 74,418 sole proprietorship, and 57 external companies;
- ii. The Department also registered 1,589 marriages, 1,102 trademarks, and 37 industrial designs, and filed 1,343

trademarks and 15 patents. In 2023, the Office expects to register 2,600 marriages and 1,900 trademarks, administer 620 estates and file 2,200 trademarks; and

- iii. The Copyright Office registered 899 Protected Works and organised a sensitisation workshop for over 550 police officers in Accra.

## 7.2 2022 Financial Performance

During the year under review, an amount of GH¢195,539,000 was allocated to the Office of the Attorney-General and Ministry of Justice for its activities. This was revised downwards to GH¢ 186,649,793 during the mid-year budget review. As at the end of September, 2022 an amount of GH¢134,682,062.20 representing 74.8% had so far been released. The Table 1 below provides the detail expenditure returns.

**Table 1: 2022 Financial Performance by economic classification**

Item	Revised Budget GH¢ (A)	Amount Released GH¢ (B)	Actual Payment GH¢	Variance GH¢ (A-B)	% Released
Compensation	114,680,000	101,675,583	100,703,676.97	13,004,417	88.7
Goods and Services	40,646,979	25,817,549.05	24,397,491.31	14,829,429.95	63.5
Capex	31,322,814	12,136,865.10	9,580,893.92	19,185,948.90	38.7
<b>Total</b>	<b>186,649,793</b>	<b>139,629,997.15</b>	<b>134,682,062.2</b>	<b>47,019,795.85</b>	<b>74.8</b>

*Source: Presentation by the Office of the Attorney-General and the Ministry of Justice*

## **8.0 OUTLOOK FOR 2023**

### **8.1 Programme Outlook**

In 2023, the Office of the Attorney-General and Ministry of Justice intends to achieve the following key targets under its four main programme areas:

#### **8.1.1 Law and Administration**

- i. Defend the State in about 600 civil suits;
- ii. Review about 150 agreements and contracts;
- iii. Resolve and respond to about 195 petitions;
- iv. Provide about 190 legal opinions and advice on requests;
- v. Receive 1,900 criminal cases from the various investigative bodies out of which at least 1,500 are expected to be prosecuted;
- vi. Provide 300 pieces of advice to the Police on criminal cases;
- vii. Resolve about 50 petitions out of a projected number of 250; and
- viii. Draft at least 20 pieces of substantive legislations and 200 pieces of subsidiary legislations.

#### **8.1.2 Copyright and Entity Administration**

As part of measures to improve copyright and entity administration, the Copyright Office plans to undertake the following in 2023:

- i. Organise public awareness programmes on intellectual property laws in Ghana;
- ii. Organise 10 public education programmes on copyright and related rights in the print and electronic media;
- iii. Conduct three anti-piracy exercises nationwide;
- iv. Register 1,000 copyright works; and



- v. Expand its operations by opening one regional office at either Ho or Tamale.

### **8.1.3 Management of Economic and Organised Crime**

EOCO plans to achieve the following in 2023:

- i. Investigate 450 cases;
- ii. Recover GH¢ 50,000,000 as proceeds from economic crimes; and
- iii. Carry out 60 sensitisation programmes on cybercrimes and gaming; and
- iv. Five outreach programmes on human trafficking.

### **8.1.4 Legal Education**

Under legal education, the General Legal Council plans to achieve the following:

- i. Call 750 lawyers to the Bar; and
- ii. Admit about 1,000 students into the Ghana School of Law during the 2023/2024 academic year.

## **8.2 Budgetary Allocation for the 2023 Fiscal Year.**

The Office of the Attorney-General and Ministry of Justice has been allocated an amount of **Three Hundred and Seventy Million, Four Hundred Thousand, Four Hundred and Sixty-Five Ghana Cedis (GH¢370,400,465.00)** for the implementation of its programmes and activities for the year ending 31<sup>st</sup> December, 2023. The breakdown of the spending pattern in terms of economic classification and programme areas are provided in table 2 and 3 below:



**Table 2: Budgetary Allocation by Economic Classifications for 2023**

Expenditure Item	Sources of funding			Total(GH¢)	Percent Alloc. (%)
	GOG(GH¢)	IGF(GH¢)	Donors (GH¢)		
Compensation	155,685,924.00	9,738,381.00	-	165,424,305.00	45.0
Goods and Services	6,854,450.00	112,918,554.00	-	119,773,004.00	32.0
Capital Expenditure	15,187,288.00	70,015,868.00	-	85,203,156.00	23.0
<b>Grand Total</b>	<b>177,727,662.00</b>	<b>192,672,803.00</b>	<b>-</b>	<b>370,400,465.00</b>	<b>100</b>

*Source: Budget Statement and Economic Policy of the Government for the year 2023*

**Table 3: Budgetary Allocation by Programmes for 2023**

Programmes	Sources of Funding				Total(GH¢)	Percent Alloc. (%)
	GOG(GH¢)	IGF(GH¢)	Donors (GH¢)	ABFA (GH¢)		
Mgt. and Administration	20,286,546.00	-	-	-	20,286,546.00	6.0
Law Administration	116,969,981.00	157,892,871.00	-	-	274,862,852.00	74.0
Management of Economic and Organized Crime	36,680,937.00	-	-	-	36,680,937.00	10.0
Legal Education	3,790,198.00	34,779,932.00	-	-	38,570,130.00	10.0
<b>Grand Total</b>	<b>177,727,662.00</b>	<b>192,672,803.00</b>			<b>370,400,465.00</b>	<b>100.00</b>

*Source: Programme Based Budget Estimates of the Attorney-General and Ministry of Justice for 2023*

## **9.0 OBSERVATIONS**

After careful examination of the Budget Estimates of the Office of the Attorney-General and Ministry of Justice for the year 2023, the following observations were made by the Committee:

### **9.1 Compensation Expenditure in Excess of Compensation Budget**

The Committee noted with concern the excess expenditure in respect of the approved compensation budget for the Office of the Attorney-General and Law Reform Commission. It was observed that an amount of Forty-Seven Million Four Hundred and Forty-Eight Thousand Two Hundred and Eight Ghana Cedis (GH¢47,448,248.00) was approved as compensation for the Office of the Attorney-General for 2022 financial year. However, as at September 2022, an amount of Fifty-Three Million Nine Hundred and Seventy-Eight Thousand Eight Hundred and Fifty-One Ghana Cedis Thirty-One Pesewa (GH¢53,978,851.31) had been paid as compensation, indicating expenditure in excess of GH¢6,530,603.31. Similarly, a total amount of GH¢1,511,625 was approved as compensation for the Law Reform Commission during the year under review. As at the end of September, 2022, an amount of GH¢2,580,497.15, representing payment in excess of compensation allocation of GH¢1,068,871.55 had been paid.

The Committee however observed that the composite expenditure on compensation for all the Agencies under the Office of the Attorney-General and Ministry of Justice was within the approved compensation budget.

The Office of the Attorney-General and Ministry of Justice explained that the increase was occasioned by upward salary adjustment, Cost of Living Allowance (COLA) approved for all civil servants, and adjustment in fuel allowances during the year, as well as the effect of

the dollar appreciation on some allowances of the State Attorneys' which are pegged against the dollar rate. The Committee was of the view that, the act constitutes a breach of the Public Financial Management Act, 2016 (Act 921), specifically Section 96(2) of the Act. However, representatives of the Ministry of Finance explained that the excess payment was made from the Contingency Votes under the General Government Services allocated for potential adjustment in compensation during the budget implementation year. In the view of the Ministry of Finance, the excess budgetary allocation received as compensation ought not to be reported by the affected institutions, but the Ministry of Finance itself.

The Committee recommends to the Ministry of Finance to reconcile the reporting format to avert occurrences of what appears to be excess expenditure over appropriation in the subsequent years' budget.

## **9.2 Judgement Debt**

The Committee again expressed dismay about the amount of public funds which are fraudulently claimed as judgment debts by claimants. For instance, the Committee was informed that on 24<sup>th</sup> February, 2011, the Court of Appeal ordered the court appointed referee, in a case between African Automobile vs. Ministry of Manpower and Development & Anor to revise the sum of GH¢31,309.45 downwards by three years, one month and 15 days in line with its findings. However, instead of revising the said amount downwards as ordered by the Court of Appeal, the referee fraudulently inflated the amount to **Sixteen Million Five Hundred and Forty Thousand Five Hundred and Ninety-Five Ghana Cedis Twenty-Two Pesewas (GH¢16,540,596.22)**.

The most astonishing part is that the Plaintiff is now making claims that the figure has now risen to **Ten Trillion and One-Billion, Eight Hundred and Forty-One Million, Eight Hundred and Eight-Nine Thousand, Four Hundred and Eleven Ghana Cedis, twenty Pesewas (GH¢10,331,841,859,411.20)** as at March 2022, largely due to accumulated interest and exchange rate. However, according to the Attorney-General, evidence gathered so far suggests that the total liability to the State would not be more than GH¢28,000.00

In response to reasons for the occurrence of these judgement debts, which sometimes result in payment of ridiculous amounts to the successful claimants, the Attorney-General indicated that poor record keeping has been found to be the major cause. The Committee recommends to the House to take special interest in the judgment debts cases to ascertain the causes, and proffer appropriate remedies, including strengthening of the existing legal regime, to deter unscrupulous persons from engaging in such acts.

### **9.3 Legal Education**

The Committee expressed worry about the limited space offered by the General Legal Council for persons who wish to pursue career in the legal profession. As a result of the quota and restrictions on admissions, some qualified and desirous students have no alternative than to travel to other African countries to pay huge foreign exchange to acquire legal education. The Committee was also not please with the predetermination of failure by projecting that 1000 students will be admitted but only 750 will be called to the bar. The Committee recommends to the General Legal Council to engage relevant stakeholders to find a lasting solution to the perennial problem of legal education in Ghana.

#### **9.4 Resourcing of EOCO**

The Committee lauded the impressive performance of the Economic and Organised Crime Office (EOCO) in relation to its mandate of recovering proceeds from economic crimes. It was noted that an amount of GH¢27,550,000 had been recovered as proceeds from economic crimes as at September, 2022. An amount of GH¢50,000,000 is also projected to be recovered in 2023. The Committee is of the view that if EOCO is adequately resourced to carry out its mandate effectively, it could be an important revenue generating institution for the State, in addition to fighting corruption. The Committee therefore welcomed the decision to amend the Economic and Organised Crime Office Act 2010, (Act 804) with the objective to retain a percentage of its Internally Generated Fund (IGF) to fund its operations on timely basis.

#### **9.5 A call for more attention on the Promotion of Human Rights**

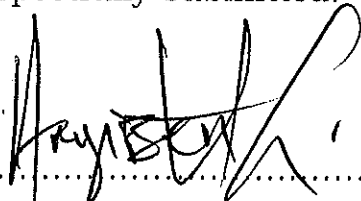
One of the key functions and policy objectives of the Office of the Attorney-General and Ministry of Justice is the promotion of access to justice delivery. Central to effective justice delivery is the protection of human rights and liberties of persons guaranteed under the 1992 Constitution, international treaties and conventions. The Committee however noted that over the years, the Office of the Attorney-General and Ministry of Justice devotes more attention to its prosecutorial functions with less considerations towards the promotion of human rights in the country. The Committee urges the Office of the Attorney-General and Ministry of Justice to devote an appreciable level of attention to the promotion and protection of human rights because they are cardinal to good governance and democratic dispensations of every State.

## 10 CONCLUSION AND RECOMMENDATION

The Committee has thoroughly examined the Budget Estimates of the Office of the Attorney-General and Ministry of Justice for the 2023 fiscal year and is of the view that the policies and programmes outlined for the year will go a long way to contribute to the achievement of the goals and objectives of the Office of the Attorney-General and Ministry of Justice.

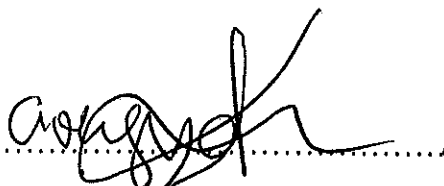
The Committee accordingly recommends to the House to adopt its Report and approve the sum of **Three Hundred and Seventy Million Four Hundred Thousand Four Hundred and Sixty-Five Ghana Cedis (GH¢370,400,465.00)** for the programmes and activities of the Office of the Attorney-General and Ministry of Justice for the year ending 31<sup>st</sup> December, 2023.

Respectfully submitted,



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

PARLIAMENT OF GHANA  
PARLIAMENT HOUSE  
OSU - ACCRA



**AKUA DUROWAA O. AGYEKUM (MRS)**  
**(HEAD, LEGAL COMMITTEES CLUSTER)**

13<sup>th</sup> December, 2023