

**IN THE SECOND MEETING OF THE SECOND SESSION OF THE FIFTH PARLIAMENT  
OF THE FOURTH REPUBLIC**

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND  
PARLIAMENTARY AFFAIRS ON THE ECONOMIC AND ORGANISED CRIME BILL**

**1.0 INTRODUCTION**

1.1 The Economic and Organised Crime Bill was presented and read the first time in Parliament on the 27<sup>th</sup> of October, 2009. Rt. Hon. Speaker subsequently referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to article 106 (4) and (5) of the Constitution and Standing Order 179 of the House.

**2.0 DELIBERATION**

2.1 The Committee held two separate workshops with relevant stakeholders to consider the Bill. The technical team from the Attorney-General's Office led by the Hon Attorney-General and Minister for Justice, Mrs. Betty Mould Iddrisu the Chairman of the Serious Fraud Office Board, Mr. Justice Amonoo Money, the Executive Director of the Serious Fraud Office, Mr. Mortey Akpadzi and a representative from the British High Commission, Mr. Roger Coventry were among others in attendance at the invitation of the Committee to assist in deliberations. The Committee reports as follows:

**3.0 ACKNOWLEDGEMENT**

3.1 The Committee is grateful to the Attorney-General and her technical team and the other resource persons for their attendance and technical input during

consideration of the Bill. The Committee is also grateful to GTZ-Ghana for supporting the facilitation of the workshop.

### 3.0 **REFERENCE DOCUMENTS**

3.1 The Committee had recourse to the under-listed documents during its deliberations:

- a. The 1992 Constitution,
- b. The Standing Orders of Parliament,
- c. The Serious Fraud Office Act, 1993 (Act 460)
- d. The Anti-Money Laundering Act, 2008 (Act 749), and
- e. Narcotic Drugs (Control Enforcement and Sanctions) Act, 1990 (P.N.D.C.L. 236).

### 4.0 **BACKGROUND**

4.1 The spate of economic and organised crimes including cyber offences and computer related fraud - advanced fee fraud popularly known as "419", drug trafficking, money laundering and terrorism continue to pose threats to lives and properties both locally and internationally. Ghana's obligation in support of a global action plan towards the combating of these crimes has over the years resulted in the passage of a number of legislations.

The Narcotic Drugs (Control Enforcement and Sanctions) Act, 1990 (P.N.D.C.L. 236) sought to combat dealings in narcotics and made provision for assistance that may be rendered by Ghana to foreign states in relation to drug related matters. The Security and Intelligence Agencies Act, 1996 (Act 526) was enacted to make provision as regards the National Security Council, and to specify the State agencies responsible for implementing government policies on the security of the Republic. It also makes provision for matters relating to the integration of domestic and foreign security policies. The Anti-Money Laundering Act, 2008 (Act

749) establishes a Financial Intelligence Centre which ensures co-operation between some local investigative bodies and their foreign counterparts to combat money laundering activities globally. The Anti-Terrorism Act, 2008 (Act 762) is another piece of relevant legislation which sought to provide for universal jurisdiction for the prosecution of offences considered as terrorist offences.

The Serious Fraud Office was established in 1993 by the Serious Fraud Office Act, 1993 (Act 466) to investigate suspected offences provided by law which involve serious financial or economic loss to the State or other institutions in which the State has a financial interest. However, the mandate of the Office did not specifically cover the investigation and facilitation of the prosecution of offences relating to advance fee fraud, drug trafficking, money laundering and other organised crimes. The complexity in the spate of organised crime has exposed some legislative gaps in our quest to combat and prevent organised crime and its attendant threats to lives and properties.

The need to review and strengthen the institutional structures of the Serious Fraud Office to enable it co-operate effectively with other international institutions in monitoring economic activities to monitor, detect, facilitate the prosecution and prevention of economic and organised crimes necessitated the introduction of the Bill.

## **OBJECT AND PURPOSE OF THE BILL**

- 5.1 The Bill seeks among others to establish a comprehensive legal framework to monitor, investigate and facilitate the prosecution of organised crime and ensure the recovery of proceeds of crime both within and outside the jurisdiction in the interest of the Republic.

## 6.0 PROVISIONS OF THE BILL

6.1 The Bill is organised into two main parts namely Economic and Organised Crime Office and Proceeds of Crime. Part 1 provide for the establishment of Economic and Organised Crime Office, objects and functions of the office, the governing body of the office, functions of the board on policy formulation, tenure of office of members, meetings of the board, disclosure of interest, the establishment of offices and allowances.

Part 2 relates to the seizure of currency suspected to be proceeds of crime, the seizure of tainted property, power to search for tainted property, search as well as searches in emergencies, obstruction of search and seizure, property tracking and record of seized property, the return of seized property and mutual legal assistance. It also provides for freezing of property, application for freezing order, issue and effect of freezing order, breach of freezing order, duration of freezing order, review and extension of freezing order.

This part further provides for application for confiscation or pecuniary penalty orders, notice of application, amendment of an application and the procedure thereof, the procedure for dealing with such property in cases where a person dies or absconds, confiscation order and the effect of such order, void transactions, the protection of third parties, quashing of conviction on appeal not to discharge confiscation order, confiscation order in circumstances where a person dies or absconds.

There are also provisions on payment in place of confiscation orders, application on procedure for enforcement of order for payment, pecuniary penalty orders, the lifting of the veil, enforcement of pecuniary orders and discharge of pecuniary penalty orders. Other provisions include production order and the requirements for

making such order, realisation of property and utilisation of proceeds of such realisable property, insolvency and winding up of company holding realisable property.

Further provision under this part include establishment of debt management unit, the object and functions of the unit, the appointment of Director, Deputy Directors and other Staff and funds of the unit. The last set of provisions under this part includes trial court and proceedings, collaboration with public officers, confidentiality, compensation, regulation, interpretation, repeal and savings and transitional provisions.

- 6.2 The subject matter areas dealt with under this Bill spans over 86 clauses namely: application; request for mutual legal assistance; grounds for refusal of mutual legal assistance and provision of assistance with conditions; request for specific forms of assistance; procedures for handling persons in custody as witnesses; procedural measures related to the presence, transfer and transport of persons through Ghana; request for evidence gathering by technology; interception and preservation of communications data; special request for investigative measures; requests by foreign states for confiscation of proceeds or instrumentalities of crime; related court orders; lending exhibits under a loan order and production of judicial or official records; admissibility in Ghana of evidence obtained outside Ghana; and miscellaneous provisions

**6.2.1 Clauses 1, 2 & 3**

Clauses 1, 2 and 3 establish the Economic and Organised Crime Office as a body corporate with perpetual seal; provide for the objects of the Office to detect and prevent organised crime and generally facilitate the confiscation of the proceeds of crime; and the functions of the Office respectively.

### 6.2.2 **Clauses, 4, 5, 6 & 7**

Clause 4 establishes the governing body of the Office and its composition while clause 5 provides for the various functions of the Board including mainly policy formulation. Clause 6 relates to the tenure of office of members of the Board and specifies conditions under which membership may be revoked. Clause 7 specifies meeting periods and the requisite quorum for valid transactions.

### 6.2.3 **Clauses 8, 9 & 10**

Clause 8 imposes obligations on members to disclose their interest in matters to be considered by the Board and makes such a disclosure where required a condition precedent for continuous membership. Clause 9 empowers the Board to constitute committees for the effective and efficient discharge of the functions of the Board and imposes sanctions including revocation of membership where the need arises. Clause 10 on the other hand provides for the payment of allowances to Members of the Board and Members of Committees of the Board as approved by the Minister in consultation with the Minister responsible for Finance.

### 6.2.4 **Clause 11, 12, 13, & 14**

In clause 12, power is vested in the President to appoint the Executive Director, deputies and other staff of the Office in accordance with relevant provisions of the Constitution. Clause 12 further provides for the functions of the Executive director and clause 13 also specifies the role of the deputies. Secondment and transfer arrangements for other public officers to the Office are provided for in clause 14.

### 6.2.5 **Clause 15 & 16**

Clause 15 expressly provides for the various sources of funding for the Office which includes moneys approved by Parliament, donation, grants and other

moneys approved by the Minister in consultation with the Minister for Finance and Economic Planning. Clause 16 provide for the accounting and auditing procedures and requirements including the responsibility of the Board to the office of the Auditor-General relating to the financial year.

#### **6.2.6 Clause 17, 18 & 19**

Clause 17 enjoins the Board on receipt of the auditor's report to submit annual report to the Minister on the operations and engagement of the Office for onward transmission to Parliament. Clause 18 empowers the Executive Director, the deputies and other authorised officers to exercise powers and enjoy immunities as conferred on Police Officers. Clause 19 empowers the Executive Director and any authorised officers to request information on persons whose activities are under investigation including persons considered to be of assistance in the conduct of investigations.

#### **6.2.7 Clause 20, 21 & 22**

Clause 20 among others confers power on the Executive Director to apply to Court for search warrants authorising a police officer to enter premise without notification to the specified person, to search and remove specified document. Clause 21 criminalises the willful obstruction of an authorised officer from executing assigned duties, while clause 22 provides for the power of seizure of currency by an authorised officer in consonance with the Narcotic Drugs (Control Enforcement and Sanction) Act, 1990 (PNDCL 236)

#### **6.2.8 Clauses 23 & 24**

Power to seize tainted property suspected to be acquired through serious offence is provided for in clause 23, while clause 24 spells out the modalities and extent to which search for the tainted property is to be carried out.

#### **6.2.9 Clauses 25, 26 & 27**

Clause 25 makes the provisions of the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) with regard to search for tainted property applicable to Part Two of the Bill and clause 26 provides for the procedures and processes relating to the conduct of search under emergencies. Clause 27 criminalises obstruction of an authorised officer in the conduct of a search and further states the particulars of the offence as well as the penalty thereof.

#### **6.2.10 Clause 28 & 29**

Clause 28 provides for the power to track documents relating to property connected with crime and the grounds and circumstances under which such power may be exercised. Clause 29 enjoins an authorised officer to make a record of seized property and submit same to the Attorney-General on demand for appropriate action.

#### **6.2.11 Clause 30 & 31**

Clause 30 provides opportunity for third parties with interest in seized properties to apply to Court for orders for the return of such properties and further provides for conditions under which the Court may grant the order. Clause 31 provides grounds on which the Executive Director or a foreign competent authority in the prosecution of crime may request or receive requests under mutual legal assistance arrangement for the recovery of property located outside or within the jurisdiction.

#### **6.2.12 Clause 32 - 39**

Clauses 32 – 39 address freezing orders. These clauses provide for various processes, procedures and the conditions required for application for and the grant



of freezing orders. The clauses also specify persons qualified to make the applications.

#### **6.2.13 Clauses 40 & 41**

Clause 40 empowers the Executive Director to apply to Court for confiscated or pecuniary penalty orders in cases involving serious offences including the conditions precedent for making such applications; and further consequential applications. Clause 41 enjoins the Court to order the Executive Director to give notice of an application made under clause 40 in the media for a specified period and further offers other claimants of the property including third parties the opportunity to be heard prior to making a determination.

#### **6.2.14 Clause 42, 43 & 44**

Clause 42 provides the opportunity for the Executive Director to amend an application made under clause 40 under specified conditions while clause 43 states the procedure for making the application. Clause 44 specifies the procedure and the grounds for an application for confiscation order in respect of tainted property. Clause 45 also enjoins the Court in hearing an application to have regards to some pre-conditions prior to making a determination.

#### **6.2.15 Clause 46, 47 & 48**

Clause 46 provides in detail the effect of a confiscation order made by the Court while clause 47 provides grounds for setting aside a confiscation order. Clause 48 makes provision for the protection of third party interest in property which is a subject matter of confiscation order and specifies the time frame for making the application. It further itemises some principles to guide the Court in making a ruling.

#### **6.2.16 Clauses 49, 50 & 51**

In clause 49 the quashing of a conviction does not discharge a confiscation order against property of a person convicted of a serious offence. The provision further gives directions to the Court in respect of applications made by third parties with interest in the property. Clause 50 mandates the Court to order the confiscation of property and specify the conditions under which such an order shall be granted while clause 51 provides for the option of pecuniary penalty order under specified circumstances.

#### **6.2.17 Clauses 52, 53 & 54**

Clause 52 provides circumstances and the procedure for enforcement of order for payment as fine in respect of conviction for serious offence. Clause 53 relates to pecuniary penalty order and empowers the Executive Director to apply for such orders against persons convicted of serious offence and further requires the Court to make the pecuniary value of the fine commensurate with the benefit obtained from the serious offence. Clause 54 provides grounds on which the Court may lift the veil in order to connect property to a crime for purposes of confiscation or the imposition of pecuniary penalty orders as the case may be. It further establishes the conditions on which such a determination could be made.

#### **6.2.18 Clauses 55, 56 & 57**

Clause 55 provides for the conditions relating to the enforcement of pecuniary penalty orders while clause 56 specifies ground on which such an order may be discharged. Clause 57 provides circumstances under which the Executive Director may apply to Court for the grant of a production order within a specified time in respect of property under investigation pending confiscation order.

#### **6.2.19 Clauses 58 - 61**

Clause 58 lists grounds on which an application for a production order may be made. Clause 59 relates to realisation of property and gives directives for the management of property for which a pecuniary penalty order has been made as well as situations under which such order so granted may not be subject to discharge on appeal. Clause 60 empowers the Court to grant directives on the utilisation of proceeds of realisable property whiles clause 61 excludes such property from insolvency proceedings.

#### **6.2.20 Clauses 62 - 69**

Clause 62 provides for the procedures and processes relating to winding up of companies holding realisable properties. Clauses 63, 64 and 65 provide for the establishment of assets management unit, the object and the functions of the unit respectively. Clauses 66, 67 and 68 relate to the appointment of the Director Deputy Director and other Staff of the Unit respectively. Clause 69 provides for funds of the Unit.

#### **Clauses 70 - 77**

Clause 70 vests jurisdiction in the High Court and Circuit Court for the trial of offences under the Act. Clause 71 empowers the Office to collaborate with other public agencies in the discharge of its mandate whiles clause 72 and 73 relate to confidentiality and compensation respectively. Clause 74 empowers the Minister to make Regulations for the effective implementation of the provisions of the Act and clause 75 provides for interpretation. Clauses 76 and 77 make provision for repeals and savings, and transitional provisions.

### **7.0 OBSERVATIONS**

The Committee observed that Ghana's current legal regime within the global legal environment reveals some legislative gaps with regard to combating organised crime including particularly, offences relating to advance fee fraud, drug trafficking and money laundering. The passage of the Bill is not just to pluck a critical loophole in our body of laws but to further strengthen Ghana's effort in lending support to the comity of nations in the global fight against crime across jurisdictions.

The Committee specifically noted that passage of the Bill would remedy this gap through the establishment of robust institutional structures to monitor economic activities, detect, combat and assist in the prosecution and prevention of crimes. This would be made possible as the Bill envisages effective collaboration between established competent authorities of the Republic and foreign states in mounting surveillance on the activities of offenders with the view to exposing their criminal activities for prosecution.

The Committee also noted that organised crime is on the ascendancy partly due to the fact that the requisite punishment in force is not deterrent enough. Offenders who are given jail terms or on whom pecuniary penalties are imposed continue their criminal conduct because they are ultimately allowed to enjoy their ill-gotten gains. In this connection, the Committee observed that the Bill amongst others provide for seizure and confiscation of proceeds of crime. Further to this, the Bill allows for a Court of the Republic to request for orders for the seizure and detention of proceeds of crime located on any part of the globe in furtherance of the national interest. Such sanctions the Committee is of the view would serve as disincentive to perpetrators of organised crime.

The Committee finally observed that the tenets of the Bill are in accord with mutual legal assistance; particularly in criminal matters which is a well established principle in international co-operation with regard to criminal justice processes.

## 8.0 AMENDMENT PROPOSED

- i. Clause 2 – Amendment proposed – delete paragraph (a) and insert “(a) detect and prevent organised crime and”
- ii. Clause 3 – Amendment proposed – paragraph (a), sub-paragraph (i), line two delete “to”.
- iii. Clause 3 – Amendment proposed – paragraph (a), delete “sub-paragraph (iv)” and insert “(iv)” prohibited cyber activities as prescribed by law”
- iv. Clause 3 – Amendment proposed – paragraph (a) delete “sub-paragraph (vi)” and insert “(vi) other related prohibited activities”.
- v. Clause 3 – Amendment proposed – after paragraph (b), insert a new paragraph as follows:  
“manage the assets of the proceeds of crime”
- vi. Clause 4 – Amendment proposed – Sub-clause (1), paragraph (c), delete “for” and insert “of”
- vii. Clause 4 – Amendment proposed – Sub-clause (1), delete paragraph (d) and insert the following “(d) one representative of the Inspector-General of Police, not below the rank of Assistant Commissioner”.
- viii. Clause 4 – Amendment proposed – Sub-clause 1, paragraph (f), delete “Agencies Governing Board” and insert “Authority”.
- ix. Clause 4 - Amendment proposed – Sub-clause (1), delete paragraph (i) and insert “(1) one person with intelligence background, not below the rank of director nominated by the Minister responsible for National Security”.
- x. Clause 10 – Amendment proposed – line 2, after “Minister” insert “in consultation with the Minister”

- xi. Clause 19 – Amendment proposed – Sub-clause 1, paragraph (b), line 1, before “Director” insert “Executive” and in Sub-clause 2, line 2, before “Director” insert “Executive”.
- xii. Clause 20 – Amendment proposed – Sub-clause (1), line 4” before “control” delete “the”.
- xiii. Clause 20 – Amendment proposed – Sub-clause 1, paragraph (b), before “Director” insert “Executive”.
- xiv. Clause 20 – Amendment proposed – Sub-clause 4, line 2, before “exported” insert “being”.
- xv. Clause 22 – Amendment proposed – Sub-clause (3), substitute for “court” “the Court” and do the same wherever “court” appears in the Bill.
- xvi. PART TWO – Amendment proposed – before clause 2, insert a new clause as follows

**Application of part two to PNDCL 236**

22. This part applies to the Narcotic Drugs (Control Enforcement and Sanctions) Act, 1990 (PNDCL 236) in relation to the proceeds from the sale, profit or income earned and property acquired or likely to have been acquired through Narcotic Drug.

- xvii. Clause 23 – Amendment proposed – Sub-clause (1), delete “an unlawful activity” and substitute “a serious offence”.
- xviii. Clause 23 - Amendment proposed – Sub-clause (3), In line one delete “A” and insert “The”
- xix. Clause 24 - Amendment proposed – Sub-clause (5), delete the opening paragraph and insert the following: “Despite the provisions of any other law, the Court shall consider an application made without notice, which claims that communication in any medium including an article sent by post or through a courier service is likely to contain information or a substance which may be relevant to an investigation into an offence under a law in this

country or a corresponding foreign law, and the Court shall order an authorised officer of the Office to”,

- xx. Clause 24 - Amendment proposed – Sub-clause (5), paragraph (a) delete “postal” and insert “post”.
- xxi. Clause 25 - Amendment proposed – Sub-clause (2), in the last two lines delete “is considered” and insert “shall be deemed”.
- xxii. Clause 29 - Amendment proposed – Sub-clause (2), line 2, delete “money paid” and insert “payment of the proceeds”.
- xxiii. Clause 30 - Amendment proposed – Sub-clause (1), line 2, after “thirty days” insert “after the seizure”.
- xxiv. Clause 32 - Amendment proposed – Sub-clause (1), delete “it” and insert “that freezing of property is”
- xxv. Clause 33 – Amendment proposed – Sub-clause (1), line 1, after “for” insert “confirmation of” and before “notice” delete “without” and insert “on”.
- xxvi. Clause 34 – Amendment proposed – Sub-clause (1), paragraph (f), line 2, delete “shall”.
- xxvii. Clause 34 – Amendment proposed – Sub-clause (2), line 1, before “Director” insert “Executive”.
- xxviii. Clause 36 – Amendment proposed – paragraph (a) after line 1, delete and insert the following: “Thousand Penalty Unit or to a term of imprisonment of not less than four years or to both, or”
- xxix. Clause 37 – Amendment proposed – Sub-clause (1), paragraph (b), delete “time” and insert “date”.
- xxx. Clause 39 – Amendment proposed – Sub-clause (2), in lines two and four, delete “shall” and insert “ought to” and at end of line four before “Director” insert “Executive”.
- xxxi. Clause 40 – Amendment proposed – Sub-clause (4), in lines 2 and 3, delete “without leave of the court”.

- xxxii. Clause 41 – Amendment proposed – Sub-clause 1, paragraph (b), before “Director” insert “Executive”.
- xxxiii. Clause 42 – Amendment proposed – Sub-clause (1), paragraph (a), delete “the property” and insert “that other property or benefit”.
- xxxiv. Clause 44 – Amendment proposed – Sub-clause (1), before “Director”, insert “Executive”.
- xxxv. Clause 44 – Amendment proposed – Sub-clause (3), before “Director” insert “Executive”.
- xxxvi. Clause 46 – Amendment proposed – Sub-clause 4, at end delete “question” and insert “matter”.
- xxxvii. Clause 46 – Amendment proposed – Sub-clause (8), line three, after “Court” insert “forfeiting the immovable property” and in line four delete “forfeiting the immovable property” and insert “and”.
- xxxviii. Clause 49 – Amendment proposed – delete heading from the bottom of page 3 and insert it on top of the clause on page 24.
- xxxix. Clause 49 – amendment proposed – delete Sub-clause (2) delete all the words after made in line 3 and insert “may apply to the Court for an order for the transfer of the interest to that person”.
- xl. Clause 50 – Amendment proposed – paragraph (a), after “tainted” insert “or” and in paragraph (b) delete “were” and insert “have been”.
- xli. Clause 51 – Amendment proposed – before “equal”, insert “to be” and at the end of line 2 and at the beginning of line 3, delete “of the person”.
- xlii. Clause 52 – Amendment proposed – before “where” insert “(1) in line 1 and in paragraph (c ) delete “the Criminal and Other Offences (Procedure) Act, 1960 (Act 30) related” and insert “section 34 of the Prisons Service Act, 1972 (NRCD 46) and regulation 61 of the Prison Regulations, 1958 (L.N.412) relating”.



- xliii. Clause 52 – Amendment proposed – Sub-clause (2), delete “apply” and insert “applies”.
- xliv. Clause 53 – Amendment proposed – Sub-clause (1), line 4, before “person”, insert “convicted”
- xlv. Clause 53 – Amendment proposed – Sub-clause (3), in paragraph (a), before person, insert “convicted” and in paragraph (b), in lines 1 and 3 before “person” insert “convicted”.
- xlvi. Clause 54 – Amendment proposed – Sub-clause (1), in line 1, before “person”, delete “the” and insert “a”.
- xlvii. Clause 54 – Amendment proposed – Sub-clause 4, paragraph (a), before “Director” insert “Executive”.
- xlviii. Clause 55 – Amendment proposed – in line 2, delete “39” and insert “52”.
- xlix. Clause 58 – Amendment proposed – paragraph (a), after “person”, insert specified in” and delete “specifies”.
- i. Clause 58 – Amendment proposed – in paragraph (a) sub-paragraph (i), before “investigation”, insert “an”.
- ii. Clause 60 – Amendment proposed – Sub-clause (3), before “retain” insert “until payment is made under subsection (2), and after “retain” insert “the”.
- iii. Clause 62 – Amendment proposed – Sub-clause (1), paragraph (a), after “property delete and insert the following:  
“the property, if the property is subject to a freezing order made before the order or resolution for winding up was made or passed”.
- iiii. Clause 62 – Amendment proposed – Sub-clause (3), paragraph (a) delete “relevant time” and insert “order or resolution for winding up was passed” and in paragraph (b), delete relevant and after “time” add “the order or resolution for winding up was made or passed”.
- liv. Clause 62 – Amendment proposed – Sub-clause 5, after “Act” in line 2 delete the next line and paragraphs (a), (b) and (c).

- iv. Clause 65 – Amendment proposed – Sub-clause (3), paragraph (b), delete “of the currency” and add “same at the end of paragraph (c)”. ”.
- lvi. Clause 66 – Amendment proposed – delete
- lvii. Clause 67 – Amendment proposed – delete
- lviii. Clause 68 – Amendment proposed – delete
- lix. Clause 69 – Amendment proposed – delete
- lx. Clause 72 – Amendment proposed – Sub-clause 2, lines 2 and 3, delete “more” and insert “less”.
- lxi. Clause 73 – Amendment proposed – before “compensation” insert “restitution to be made or”
- lxii. Clause 70 – Amendment proposed – Sub-clause (2), paragraph (b) at the end delete of and insert “or”.
- lxiii. Clause 75 – Amendment proposed – in the definition of “computer system”, line 4 after “being” insert “part of the device” and after “connected”, delete “thereto” and insert “to the device”.
- lxiv. Clause 75 – Amendment proposed – delete “court” and insert “Court” and in the definition delete “and” and insert “or”.
- lxv. Clause 75 – Amendment proposed – definition of currency, paragraph (a), line (1), delete “money” and at end of paragraph (b) add “or”.
- lxvi. Clause 75 – Amendment proposed – delete “cyber offence” and insert “cyber activity” and delete the definition of same and insert “means an activity that involves the use of a computer system.”
- lxvii. Clause 75 – amendment proposed – delete the definition of following:  
“effective control”: “entity”, “emergency”: “Executive Director”, “freezing”:
- lxviii. Clause 75 – Amendment proposed – in the definition of “serious offence”, in paragraph ( c ) insert after “other”, and insert “similar” and after “offence” and insert “or related prohibited activity”.

- lxix. Clause 75 – Amendment proposed – definition of gift, line 2 after “indirectly” insert “before or”.
- lxx. Clause 75 – Amendment proposed – definition of institution of relevance, delete “parties” and insert “a party”.
- lxxi. Clause 75 – Amendment proposed – definition of public debt, lines 1 and 2, delete “Consolidation” and insert “Consolidated”.
- lxxii. Clause 75 – Amendment proposed – definition of serious offence, paragraph ( c) before “offence” insert “similar” and after “offence” insert “or prohibited related activity”.
- lxxiii. Clause 75 – Amendment proposed – add the following new definitions:
  - “police officer” means a person not below the rank of Assistant Superintendent of Police”.
  - “unit means the Assets Management Unit established in section 63”.

## 9.0 **RECOMMENDATIONS AND CONCLUSION**

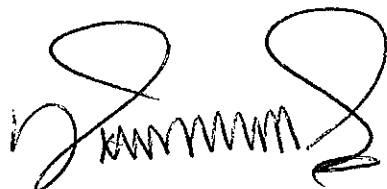
Ghana's effort towards the fulfillment of its international obligation in the fight against organised crime has witnessed a number of legislative interventions albeit in a piecemeal fashion. Ghana by the passage of this Bill would enhance the viability of its legal regimes through the engagement of the support of law enforcers non governmental organisations and business groups both locally and internationally in the fight against organised crime. The provisions of the Bill are also in furtherance of article 73 of the Constitution of the Republic which enjoins the Government to conduct its international affairs in consonance with the accepted principles of public international law and diplomacy in a manner consistent with the national interest.

The Committee has carefully examined the provisions of the Bill in the light of its object and purpose and is of the view that, they are comprehensive enough to address concerns relating to the subject matter. In addition, the provisions of the Bill have been found to be consistent with the tenets of the Constitution of the Republic and other relevant statutes. The Committee accordingly recommends the passage of the Bill by the House subject to the above proposed amendments.

Respectfully submitted



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CHAIRMAN, COMMITTEE ON  
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