

Chieftaincy (Amendment) Bill, 2013

A **BILL**

ENTITLED

CHIEFTAINCY (AMENDMENT) ACT, 2013

AN ACT to amend section 63 of the Chieftaincy Act, 2008 (Act 759) to give effect to a Supreme Court judgment.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President:

Section 63 of Act 759 amended

1. Section 63 of the Chieftaincy Act, 2008 (Act 759) is amended by the deletion of paragraph *(d)* and the insertion of

“(d) being a subject of a chief or a resident of the traditional area of a chief or other person who is involved in a harmful economic or social activity within a chief’s traditional area, refuses, without reasonable excuse, to honour a call from the chief to attend to an issue affecting or relating to that person or in the public interest.”

Date of *Gazette* notification: 6th November, 2013.

Chieftaincy (Amendment) Bill, 2013

MEMORANDUM

The object of this Bill is to provide a replacement for section 63 (d) of the Chieftaincy Act, 2008 (Act 759) which was struck down by the Supreme Court as unconstitutional in the case of *Nana Adjei Ampofo V. Attorney General and the President of the National House of Chiefs* (unreported) in 2011.

Under the said section 63 (d), a person committed an offence if the person deliberately failed "to honour a call from a chief to attend to an issue." The Supreme Court held that this provision was unduly broad and vague and consequently contravened an individual's guaranteed right to freedom of association under the 1992 Constitution. The Supreme Court, however, intimated that the constitutional flaws in this provision could be cured if its scope was appropriately limited and its purpose made more specific. This Bill seeks to heed the advice of the Supreme Court by limiting the persons affected by the provision and by specifying the purpose of the provision.

The Bill would empower chiefs to summon their subjects or a resident in their traditional areas as well as persons otherwise engaged in harmful social or economic activity in their traditional areas to attend to an issue affecting that person or the public interest. The Bill would also provide for a ground for exculpating the person from such an invitation

The rationale of the Bill is to provide chiefs with the necessary customary authority to discharge their responsibilities within their traditional competence and their responsibilities as development partners.

The institution of Chieftaincy is guaranteed under the 1992 Constitution (Article 270). Furthermore the institution does play a key role in the administration of justice in the country, in the promotion and launching of development projects, in education, in numerous social and economic interventions, in sensitizing the people to health hazards and environment degradation and in mobilizing people and resources for development.

DR. HENRY SEIDU DAANNAA

Minister responsible for Chieftaincy and Traditional Affairs

Date: 5th November, 2013.