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The Constitution of 1960.

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THE CONSTITUTION OF THE REPUBLIC OF GHANA

WE THE PEOPLE OF GHANA, by our Representatives gathered in this our Constituent Assembly,

IN EXERCISE of our undoubted right to appoint for ourselves the means whereby we shall be governed,

IN SYMPATHY with and loyalty to our fellow-countrymen of Africa,

IN THE HOPE that we may by our actions this day help to further the development of a Union of African States, and

IN A SPIRIT of friendship and peace with all other peoples of the World,

DO HEREBY ENACT and give to ourselves this Constitution.

The Constitution

This Constitution is enacted on this twenty-ninth day of June, 1960 and shall come into operation on the first day of July, 1960.

PART I

POWERS OF THE PEOPLE

POWERS OF
THE PEOPLE.

1. The powers of the State derive from the people, by whom certain of those powers are now conferred on the institutions established by this Constitution and who shall have the right to exercise the remainder of those powers, and to choose their representatives in the Parliament now established, in accordance with the following principle—

That, without distinction of sex, race, religion or political belief, every person who, being by law a citizen of Ghana, has attained the age of twenty-one years and is not disqualified by law on grounds of absence, infirmity of mind or criminality, shall be entitled to one vote, to be cast in freedom and secrecy.

REALISATION
OF AFRICAN
UNITY.

2. In the confident expectation of an early surrender of sovereignty to a union of African states and territories, the people now confer on Parliament the power to provide for the surrender of the whole or any part of the sovereignty of Ghana.

POWERS OF
THE PEOPLE
ENTRENCHED.

3. The power to repeal or alter this Part of the Constitution is reserved to the people.

PART II

THE REPUBLIC

DECLARA-
TION OF
REPUBLIC.

4. (1) Ghana is a sovereign unitary Republic.

(2) Subject to the provisions of Article Two of the Constitution, the power to provide a form of government for Ghana other than that of a republic or for the form of the Republic to be other than unitary is reserved to the people.

TERRITORIES.

5. Until otherwise provided by law, the territories of Ghana shall consist of those territories which were comprised in Ghana immediately before the coming into operation of the Constitution, including the territorial waters.

The Constitution

6. Until otherwise provided by law, Ghana shall be divided into the following Regions, which shall respectively comprise such territories as may be provided for by law, that is to say, the Ashanti Region, the Brong-Ahafo Region, the Central Region, the Eastern Region, the Northern Region, the Upper Region, the Volta Region, and the Western Region.

REGIONS.

7. The Flag of Ghana shall consist of three equal horizontal stripes, the upper stripe being red, the middle stripe gold and the lower stripe green, with a black star in the centre of the gold stripe.

NATIONAL FLAG.

PART III

THE PRESIDENT AND HIS MINISTERS

Head of the State

8. (1) There shall be a President of Ghana, who shall be the Head of the State and responsible to the people.

HEAD OF THE STATE.

(2) Subject to the provisions of the Constitution, the executive power of the State is conferred upon the President.

(3) The President shall be the Commander-in-Chief of the Armed Forces and the Fount of Honour.

*(4) Except as may be otherwise provided by law, in the exercise of his functions the President shall act in his own discretion and shall not be obliged to follow advice tendered by any other person.

(5) The power to repeal or alter this Article is reserved to the people.

9. The term of office of the President shall begin with his assumption of office and end with the assumption of office of the person elected as President in the next following election, so however that the President may at any time resign his office by instrument under his hand addressed to the Chief Justice.

TERM OF OFFICE.

First President

10. KWAME NKRUMAH is hereby appointed first President of Ghana, having been chosen as such before the enactment of the Constitution in a Plebiscite conducted in accordance with the principle set out in Article One of the Constitution.

FIRST PRESIDENT.

The Constitution

Election of President and Assumption of Office

ELECTION OF
PRESIDENT.

11. (1) An election of a President shall be held whenever one of the following events occurs, that is to say—

- (a) the National Assembly is dissolved, or
- (b) the President dies, or
- (c) the President resigns his office.

(2) Provision shall be made by law for regulating the election of a President, and shall be so made in accordance with the following principles—

- (a) any citizen of Ghana shall be qualified for election as President if he has attained the age of thirty-five years;
- (b) the returning officer for the election shall be the Chief Justice;
- (c) if contested, an election held by reason of a dissolution of the National Assembly shall be decided by preferences given before the General Election by persons subsequently returned as Members of Parliament, or, if no candidate for election as President obtains more than one-half of the preferences so given, by secret ballot of the Members of the new Parliament;
- (d) if contested, an election held by reason of the death or resignation of the President shall be decided by secret ballot of the Members of Parliament.

(3) If an election is to be decided by balloting among the Members of Parliament and a President has not been declared elected after five ballots the National Assembly shall be deemed to be dissolved at the conclusion of the fifth ballot.

(4) Where a person has been declared by the Chief Justice to be elected as President his election shall not be questioned in any court.

ASSUMP-
TION OF
OFFICE.

12. (1) The President shall assume office by taking an oath in the following form, which shall be administered before the people by the Chief Justice—

I.....do solemnly swear that I will well and truly exercise the functions of the high office of President of Ghana, that I will bear true faith

The Constitution

and allegiance to Ghana, that I will preserve and defend the Constitution, and that I will do right to all manner of people according to law without fear or favour, affection or ill-will. So help me God.

(2) Instead of taking an oath the President may if he thinks fit make an affirmation, which shall be in the like form with the substitution of *affirm* for *swear* and the omission of the concluding sentence.

13. (1) Immediately after his assumption of office the President shall make the following solemn declaration before the people—

DECLARATION OF FUNDAMENTAL PRINCIPLES.

On accepting the call of the people to the high office of President of Ghana I..... solemnly declare my adherence to the following fundamental principles—

That the powers of Government spring from the will of the people and should be exercised in accordance therewith.

That freedom and justice should be honoured and maintained.

That the union of Africa should be striven for by every lawful means and, when attained, should be faithfully preserved.

That the Independence of Ghana should not be surrendered or diminished on any grounds other than the furtherance of African unity.

That no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief.

That Chieftaincy in Ghana should be guaranteed and preserved.

That every citizen of Ghana should receive his fair share of the produce yielded by the development of the country.

That subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, of the right to move and assemble without hindrance or of the right of access to courts of law.

The Constitution

That no person should be deprived of his property save where the public interest so requires and the law so provides.

(2) The power to repeal this Article, or to alter its provisions otherwise than by the addition of further paragraphs to the declaration, is reserved to the people.

Official Seals

OFFICIAL
SEALS.

14. There shall be a Public Seal and a Presidential Seal, the use and custody of which shall be regulated by law.

Ministers and Cabinet

APPOINT-
MENT OF
MINISTERS.

15. (1) The President shall from time to time appoint by instrument under the Presidential Seal persons from among the Members of Parliament, who shall be styled Ministers of Ghana, to assist him in his exercise of the executive power and to take charge under his direction of such departments of State as he may assign to them.

(2) The power to repeal or alter this Article is reserved to the people.

THE
CABINET.

16. (1) There shall be a Cabinet consisting of the President and not less than eight Ministers of Ghana appointed as members of the Cabinet by the President.

(2) Subject to the powers of the President, the Cabinet is charged with the general direction and control of the Government of Ghana.

(3) The appointment of a Minister as a member of the Cabinet may at any time be revoked by the President.

(4) The power to repeal or alter this Article is reserved to the people.

TENURE OF
OFFICE OF
MINISTERS.

17. The office of a Minister of Ghana shall become vacant—

(a) if the President removes him from office by instrument under the Presidential Seal; or

The Constitution

- (b) if he ceases to be a Member of Parliament otherwise than by reason of a dissolution; or
- (c) on the acceptance by the President of his resignation from office; or
- (d) immediately before the assumption of office of a President.

Supplemental provisions as to President

18. (1) The office of the President shall be executed, in accordance with advice tendered by the Cabinet, by a Presidential Commission consisting of three persons appointed by the Cabinet—

PRESIDENTIAL COMMISSIONS.

- (a) during an interval between the death or resignation of a President and the assumption of office by his successor; and
- (b) whenever the President is adjudged incapable of acting.

(2) Any functions of the President which, by reason of the illness of the President or his absence from Ghana or any other circumstance, cannot conveniently be exercised by him in person, may, so long as he is not adjudged incapable of acting, be delegated by the President to a Presidential Commission consisting of three persons appointed by him:

Provided that nothing in this section shall be taken to prejudice the power of the President, at any time when he is not adjudged incapable of acting, to delegate any exercise of the executive power to some other person.

(3) A Presidential Commission may act by any two of its members, and if any vacancy arises by reason of the death of a member the vacancy shall be filled by the Cabinet or by the President, according to which of them appointed the deceased member.

(4) The President shall be deemed to be adjudged incapable of acting if the Chief Justice and the Speaker—

- (a) have jointly declared that, after considering medical evidence, they are satisfied that the President is, by reason of physical or mental infirmity, unable to exercise the functions of his office, and



The Constitution

(b) have not subsequently withdrawn the declaration on the ground that the President has recovered his capacity.

(5) If, at the time when a Presidential Commission falls to be appointed under section (1) of this Article, the number of Ministers in the Cabinet is less than eight or there are no Ministers in the Cabinet, then, for the purpose of the appointment of a Presidential Commission and the tendering of advice to the Commission as to the membership of the Cabinet in the first instance, one or more persons shall be deemed to be included in the Cabinet as follows:—

The person or persons who last ceased to be in the Cabinet shall be deemed to be included and, if the number remains less than eight, the person or persons who before him or them last ceased to be in the Cabinet shall also be deemed to be included, and so on until the number is not less than eight.

Persons shall be deemed to be included whether or not they are still Ministers, and persons who ceased to be members of the Cabinet on the same day shall be treated as having ceased to be members at the same time whether or not the fact that they are all deemed to be included raises the number above eight.

SALARY AND
ALLOWANCES
OF
PRESIDENT.

19. (1) The President shall receive such salary and allowances, and on retirement such pension, gratuity and other allowance, as may be determined by the National Assembly.

(2) The salary and allowances of the President shall not be reduced during his period of office.

(3) Salaries and allowances payable under this Article are hereby charged on the Consolidated Fund.

PART IV PARLIAMENT

THE
SOVEREIGN
PARLIAMENT.

20. (1) There shall be a Parliament consisting of the President and the National Assembly.

(2) So much of the legislative power of the State as is not reserved by the Constitution to the people is conferred on Parliament; and any portion of the remainder of the legislative power of the State may be conferred on Parliament

The Constitution

at any future time by the decision of a majority of the electors voting in a referendum ordered by the President and conducted in accordance with the principle set out in Article One of the Constitution:

Provided that the only power to alter the Constitution (whether expressly or by implication) which is or may as aforesaid be conferred on Parliament is a power to alter it by an Act expressed to be an Act to amend the Constitution and containing only provisions effecting the alteration thereof.

(3) Subject to the provisions of Article Two of the Constitution, Parliament cannot divest itself of any of its legislative powers:

Provided that if by any amendment to the Constitution the power to repeal or alter any existing or future provision of the Constitution is reserved to the people, section (2) of this Article shall apply in relation to that provision as if the power to repeal or alter it had originally been reserved to the people.

(4) No Act passed in exercise of a legislative power expressed by the Constitution to be reserved to the people shall take effect unless the Speaker has certified that power to pass the Act has been conferred on Parliament in the manner provided by section (2) of this Article; and a certificate so given shall be conclusive.

(5) No person or body other than Parliament shall have power to make provisions having the force of law except under authority conferred by Act of Parliament.

(6) Apart from the limitations referred to in the preceding provisions of this Article, the power of Parliament to make laws shall be under no limitation whatsoever.

(7) The power to repeal or alter this Article is reserved to the people.

21. (1) The National Assembly shall consist of the Speaker and not less than one hundred and four Members, to be known as Members of Parliament.

(2) The Members shall be elected in the manner provided by a law framed in accordance with the principle set out in Article One of the Constitution, and the Speaker shall be elected by the Members.

THE
NATIONAL
ASSEMBLY.

The Constitution

(3) There shall be freedom of speech, debate and proceedings in the National Assembly and that freedom shall not be impeached or questioned in any court or place out of the Assembly.

(4) The President may attend any sitting of the National Assembly.

(5) The power to repeal or alter this Article is reserved to the people.

SESSIONS
OF THE
ASSEMBLY.

22. (1) There shall be a new session of the National Assembly once at least in every year, so that a period of twelve months shall not elapse between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The President may at any time by proclamation summon or prorogue the National Assembly.

(3) The power to repeal or alter this Article is reserved to the people.

DISSOLUTION
OF THE
ASSEMBLY.

23. (1) The President may at any time by proclamation dissolve the National Assembly.

(2) The President shall in any case dissolve the National Assembly on the expiration of the period of five years from the first sitting of the Assembly after the previous General Election.

(3) If an emergency arises or exists when the National Assembly stands dissolved, the President may by proclamation summon an assembly of the persons who were Members of Parliament immediately before the dissolution and, until the majority of results have been declared in the General Election following the dissolution, the assembly shall be deemed to be the National Assembly.

(4) The power to repeal or alter this Article is reserved to the people.

LEGISLA-
TION.

24. (1) Every Bill passed by the National Assembly shall be presented to the President who shall—

(a) signify his assent to the Bill, or

(b) signify his assent to a part only of the Bill and his refusal of assent to the remainder, or

(c) signify his refusal of assent to the Bill.

The Constitution

(2) On the signifying by the President of his assent to a Bill passed by the National Assembly or to a part thereof, the Bill or that part thereof, as the case may be, shall become an Act of Parliament.

25. (1) At the beginning of each session of the National Assembly the President shall deliver to the Members of Parliament an address indicating the policies proposed to be followed by the Government during that session.

PRESIDENTIAL
ADDRESSES
AND
MESSAGES.

(2) At least seven days before each prorogation of the National Assembly the President shall deliver to the Members of Parliament an address indicating the manner and results of the application of the policies of the Government during the preceding period and otherwise setting forth the state of the Nation.

(3) If circumstances render it impracticable for the President himself to deliver any such address, he may instead send a message to the National Assembly embodying the address.

(4) In addition to delivering any address or sending any message under the preceding provisions of this Article, the President may at any time deliver an address to the Members of Parliament or send a message to the National Assembly.

(5) Every message sent by the President to the National Assembly shall be read to the Members of Parliament by a Minister.

PART V

PUBLIC REVENUE AND EXPENDITURE

Taxation

26. (1) No taxation shall be imposed otherwise than under the authority of an Act of Parliament.

RESTRICTION
ON
TAXATION.

(2) The power to repeal or alter this Article is reserved to the people.

Custody of Public Money

27. There shall be a Consolidated Fund and a Contingencies Fund, together with such other public funds as may be provided for by law.

PUBLIC
FUNDS.

The Constitution

PUBLIC
REVENUE.

28. (1) The produce of taxation, receipts of capital and interest in respect of public loans, and all other public revenue shall be paid into the Consolidated Fund unless required or permitted by law to be paid into any other fund or account.

(2) The President may, in relation to any department of State, direct that a separate public account be established for the department and that the revenue of the department be paid into that account.

PAYMENTS
OUT OF
PUBLIC
FUNDS.

29. (1) Expenditure shall not be met from any public fund or public account except under a warrant issued by authority of the President.

(2) Whenever a sum becomes payable which is charged by law on a public fund or on the general revenues and assets of Ghana, the President or a person authorised by him in that behalf shall cause a warrant to be issued for the purpose of enabling that sum to be paid.

(3) A warrant may be issued by authority of the President for the purpose of enabling public money to be applied—

- (a) as part of moneys granted for the public service by a vote of the National Assembly under this Part of the Constitution, or
- (b) in defraying, in the manner provided by Article Thirty-four of the Constitution, urgent expenditure authorised under that Article, or
- (c) in performance of an agreement to grant a loan made under Article Thirty-five of the Constitution.

EXCESS
EXPENDI-
TURE.

30. Where—

- (a) money is drawn out of a public fund or public account for the purpose of being applied as part of moneys granted for a particular public service by a vote of the National Assembly, but
- (b) the money so drawn proves to be in excess of the amount granted for that service,

particulars of the excess shall be laid before the National Assembly and, if the National Assembly so resolve, the

The Constitution

amount originally granted for the service in question shall be treated for accounting purposes as increased to include the amount of the excess.

Moneys granted by Vote of the National Assembly

31. (1) The President shall cause to be prepared annually under heads for each public service estimates of expenditure, other than expenditure charged by law on a public fund or on the general revenues and assets of Ghana, which will be required to be incurred for the public services during the following financial year; and, when approved by the Cabinet, the estimates so prepared (which shall be known as "the annual estimates") shall be laid before the National Assembly.

MONEYS
GRANTED ON
THE ANNUAL
ESTIMATES.

(2) Each head of the annual estimates shall be submitted to the vote of the National Assembly but no amendment of the estimates shall be moved.

(3) A vote of the National Assembly approving a head of the annual estimates shall constitute a grant by the Assembly of moneys not exceeding the amount specified in that head to be applied within the financial year in question for the service to which the head relates.

32. (1) If it appears that the vote of the National Assembly on any heads of the annual estimates will not be taken before the commencement of the financial year to which they relate, the President shall cause to be prepared under those heads estimates of the expenditure which will be required for the continuance of the public services in question until the said vote is taken; and, when approved by the Cabinet, the estimates so prepared (which shall be known as "provisional estimates") shall be laid before the National Assembly.

MONEYS
GRANTED ON
PROVISIONAL
AND SUPPLE-
MENTARY
ESTIMATES.

(2) If, after the National Assembly has voted upon the annual estimates for any financial year, it appears that the moneys granted in respect of any heads thereof are likely to be insufficient or that expenditure is likely to be incurred in that year on a public service falling under a head not included in the annual estimates, the President shall cause to be prepared under the relevant heads estimates of the additional expenditure; and, when approved by the

The Constitution

Cabinet, the estimates so prepared (which shall be known as "supplementary estimates") shall be laid before the National Assembly.

(3) Sections (2) and (3) of Article Thirty-one of the Constitution shall apply in relation to provisional and supplementary estimates as they apply in relation to the annual estimates:

Provided that, where an item of expenditure is included both in provisional estimates and in the annual estimates, a grant in respect of that item shall not by virtue of this section be taken to have been made more than once.

EXTRA-
ORDINARY
GRANTS.

33. In addition to granting moneys on estimates of expenditure the National Assembly may, if satisfied that it is necessary in the public interest to do so, make any extraordinary grant of money for the public service, including a grant on a vote of credit, that is a grant of money to be used for a purpose which, for reasons of national security or by reason of the indefinite character of the service in question, cannot be described in detailed estimates.

Expenditure out of Contingencies Fund

EXPENDI-
TURE OUT
OF CONTIN-
GENCIES
FUND.

34. (1) Where in the opinion of the President—

- (a) money is urgently required to be expended for a public service, and
- (b) the payment thereof would exceed the amount granted by the National Assembly for that service or the service is one for which no amount has been so granted, and
- (c) it is not practicable to summon a meeting of the National Assembly in sufficient time to obtain the necessary grant,

the President may by executive instrument authorise the money required to be drawn from the Contingencies Fund.

(2) An executive instrument made under this Article shall specify the head under which the expenditure in question would have been shown if it had been included in the annual estimates.

(3) As soon as is practicable after an executive instrument has been made under this Article—

The Constitution

- (a) the instrument shall be laid before the National Assembly, and
- (b) a resolution authorising the transfer to the Contingencies Fund from a public fund specified in the resolution of an amount equal to the amount of the expenditure to which the instrument relates shall be moved in the National Assembly by a Minister authorised in that behalf by the President.

(4) In addition to sums transferred under section (3) of this Article, the National Assembly may from time to time authorise the transfer from the Consolidated Fund to the Contingencies Fund of sums required to maintain an adequate balance therein.

Public Loans

35. (1) The President may on behalf of the Republic enter into an agreement for the granting of a loan out of any public fund or public account if he thinks it expedient in the public interest so to do. GRANTING
OF LOANS.

(2) If the National Assembly so resolve, agreements entered into under this Article for amounts exceeding the amount specified in the Assembly's resolution shall not become operative unless ratified by the Assembly.

(3) As soon as is practicable after an agreement has been entered into under this Article, particulars of the agreement, and of the borrower and the purpose for which the loan is required, shall be laid before the National Assembly.

36. No loan shall be raised for the purposes of the Republic otherwise than under the authority of an Act of Parliament. RAISING
OF LOANS.

37. (1) The public debt, interest thereon, sinking fund payments in respect thereof, and the costs, charges and expenses incidental to the management thereof are hereby charged on the general revenues and assets of Ghana. THE PUBLIC
DEBT.

(2) The power to repeal or alter this Article is reserved to the people.

The Constitution

Audit of Public Accounts

THE
AUDITOR-
GENERAL.

38. (1) There shall be an Auditor-General, who shall be appointed by the President and who shall not be removable except by the President in pursuance of a resolution of the National Assembly supported by the votes of at least two-thirds of the total number of Members of Parliament and passed on the ground of stated misbehaviour or of infirmity of body or mind.

(2) The Auditor-General shall retire from office on attaining the age of fifty-five years or such higher age as may be prescribed by law.

(3) The Auditor-General may resign his office by writing under his hand addressed to the President.

(4) The salary of the Auditor-General shall be determined by the National Assembly, is hereby charged on the Consolidated Fund and shall not be diminished during his term of office.

DUTY TO
AUDIT AND
REPORT.

39. (1) The accounts of all departments of State shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, stores and other matters relating to such accounts.

(2) The Auditor-General shall report annually to the National Assembly on the exercise of his functions under section (1) of this Article, and shall in his report draw attention to irregularities in the accounts audited by him.

PART VI

LAW AND JUSTICE

Laws of Ghana

LAWS OF
GHANA.

40. Except as may be otherwise provided by an enactment made after the coming into operation of the Constitution, the laws of Ghana comprise the following—

- (a) the Constitution,
- (b) enactments made by or under the authority of the Parliament established by the Constitution,
- (c) enactments other than the Constitution made by or under the authority of the Constituent Assembly,

The Constitution

- (d) enactments in force immediately before the coming into operation of the Constitution,
- (e) the common law, and
- (f) customary law.

Superior and Inferior Courts

41. (1) There shall be a Supreme Court and a High Court, which shall be the superior courts of Ghana.

SUPERIOR
AND
INFERIOR
COURTS.

(2) Subject to the provisions of the Constitution, the judicial power of the State is conferred on the Supreme Court and the High Court, and on such inferior courts as may be provided for by law.

(3) The power to repeal or alter this Article is reserved to the people.

Provisions as to Superior Courts

42. (1) The Supreme Court shall be the final court of appeal, with such appellate and other jurisdiction as may be provided for by law.

JURISDICTION.

(2) The Supreme Court shall have original jurisdiction in all matters where a question arises whether an enactment was made in excess of the powers conferred on Parliament by or under the Constitution, and if any such question arises in the High Court or an inferior court, the hearing shall be adjourned and the question referred to the Supreme Court for decision.

(3) Subject to section (2) of this Article, the High Court shall have such original and appellate jurisdiction as may be provided for by law.

(4) The Supreme Court shall in principle be bound to follow its own previous decisions on questions of law, and the High Court shall be bound to follow previous decisions of the Supreme Court on such questions, but neither court shall be otherwise bound to follow the previous decisions of any court on questions of law.

43. Provision shall be made by law for the composition of superior courts in particular proceedings:

COMPOSITION
OF COURTS.

Provided that no appeal shall be decided by the Supreme Court unless the court hearing the appeal consists of at least three Judges, of whom at least one is a Judge



The Constitution

of the Supreme Court; and no question whether an enactment was made in excess of the powers conferred on Parliament by or under the Constitution shall be decided by the Supreme Court unless the court considering the question comprises at least three Judges of the Supreme Court.

Judges of the Superior Courts

CHIEF
JUSTICE.

44. (1) The President shall by instrument under the Presidential Seal appoint one of the Judges of the Supreme Court to be Chief Justice of Ghana.

(2) The Chief Justice shall be President of the Supreme Court and Head of the Judicial Service.

(3) The appointment of a Judge as Chief Justice may at any time be revoked by the President by instrument under the Presidential Seal.

JUDGES.

45. (1) The Judges of the superior courts shall be appointed by the President by instrument under the Public Seal.

(2) Provision shall be made by law for the form and administration of the judicial oath, which shall be taken by every person appointed as Judge of a superior court before the exercise by him of any judicial function.

(3) Subject to the following provisions of this Article, no person shall be removed from office as a Judge of the Supreme Court or a Judge of the High Court except by the President in pursuance of a resolution of the National Assembly supported by the votes of not less than two-thirds of the Members of Parliament and passed on the grounds of stated misbehaviour or infirmity of body or mind.

(4) Unless the President by instrument under his hand extends the tenure of office of the Judge for a definite period specified in the instrument, a Judge of the Supreme Court shall retire from office on attaining the age of sixty-five years and a Judge of the High Court shall retire from office on attaining the age of sixty-two years.

(5) A Judge of a superior court may resign his office by writing under his hand addressed to the President.

(6) The power to repeal or alter this Article is reserved to the people.

The Constitution

46. (1) The salary of a Judge of a superior court shall be determined by the National Assembly and shall not be diminished while he remains in office. SALARIES
AND
PENSIONS.

(2) The Chief Justice shall be entitled to such additional allowance as may be determined by the National Assembly.

(3) All salaries and allowances paid under this Article and all pensions and other retiring allowances paid in respect of service as Chief Justice or other Judge of a superior court are hereby charged on the Consolidated Fund.

Attorney-General

47. (1) There shall be an Attorney-General, who shall be a Minister of Ghana or other person appointed by the President. ATTORNEY-
GENERAL.

(2) Subject to the directions of the President, there shall be vested in the Attorney-General responsibility for the initiation, conduct and discontinuance of civil proceedings by the Republic and prosecutions for criminal offences, and for the defence of civil proceedings brought against the Republic.

(3) The office of the Attorney-General shall become vacant—

- (a) if his appointment is revoked by the President;
or
- (b) on the acceptance by the President of his resignation from office; or
- (c) immediately before the assumption of office of a President.

President's powers of mercy

48. (1) The President shall have power, in respect of any criminal offence— PRESIDENT'S
POWERS OF
MERCY.

- (a) to grant a pardon to the offender, or
- (b) to order a respite of the execution of any sentence passed on the offender, or
- (c) to remit any sentence so passed or any penalty or forfeiture incurred by reason of the offence.

The Constitution

(2) Where the President remits a sentence of death he may order the offender to be imprisoned until such time as the President orders his release.

PART VII HOUSES OF CHIEFS

HOUSES OF
CHIEFS.

49. There shall be a House of Chiefs for each Region of Ghana.

COMPOSITION
AND
FUNCTIONS.

50. A House of Chiefs shall consist of such Chiefs, and shall have such functions relating to customary law and other matters, as may be provided by law.

PART VIII THE PUBLIC SERVICES

THE
PUBLIC
SERVICES.

51. (1) The Public Services of Ghana shall consist of the Civil Service, the Judicial Service, the Police Service, the Local Government Service, and such other Public Services as may be provided for by law.

(2) Subject to the provisions of the Constitution and save as is otherwise provided by law, the appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of members of the Public Services is vested in the President.

RETIRING
ALLOW-
ANCES.

52. All pensions, gratuities and other allowances payable on retirement to members of the Civil Service, the Judicial Service and the Police Service are hereby charged on the Consolidated Fund.

PART IX THE ARMED FORCES

PROHIBITION
OF IRREGU-
LAR FORCES.

53. (1) Neither the President nor any other person shall raise any armed force except under the authority of an Act of Parliament.

(2) The power to repeal or alter this Article is reserved to the people.

The Constitution

54. (1) Subject to the provisions of any enactment for the time being in force, the powers of the President as Commander-in-Chief of the Armed Forces shall include the power to commission persons as officers in the said Forces and to order any of the said Forces to engage in operations for the defence of Ghana, for the preservation of public order, for relief in cases of emergency or for any other purpose appearing to the Commander-in-Chief to be expedient.

POWERS OF
COMMANDER-
IN-CHIEF.

(2) The Commander-in-Chief shall have power, in a case where it appears to him expedient to do so for the security of the State, to dismiss a member of the Armed Forces or to order a member of the Armed Forces not to exercise any authority vested in him as a member thereof until the Commander-in-Chief otherwise directs; and a purported exercise of authority in contravention of such an order shall be ineffective.

PART X

SPECIAL POWERS FOR FIRST PRESIDENT

55. (1) Notwithstanding anything in Article Twenty of the Constitution, the person appointed as first President of Ghana shall have, during his initial period of office, the powers conferred on him by this Article.

SPECIAL
POWERS
FOR FIRST
PRESIDENT.

(2) The first President may, whenever he considers it to be in the national interest to do so, give directions by legislative instrument.

(3) An instrument made under this Article may alter (whether expressly or by implication) any enactment other than the Constitution.

(4) Section (2) of Article Forty-two of the Constitution shall apply in relation to the powers conferred by this Article as it applies in relation to the powers conferred on Parliament.

(5) For the purposes of this Article the first President's initial period of office shall be taken to continue until some other person assumes office as President.

(6) The power to repeal or alter this Article during the first President's initial period of office is reserved to the people.