

**IN THE FOURTH SESSION OF THE FIFTH
PARLIAMENT**

OF THE

FOURTH REPUBLIC OF GHANA

REPORT OF THE COMMITTEE

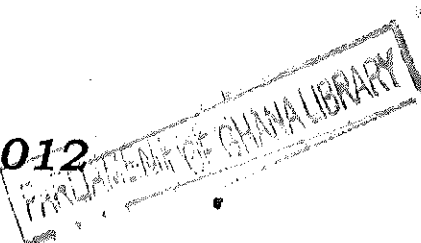
ON

**LOCAL GOVERNMENT AND RURAL
DEVELOPMENT**

ON THE

LOCAL GOVERNMENT (AMENDMENT) BILL, 2012

7TH FEBRUARY, 2012





**REPORT OF THE COMMITTEE ON LOCAL GOVERNMENT AND RURAL
DEVELOPMENT ON THE LOCAL GOVERNMENT (AMENDMENT) ACT, 2012**

1.0 INTRODUCTION

The Local Government (Amendment) Bill 2012 was laid before Parliament on Thursday 2nd February, 2012 and referred to the Committee on Local Government and Rural Development for consideration and report. This is in accordance with Articles 103 and 106 of the Constitution of Ghana and Standing Orders, 125 and 181 of the House.

The Committee was mandated to determine whether the Bill was of an urgent nature and could be taken under a certificate of urgency. The Committee after deliberating on the issue referred to Order 119 and found it necessary to take the bill under a certificate of urgency since the Bill has not fulfilled the requirement of a fourteen day Gazette notification before being introduced to the House.

Moreover, Government intends to lay a number of legislative Instruments to legalise the creation of some new Districts and the elevation of some Districts to Municipal Assemblies Status.

Government also considers that the time at its disposal for the above processes was rather short as such the Bill should be taken under a certificate of urgency.

2.0 DELIBERATIONS

The Committee met with the Minister of Local Government and Rural Development the Deputy Minister Hon. Aquinas T. Quansah and Officials from the Ministry. The Committee appreciates their immense contributions and cooperation.

3.0 REFERENCES

In discussing the bill, the Committee made reference to the following:

- a. The Constitution of Ghana
- b. The Standing Order of the House
- c. The Local Government Act, 1993 (Act 462)

4.0 OBJECT OF THE BILL

The Bill is seeking to amend the Local Government Act, 1993 (Act 462) to make it possible for geographical areas which are not single compact settlement to be declared municipalities.

5.0 BACKGROUND

The Local Government Act, 1993 (Act 462) in providing for the creation of Districts in Section 1 and recommendations to be made by the Electoral Commission to the President in that regard in subsection (4) of Section 1, requires that the Electoral Commission in making recommendations for the establishment of a municipality to consider whether the geographical area to be declared a municipality consists of a single compact settlement with a minimum population of ninety-five (95) thousand people.

This implies that where a geographical area is a single compact settlement but does not have a population of ninety-five (95) thousand that area cannot be declared a municipality.

This is compounded where a geographical area consists of a number of contiguous single compact settlements which together have a population far in excess of the ninety-five (95) thousand. Although the single compact areas are contiguous and together have a population in excess

of ninety-five thousand, they do not constitute a single compact settlement.

This requirement is therefore an impediment to the creation of municipalities and limits the geographical areas which can be declared municipalities. It creates a situation where for effective administration, infrastructural and other developments, contiguous compact settlements which will be best managed as municipalities are deprived of municipal status. The provision is thus inimical to the development and progress of decentralization in this country.

To remove this obstacle, it is being proposed that part of subsection (4) of section 1 of Act 462 which requires that in making recommendations for the declaration of a municipality by the Electoral Commission as to whether the geographical area is compact single settlement should be deleted.

6.0 OBSERVATIONS

The following observations were made:

6.1 Incompatibility between Existing Reality and the law

The Committee was informed that the amendment is being proposed to create eight (8) new municipalities and also cater for eight (8) existing Municipalities created in 2004 and 2007 to streamline issues. If the amendment is not made, a number of Municipalities created in 2004 and 2007 could be declared null and void. This is due to the fact that these Municipalities which were created were not single "compact settlements"; and did not fulfill the strict legal requirements and therefore rendered illegal. Until section 1 (4) (a) (ii) is amended to bring the law in harmony with existing reality these Municipalities will continue to be seen to be illegal.

Besides, the successful operations of the existing Municipalities have demonstrated that the single compact settlement requirement is legally restrictive, sociologically unjustifiable and developmentally unrealistic.

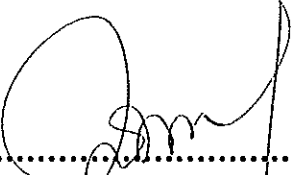
6.2 Internal Inconsistencies in the scheme of the legislation

It was also revealed that if the deletion is effected, the population factor could be used to define a municipality so as to be consistent with the definitions of District and Metropolitan Areas. Currently there are three tiers of Assemblies – the Metropolitan, Municipal and District. The key and consistent distinction among them is population size. The degree of geographical dispersion is not consistent in the status of Assemblies in Ghana. Whilst each Metropolis has a minimum population of Two hundred and fifty thousand (250,000) each Municipal Assembly has Ninety-five Thousand (95,000) people and each District Assembly Seventy-five thousand (75,000) people. Strangely, and against the norm of consistency, the Municipal Assembly alone is expected to have in addition to the population size, a certain distinction of geographical dispersion which must constitute a single compact settlement. This distorts the frame of differentiation and makes the legislative scheme inconsistent. The amendment will ensure that all tiers of Assemblies in Ghana are differentiated by a common denominator which is population.

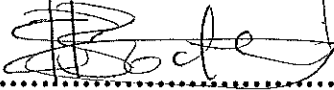
7.0 CONCLUSION

To enable the Electoral Commission remove the geographical limitation on the declaration of an area as a municipality, the Committee recommends to the House the deletion of subsection (4) of the section 1 of the Local Government Act, 1993 (Act 462).

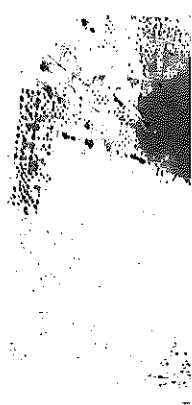
Respectfully Submitted.



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HON. DOMINIC AZUMAH AZIMBE
(CHAIRMAN OF THE COMMITTEE)



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EVELYN BREFO-BOATENG
(CLERK TO THE COMMITTEE)



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