

5.0 LAWS ON REGISTRATION

5.1 ARITICLE 42 CHAPTER 7 1992 CONSTITUTION

42. *Right to Vote.*

Every Citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda.

5.2 ARTICLES 6 – 10 CHAPTER THREE 1992 CONSTITUTION

Citizenship of Ghana.

6. (1) Every person who, on the coming into force of this Constitution, is a citizen of Ghana by law shall continue to be a citizen of Ghana.
- (2) Subject to the provisions of this Constitution, a person born in or outside Ghana after the coming into force of this Constitution, shall become a citizen of Ghana at the date of his birth if either of his parents or grandparents is or was a citizen of Ghana.
- (3) A Child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana by birth.
- (4) A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

Persons entitled to be registered as citizens.

7. (1) A woman married to a man who is a citizen of Ghana or a man married to a woman who is a citizen of Ghana may, upon making an application in the manner prescribed by Parliament, be registered as a citizen of Ghana.
- (2) Clause (1) of this article applies also to a person who was married to a person who, but for his or her death, would have continued to be a citizen of Ghana under clause (1) of article 6 of this Constitution.
- (3) Where the marriage of a woman is annulled after she has been registered as a citizen of Ghana under clause (1) of this article, she shall, unless she renounces that citizenship, continue to be a citizen of Ghana.
- (4) Any child of a marriage of a woman registered as a citizen of Ghana under clause (1) of this article to which clause (3) of this article applies, shall continue to be a citizen of Ghana unless he renounces that citizenship.
- (5) Where upon an application by a man for registration under clause (1) of this article, it appears to the authority responsible for the registration that a marriage has been entered into primarily

with a view to obtaining the registration, the authority may request the applicant to satisfy him that the marriage was entered into in good faith; and the authority may only effect the registration upon being so satisfied.

(6) In the case of a man seeking registration, clause (1) of this article applies only if the applicant permanently resides in Ghana.

Dual Citizenship.

8. (1) Subject to this article, a citizen of Ghana shall cease forthwith to be a citizen of Ghana if, on attaining the age of twenty-one years, he, by a voluntary act, other than marriage, acquires or retains the citizenship of a country other than Ghana.

(2) A person who becomes a citizen of Ghana by registration and immediately after the day on which he becomes a citizen of Ghana is also a citizen of some other country, shall cease to be a citizen of Ghana unless he has renounced his citizenship of that other country, taken the oath of allegiance specified in the Second Schedule to this Constitution and made and registered such declaration of his intentions concerning residence as may be prescribed by law, or unless he has obtained an extension of time for taking those steps and the extended period has not expired.

(3) A Ghanaian citizen who loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of a country other than Ghana shall, on the renunciation of his citizenship of that other country, become a citizen of Ghana.

(4) Where the law of a country, other than Ghana, requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, if he thereby loses his citizenship acquired by that marriage, become a citizen of Ghana.

Citizenship Laws by Parliament.

9. (1) Parliament may make provision for the acquisition of citizenship of Ghana by persons who are not eligible to become citizens of Ghana under the provisions of this Constitution.

(2) Except as otherwise provided in article 7 of this Constitution, a person shall not be registered as a citizen of Ghana unless at the time of his application for registration he is able to speak and understand an indigenous language of Ghana.

(3) The High Court may, on an application made for the purpose by the Attorney-General, deprive a person who is a citizen of Ghana, otherwise than by birth, of that citizenship on the ground -

- (a) that the activities of that person are inimical to the security of the State or prejudicial to public morality or the public interest; or
- (b) that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

(4) There shall be published in the Gazette by the appropriate authority and within three months after the application or the registration, as the case may be, the name, particulars and other details of a person who, under this article applies to be registered as a citizen of Ghana or has been registered as a citizen of Ghana.

(5) Parliament may take provision for the renunciation by any person of his citizenship of Ghana.

Interpretation.

10. (1) A reference in this Chapter to the citizenship of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship of the parent at the time of the parent's death.
- (2) For the purposes of clause (1) of this article, where the death occurred before the coming into force of this Constitution, the citizenship that the parent would have had if he or she had died on the coming into force of this Constitution shall be deemed to be his or her citizenship at the time of his or her death.

5.3 REGISTRATION OF VOTERS' PUBLIC ELECTIONS (REGISTRATION REGULATIONS, 1995. C.I.12

PART 1 - REGISTRATION OF VOTERS

Qualification for registration.

1. A person who –
 - (a) is a citizen of Ghana;
 - (b) is of 18 years of age or above;
 - (c) is of sound mind;
 - (d) is resident or ordinarily resident in an electoral area; and
 - (e) is not prohibited by any law in force from registering as a voter

is entitled to have his name included in a register of voters for the electoral area during a period set aside for the registration of voters.

Registration centres and electoral areas.

2. (1) The Commission shall designate any place it considers appropriate as a registration centre for the purpose of registering voters.
- (2) In designating a place as a registration centre, the Commission shall take into account –
 - (a) the suitability of the place for use as a polling station on election day; and
 - (b) the convenience of prospective applicants for registration.
- (3) The Commission shall make known to political parties and the general public by publication in the Gazette, the radio, television or other medium of mass communication any place it designates as a registration centre at least 7 days before the first day of the period set aside for the registration of voters.
- (4) Unless the Commission otherwise directs, the polling divisions or stations in existence immediately before the coming into force of this Instrument shall constitute registration centres for the registration of voters under this Instrument.

Voters registers.

3. (1) There shall be in respect of each electoral area a register which shall be the divisional register for the area.
- (2) The divisional registers of the polling stations in any constituency shall together constitute the voters register of the constituency concerned.

Registration officers and registration assistants.

4. (1) The Commission shall appoint a registration officer and registration assistants for each registration centre.
- (2) A registration officer shall –
 - (a) exercise full control over the proceedings at his registration centre;
 - (b) have custody of and be accountable for the registration forms and other materials assigned to him and other materials assigned to his registration centre during the entire period of registration;
 - (c) keep records of proceedings at his registration centre in such manner as the Commission may determine;
 - (d) report promptly and in the most convenient manner to the district officer of the Commission or the registration supervisors any difficulties encountered at his registration centre; and

- (e) return in person all the registration forms and other materials in his custody to the Commission at the end of the registration period.

(3) A registration assistant shall carry out duties assigned to him by the registration officer.

Registration supervisors.

- 5. (1) The Commission shall appoint registration supervisors for the registration of voters.
- (2) Registration supervisors shall comprise a registration supervisor and two deputy registration supervisors who shall be appointed for each district in the country.
- (3) The functions of the registration supervisors are to –
 - (a) make frequent visits to the registration centres in the district during the period of registration;
 - (b) ensure that the prescribed registration procedures are being complied with;
 - (c) ensure that the essential registration materials are available;
 - (d) make prompt written reports to the district officer or the regional director of the Commission on the availability of registration materials and any lapses in the performance of duties by officials responsible for the registration of voters.
- (4) The registration supervisors shall not have custody of registration forms during the registration period but shall assist the district officer of the Commission in the distribution and collection of registration forms and other essential registration materials to and from the registration centres.

Objection to appointment of registration supervisors and registration officers.

- 6. (1) The Commission shall publish in each registration centre the names of the persons it proposes to appoint registration supervisors and registration officers for the centre.
- (2) Any registered political party or any person qualified to be registered as a voter may make a formal written objection to any person proposed for appointment as a registration supervisor or registration officer within 7 days of the publication of the names of the proposed officers.

Period of registration.

- 7. (1) The Commission shall specify by notice in the Gazette the period during which the registration of voters shall take place.
- (2) The Commission may by notice published in the Gazette review the original period set for registration.

(3) No person shall have his name included in the register of voters unless he applies for registration as a voter during a period specified for that purpose.

Access to registration centre.

8. (1) No person shall be entitled to enter a registration centre unless he is a person -

- (a) applying to be registered as a voter;
- (b) submitting a complaint or other official document to the registration officer; or
- (c) authorized in writing by the Commission to do so.

(2) The Commission may authorize agents of registered political parties and other interested bodies or persons and afford them ample opportunity to monitor activities at the registration centres during the period set aside for registration.

Authorized persons.

9. (1) Any of the following persons may give instructions or directives to a registration officer or his assistant and shall have right of entry to a registration centre -

- (a) members of the Commission;
- (b) regional directors of the Commission and their deputies;
- (c) district officers of the Commission; and
- (d) supervising registration officers of a district.

(2) A registration officer may exclude from the registration centre any person whose conduct he considers to be disruptive to the registration process.

Application for registration.

10. (1) The Commission shall by notice published in the Gazette invite every person who is entitled to be registered as a voter to apply, during a period specified in the notice, to the registration officer for the registration of his name in the divisional register of the electoral area in which he ordinarily resides.

(2) The application for registration shall be made on the form for the purpose set out in the Schedule to this Instrument.

(3) The applicant shall appear in person before the registration officer at the registration centre at the time specified by notice in the Gazette by the Commission.

(4) The applicant shall supply the information required to fill the application and the registration officer shall fill the form on behalf of the applicant who shall affix his thumbprint.

(5) Where it appears from an application that the applicant should be registered as voter in a constituency other than that to which the application relates, the registration officer shall cause notice of the application to be sent to the registration officer of the constituency where the applicant should be registered.

(6) The Commission may vary the application procedure and the period of registration in the case of disabled or incapacitated person or a Ghanaian citizen resident abroad.

Registration and issue of I.D. Card.

11. Where upon an application there is not objection to the application the registration officer shall enter the name of the applicant in the register which shall be provisional only and shall issue to the applicant a voter identification card in such form as the Commission shall determine.

PART II CHALLENGES AND COMPLAINTS

Challenging an application for registration.

12. (1) A person appointed to register voters, a person authorized by the Commission to monitor the registration of voters or any person qualified to be registered as a voter may challenge a person applying to be registered as a voter on the ground that the applicant does not satisfy the requirements provided in regulation 1 of this Instrument.

(2) Where a person's application for registration is challenged but the applicant insists that he is qualified to be registered as a voter -

- (a) the person making the challenge shall complete the challenge to registration form provided in the Schedule;
- (b) the registration officer shall fill the registration form on behalf of the applicant but shall not issue the applicant a voter identification card;
- (c) the registration officer shall send the completed registration form together with the completed challenge form to the District Registration Review Committee established under regulation 13 of this Instrument.

District Registration Review Committee.

13. (1) There shall be established in each district a District Registration Review Committee hereafter referred to as “the Committee”, which shall examine challenges related to the registration of voters in the district.

(2) A District Registration Review Committee shall consist of –

- (a) a representative of each registered political party active in the district;
- (b) the district officer of the Commission, who shall be the secretary to the Committee; and
- (c) not more than four other persons as the commission may determine.

(3) The District Registration Review Committee shall appoint its own chairman from among its members and shall regulate the conduct of its procedures.

Function of the Committee.

14. (1) Upon the receipt of the completed registration form and the completed challenge form specified in regulation 12 (2), the Committee shall -

- (a) examine the grounds of the challenge to the inclusion of the applicant’s name in the register of voters;
- (b) decide whether or not the person is qualified to be registered as a voter; and
- (c) communicate its decision in writing to the Commission and the applicant.

(2) In furtherance of its functions under subregulation (1) the Committee -

- (a) shall take evidence from the parties concerned;
- (b) shall examine any relevant documents;
- (c) may call witnesses to testify; and
- (d) may carry out any investigation relevant to the issue.

(3) The Committee shall for the purpose of taking evidence and calling witnesses have the same powers as are vested in a Community Tribunal.

(4) The Commission shall give effect to the Committee’s decision after 21 days of the applicant being informed of the Committee’s finding unless it has received written notification that the applicant has appealed against the decision to the Chief Registration Review Officer in regulation 15.

Chief registration review officer.

15. (1) A High Court Judge of each region shall be the Chief Registration Officer for the region and shall determine an appeal of a voter aggrieved by the decision of the District Registration Review Committee.
- (2) The practice and procedure for the hearing of appeals under this regulation shall be determined by the Chief Registration Review officer.
- (3) The Chief Registration Review officer shall communicate his decision in writing to the Commission and to the applicant and the Commission shall comply with the decision.

Complaints.

16. (1) Without prejudice to any provision in this Instrument any person qualified to be registered as a voter may make a complaint in the prescribed form concerning the registration process to a registration officer or any of the officials specified in regulation 9 (1) of this Instrument.
- (2) An official to whom a complaint is initially made or to whom the complaint is subsequently referred shall make a record of the complaint and either -
 - (a) resolve the matter to the satisfaction of the complainant; or
 - (b) refer the matter to the next higher officer of the Commission for further action.

PART III - PROVISIONAL VOTERS REGISTER AND COMPLAINTS RELATING THERETO

Provisional register.

17. (1) The Commission shall not later than six months from the end of the registration period compile a provisional register of voters for each polling division stating the name, age and sex of each person whose application for registration at that division was accepted.
- (2) A copy of the provisional register of voters shall be given to each registered political party in such form as the Commission may determine.

Exhibition.

18. (1) The Commission shall cause the provisional register of voters of each polling division to be opened for public inspection and scrutiny at the registration centre for such period as the Commission shall by notice in the Gazette specify.
- (2) During the exhibition period -

- (a) any registered voter may inspect the provisional voters register to ascertain that the particulars on his voter I.D. card are the same as in the provisional register and in case of any discrepancy request the exhibition officer to make the necessary correction in the register;
- (b) any person whose application for registration during the registration period was accepted but whose name does not appear in the provisional voters register on the ground that the person is not qualified to be registered as a voter.
- (c) Any person entitled to be registered as a voter may object in the prescribed form to a person whose name appears in the provisional voters register on the ground that the person is not qualified to be registered as a voter.

Exhibition officer.

19. (1) The Commission shall appoint for each registration centre an exhibition officer to exhibit the provisional voters register.

(2) The functions of an exhibition officer are to –

- (a) assist registered voters' to find their names in the provisional voters' register;
- (b) check whether the details in the provisional voters' register are the same as those on the voter's I.D. card and if there is a discrepancy to make the necessary correction in the register;
- (c) check for clerical errors;
- (d) receive any claims and objections in the prescribed form concerning the inclusion of a person's name in the register.

Claims and objects after publication of provisional register.

20. (1) Any person who has a right to claim or object to the inclusion of any name or the omission of any name from the register before the publication of the provisional register may on the publication of the provisional register, register a complaint with the exhibition officer in respect of any matter included or not included in the provisional register.

(2) The exhibition officer shall within three days after the exhibition period has ended –

- (a) exhibit in a conspicuous place in the registration centre two lists containing the names and such relevant particulars as the Commission may determine of –
 - (i) any person who made a claim for his name to be included in the register;
 - (ii) any person about whose inclusion in the register an objection has been made;
- (b) send two copies of each of the lists to the district officer of the Commission; and
- (c) send the exhibited provisional voters register with his corrections to the district officer of the Commission.

(3) The district officer of the Commission shall –

- (a) keep a copy of each of the lists of claims and objections at his office for public inspection; and
- (b) send a copy of the lists of claims and objections to the regional director of the Commission concerned.

Settling claims and objections on provisional register.

21. (1) A district officer of the Commission shall within 7 days from the date of receipt of the lists of claimants and objectors from the exhibition officer submit the complaints of the districts for determination..

(2) For the purpose of subregulation (1) the Chairman of the District Community Tribunal shall be the District Registration Revising Officer.

(3) The High Court Judge of a region in which the district is located shall appoint a lawyer of not less than three years standing preferably resident in the district to be the District Registration Revising Officer if a Community Tribunal does not exist in the district or in the absence of the chairman of the District Community Tribunal.

(4) The district Registration Revising Officer shall determine the procedure for settling claims and objections except that –

- (a) a party to an issue shall be heard in person or may be represented by a lawyer;
- (b) the lawful possession by a claimant of an authentic voter I.D. card issued by the Commission shall be sufficient proof of registration; and
- (c) no person is entitled to make any claim or objection for a matter upon which the High Court has made a determination prior to the period of the exhibition of the provisional voters register.

(5) The District registration Revising Officer shall inform the Commission and the claimant or the person objected to in writing on the same day of his decision or as soon as practicable after that.

(6) The Commission shall give effect to the decision of the District Registration Revising Officer within 21 days of the claimant or a person objected to having been informed unless it has received certified notification of an appeal to a High Court under subregulation (7) of this regulation.

(7) A person aggrieved by the decision of the District Registration Revising Officer may appeal to the High Court.

(8) The High Court shall regulate its own procedure for hearing appeals under this regulation.

(9) The high Court shall inform the Commission and the claimant or the person objected to as soon as practicable, except that the Commission shall give effect to the decision of the High Court irrespective of the time it was made.

Certified register.

22. (1) The Commission shall certify the register after the determination of any claim or objection by the High Court.

(2) After the register has been certified it shall be published in such manner as the Commission may determine and shall take effect in place of any existing register of voters.

Lost voter I.D. card.

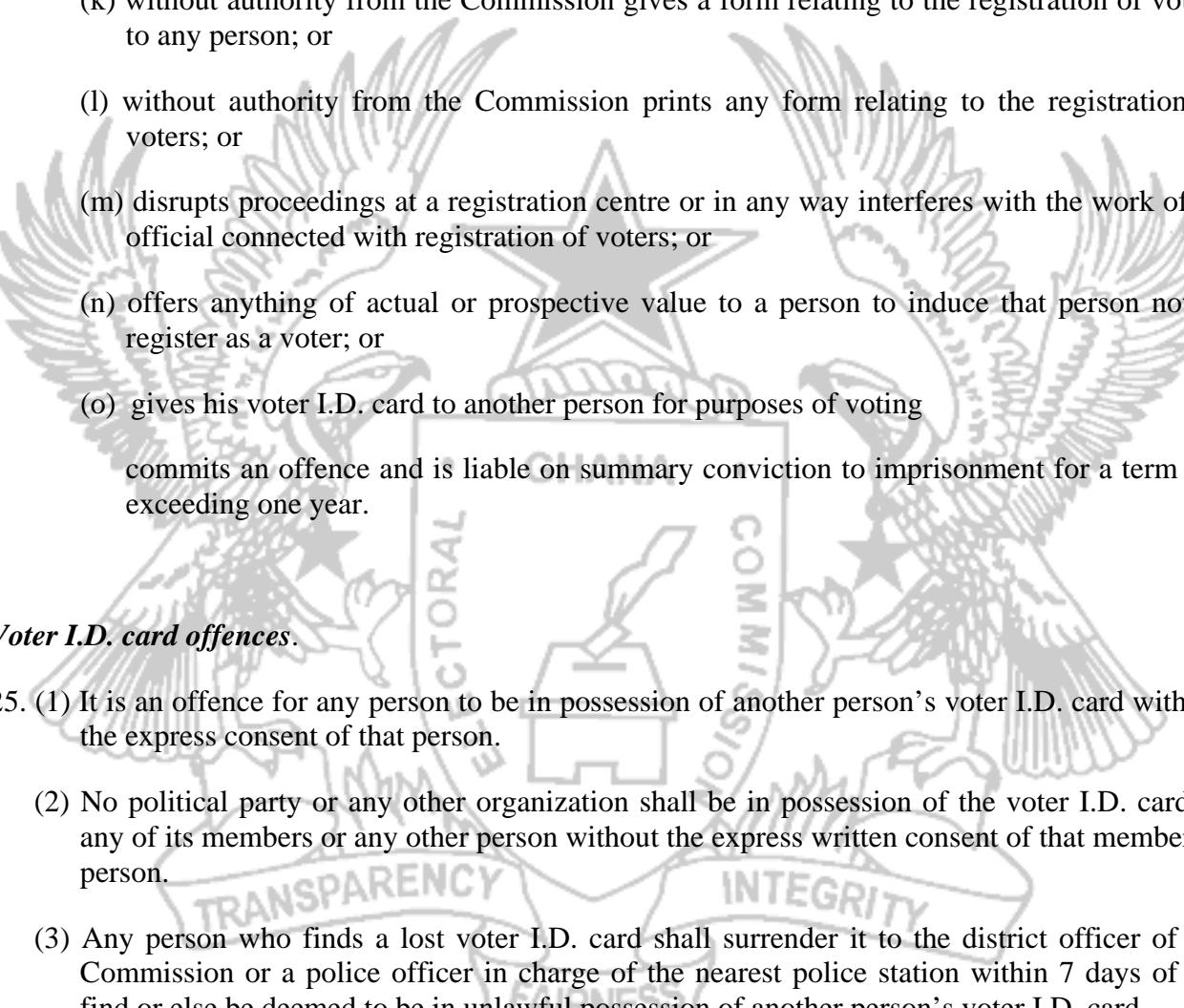
23. Any person who loses his voter I.D. card shall within 7 days of becoming aware of the loss report the loss in person to the district officer of the Commission or to a police officer in charge of the nearest police station who shall in turn report the loss to the district officer of the Commission within 7 days of the receipt of the report.

PART IV - OFFENCES AND MISCELLANEOUS PROVISIONS

Registration offences.

24. Any person who -

- (a) registers or attempts to register as a voter knowing that he is not qualified to do so; or
- (b) registers or attempts to register as a voter more than once at the same registration centre; or
- (c) registers or attempts to register as a voter at more than one registration centre in the country or
- (d) registers or attempts to register as a voter in the name of another person dead or alive; or
- (e) by force or threat of force, physical or spiritual, prevents or attempts to prevent a person from exercising his right to register as a voter; or
- (f) knowingly presents or gives false information in his application or claim for registration, or in connection with the application or claim of another person for registration; or
- (g) forges, willfully defaces or destroys any official notice, paper or document relating to the registration of voters; or



- (h) delivers to any official connected with the registration of voters any paper or other document in connection with the registration of voters which he knows to be false; or
- (i) challenges or objects to the inclusion of the name of another person in the register of voters on a ground he knows to be false; or
- (j) gives a voters registration form to any person when the first mentioned person is not a registration officer; or
- (k) without authority from the Commission gives a form relating to the registration of voters to any person; or
- (l) without authority from the Commission prints any form relating to the registration of voters; or
- (m) disrupts proceedings at a registration centre or in any way interferes with the work of an official connected with registration of voters; or
- (n) offers anything of actual or prospective value to a person to induce that person not to register as a voter; or
- (o) gives his voter I.D. card to another person for purposes of voting

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding one year.

Voter I.D. card offences.

- 25. (1) It is an offence for any person to be in possession of another person's voter I.D. card without the express consent of that person.
- (2) No political party or any other organization shall be in possession of the voter I.D. card of any of its members or any other person without the express written consent of that member or person.
- (3) Any person who finds a lost voter I.D. card shall surrender it to the district officer of the Commission or a police officer in charge of the nearest police station within 7 days of the find or else be deemed to be in unlawful possession of another person's voter I.D. card.
- (4) A police officer to whom a lost voter I.D. card has been surrendered shall surrender it to the district officer of the Commission within 7 days of it being given to him or else be deemed to be in unlawful possession of another person's voter I.D. card.
- (5) Any person convicted of unlawful possession of another person's voter I.D. card is liable to a fine not exceeding five hundred thousand cedis or to imprisonment for a term not exceeding one year for each voter I.D. card held unlawfully.

(6) Any political party, organization or group of persons convicted of unlawful possession of a voter I.D. card is liable to a fine not exceeding one million cedis for each voter I.D. card held unlawfully.

Revision of the register.

26. (1) The Commission shall revise the register annually and may revise the registers for such electoral areas as the Commission shall determine.

(2) The processes for registration as provided in this Instrument shall apply with such modification as the Commission shall direct for the revision of any register.

Public notice and the Gazette.

27. Where any matter is provided in this Instrument to be published in the Gazette it may in lieu of or in addition to the publication in the Gazette be published through radio, television, the national newspapers or any other medium of mass communication.

Interpretation.

28. In this Instrument unless the context otherwise requires -

“Commission” means the Electoral Commission.

“I.D. card” means a voter identification card issued by the Commission indicating that the bearer whose particulars are specified therein is a registered voter;

“prescribed” means prescribed by the Commission.

Revocation.

29. The following instruments are hereby revoked -

Registration of Voters Regulation, 1968 (L.I. 587);

District Assembly Elections Regulations, 1988 (L.I. 1396);

District Assembly Elections (registration of Voters) Regulations, 1988 (L.I. 1397).

5.4 ACT 527 (AMENDMENT) OF CITIZENSHIP ACT 1996

Article 8 of the Constitution substituted.

1. Article 8 of the Constitution is repealed and the following inserted -

Dual Citizenship

8. (1) A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana.

(2) Without prejudice to article 94 (2) (a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this clause if he holds the citizenship of any other country in addition to his citizenship of Ghana -

- (a) Ambassador or High Commissioner;
- (b) Secretary to the Cabinet;
- (c) Chief of Defence Staff or any Service Chief;
- (d) Inspector-General of Police;
- (e) Commissioner, Customs, Excise and Preventive Service;
- (f) Director of Immigration Service; and
- (g) any office specified by an Act of Parliament.

(3) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

Article 9 of the Constitution amended.

2. Article 9 of the Constitution is amended by the repeal of clause (5) thereof and the insertion of the following -

“(5) Parliament may make provision by Act of Parliament for -

- (a) the renunciation by any person of his citizenship of Ghana;
- (b) the circumstances in which a person may acquire citizenship of Ghana or cease to be a citizen of Ghana”.

Article 112 of the Constitution amended.

3. Article 112 of the Constitution is amended by the repeal of clause (5) and the insertion of the following -

“(5) Whenever a vacancy occurs in Parliament, the Clerk of Parliament shall notify the Electoral Commission in writing within seven days after becoming aware that the vacancy has occurred; and a by-election shall be held within thirty days after the vacancy occurred except that where the vacancy occurred through the death of a member, the by-election shall be held within sixty days after the occurrence of the vacancy”.

Article 114 of the Constitution amended.

4. Article 114 of the Constitution is repealed and the following inserted -

“Gratuities for members of Parliament.

114 A person who has served as a member of Parliament for any period of time shall, on his death or on his ceasing to be a member of Parliament in any circumstance, other than where he becomes disqualified as a member of Parliament, or where he vacates his office under article 97(1) © or (d), be eligible for the payment to his personal representatives or to him of such gratuity proportionate to his period of service as shall be determined by the President, acting in consultation with the Committee referred to in article 71 of this Constitution.”

Article 166 of the Constitution amended.

5. Article 166 of the Constitution is amended as follows -

(a) by the insertion after sub-paragraph (viii) of paragraph (a) of clause (1) of the following

“(ix) the National Council on Women and Development;

(x) the Trade Unions Congress,

(xi) the Association of Private Broadcasters”;

(b) by the substitution for “fifteen” in clause (1) of “eighteen”;

(c) by the insertion after clause (2) of the following -

“(3) A person who is a founding member of a political party, is a leader or a member of its executive or holds any office in a political party shall not be qualified to be a member of the Commission.”

Article 199 of the Constitution amended.

6. Article 199 of the Constitution is amended by the insertion after clause (3) of the following -

“(4) Notwithstanding clause (1) of this article, a public officer who has retired from the public service after attaining the age of sixty years may, where the exigencies of the service require, be engaged for a limited period of not more than two years at a time but not exceeding five years in all and upon such other terms and conditions as the appointing authority shall determine.”

Article 201 of the Constitution amended.

7. Article 201 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph -

- (a) a chairman who shall be appointed by the President acting in consultation with the Council of State”;

Article 206 of the Constitution amended.

8. Article 206 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph -

- (a) a Chairman who shall be appointed by the President acting in consultation with the Council of State”;

Article 211 of the Constitution amended.

9. Article 211 of the Constitution is amended by the repeal of paragraph (a) and the insertion of the following paragraph -

- “(a) a chairman who shall be the President or his nominee”;

5.5 CITIZENSHIP ACT 591 OF 2000

PART I - EXISTING CITIZENSHIP; CITIZENSHIP BY BIRTH

Continuation of existing citizenship

1. Every person who on the coming into force of the Constitution was a citizen of Ghana by law shall continue to be a citizen of Ghana.

Ascertainment of the law applicable to citizenship by birth

2. For ease of ascertaining the law on Ghanaian citizenship by birth, the applicable provisions are in this Part restated.

Persons born before 6/3/57

3. (1) A person born before 6th March 1957 is a citizen of Ghana by birth if

- (a) he was born in Ghana and at least one of his parents or grandparents was born in Ghana; or
- (b) he was born outside Ghana and one of his parents was born in Ghana.

Persons born on or after 6/3/57 but before 22/8/69

4. (1) A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if -

- (a) he was born in or outside Ghana and either of his parents, and also one at least of his grandparents or great-grandparents, was born in Ghana; or
- (b) in the case of a person born in Ghana neither of whose parents was born in Ghana, at least one of his grandparents was born in Ghana.

(2) A person is not citizen of Ghana for the purposes of subsection (1) of this section of at the time of his birth the parent, grandparent or great-grandparent through whom the citizenship is claimed has lost his citizenship of Ghana.

(3) A person born on or after 6th March 1957 and before 22nd August 1969 is a citizen of Ghana by birth if -

- (a) he was born in Ghana and at the time of his birth either of his parents was a citizen of Ghana by registration or naturalization; or
- (b) he was born outside Ghana and at the time of his birth both of his parents were citizens of Ghana by registration or naturalization.

Persons born on or after 22/8/69 - Constitution 1969

5. A person is a citizen of Ghana by birth if he was born in or outside Ghana on or after 22nd August 1969 and before 24th September 1979 and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 24/9/79 - Constitution 1979

6. A person born on or after 24th September 1979 and before 7th January 1993 is a citizen of Ghana by birth if -

- (a) he was born in Ghana and at the date of his birth either of his parents or one grandparent was a citizen of Ghana; or
- (b) he was born outside Ghana and at the date of his birth either of his parents was a citizen of Ghana.

Persons born on or after 7/1/93 - Constitution 1992

7. A person is a citizen of Ghana by birth if he was born on 7th January 1993 or born after that date in or outside Ghana and at the date of his birth either of his parents or one grandparent was or is a citizen of Ghana.

Foundlings

8. A child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to a citizen of Ghana by birth.

PART II - ACQUISITION OF GHANAIAN CITIZENSHIP

OTHERWISE THAN BY BIRTH

Adopted Children

9. A child of not more than sixteen years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

Citizenship by registration

10. (1) A citizen of age and capacity of any approved country may upon an application, and with the approval of the President, be registered as a citizen of Ghana if he satisfies the Minister that -

- (a) he is of good character;
- (b) he is ordinarily resident in Ghana;
- (c) he has been so resident throughout the period of five years or such shorter period as the Minister may in the special circumstances of any particular case accept, immediately before the application; and
- (d) he can speak and understand an indigenous language of Ghana.

(2) A person who is not a citizen and is or was married to a citizen may, upon an application in the prescribed manner, be registered as a citizen.

(3) Subsection (2) applies to an applicant who was married to a person who was a citizen at the time of the death of that person.

(4) Where the marriage of a person (*woman*) registered as a citizen of under subsection (2) is dissolved, the person (*woman*) shall continue to be a citizen unless the citizenship is renounced.

(5) A child of the marriage of a person (*woman*) registered as a citizen under subsection (2) shall continue to be a citizen unless the child renounces the citizenship.

(6) Where upon an application (by a man) for registration under subsection (2) it appears to the Minister that the marriage had been entered into primarily for the purpose of obtaining the registration, the Minister shall request the applicant to establish that the marriage was entered into in good faith.

(7) In the case of a man seeking registration, subsection (1) applies only if the applicant is permanently resident in Ghana.

(8) A person shall not be registered as a citizen unless he has taken the oath of allegiance.

Registration of children

11. The Minister shall register as a citizen of Ghana a child of any person who becomes a citizen of Ghana by registration or naturalization upon application of the parent or guardian of the child.

Effective date of registration as citizen

12. (1) A person registered under section 10 or 11 is a citizen by registration from the date stated on the certificate of registration.

(2) The date stated on the certificate of registration shall be the date of the taking of the oath of allegiance.

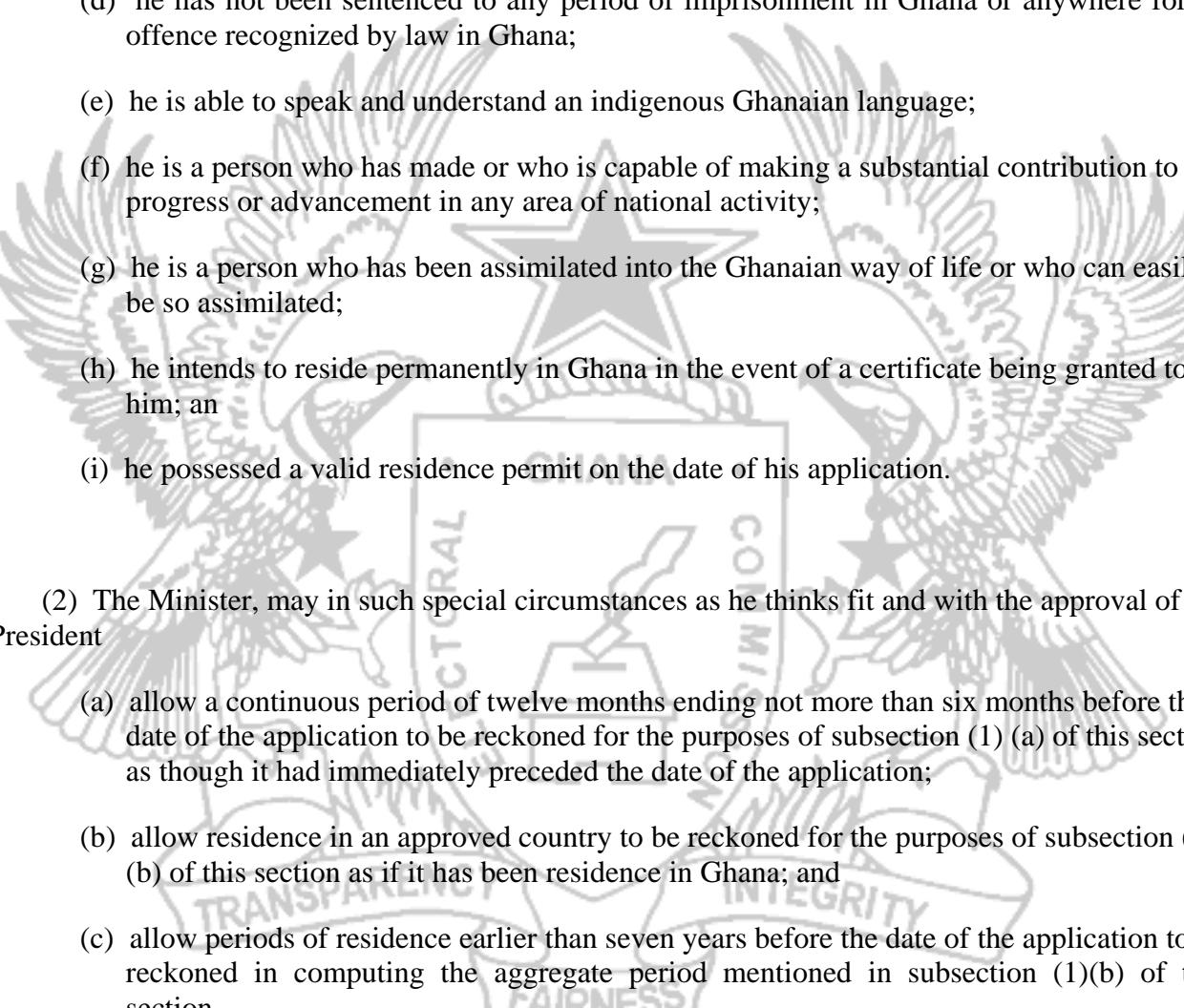
Naturalisation

13. (1) The Minister may with the approval of the President grant a certificate of naturalization to a person of age and capacity who satisfies the Minister that he is qualified under section 14 of this Act for naturalization.

(2) A person to whom a certificate of naturalization is granted under subsection (1) shall take the oath of allegiance and become a citizen by naturalization from the date on which the oath of allegiance is taken.

Qualification for naturalization

14. (1) Subject to subsection (2) of this section, a person qualifies for naturalization if



- (a) he has resided in Ghana throughout the period of twelve months immediately preceding the date of the application;
- (b) during the seven years immediately preceding the period of twelve months, he has resided in Ghana for periods amounting in the aggregate to not less than five years;
- (c) he is of good character as attested to in writing by two Ghanaians being notaries public, lawyers, or senior public officers;
- (d) he has not been sentenced to any period of imprisonment in Ghana or anywhere for an offence recognized by law in Ghana;
- (e) he is able to speak and understand an indigenous Ghanaian language;
- (f) he is a person who has made or who is capable of making a substantial contribution to the progress or advancement in any area of national activity;
- (g) he is a person who has been assimilated into the Ghanaian way of life or who can easily be so assimilated;
- (h) he intends to reside permanently in Ghana in the event of a certificate being granted to him; and
- (i) he possessed a valid residence permit on the date of his application.

(2) The Minister, may in such special circumstances as he thinks fit and with the approval of the President

- (a) allow a continuous period of twelve months ending not more than six months before the date of the application to be reckoned for the purposes of subsection (1) (a) of this section as though it had immediately preceded the date of the application;
- (b) allow residence in an approved country to be reckoned for the purposes of subsection (1) (b) of this section as if it has been residence in Ghana; and
- (c) allow periods of residence earlier than seven years before the date of the application to be reckoned in computing the aggregate period mentioned in subsection (1)(b) of this section.

(3) The Minister, in other special circumstances as he thinks fit and with the approval of the President, may modify, vary or waive any one of the qualifications for naturalization set out in this section except the qualification specified in subsection (e) of this section.

Gazette publications

15. The Minister shall publish in the Gazette within three months of any application, registration or grant of a certificate of naturalization, the names, particulars and other details of a person who

- (a) applies to be registered as a citizen;
- (b) has been registered as a citizen;
- (c) applies for the grant of a certificate of naturalization;
- (d) has been granted a certificate of naturalization as a citizen.

PART III - DUAL CITIZENSHIP, RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

Dual Citizenship

16. (1) A citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana.

(2) Without prejudice to article 94(2)(a) of the Constitution, no citizen of Ghana shall qualify to be appointed as a holder of any office specified in this subsection if he holds the citizenship of any other country in addition to his citizenship of Ghana

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Ambassadir or High Commissioner;
- (c) Secretary to the Cabinet;
- (d) Chief of Defence Staff or any Service Chief;
- (e) Inspector-General of Police;
- (f) Commissioner, Custom, Excise and Preventive Service;
- (g) Director of Immigration Service;
- (h) Commissioner, Value Added Tax Service;
- (i) Director-General, Prisons Service;
- (j) Chief Fire Officer;
- (k) Chief Director of a Ministry;
- (l) the rank of a Colonel in the Army or its equivalent in the other security services; and

(m) any other public office that the Minister may by legislative instrument prescribe.

(3) A citizen of Ghana who

- loses his Ghanaian citizenship as a result of the acquisition or possession of the citizenship of another country shall on the renunciation of his citizenship of that country become a citizen of Ghana;
- acquires the citizenship of another country in addition to his Ghanaian citizenship shall notify in writing the acquisition of the additional citizenship to the Minister in such form and such manner as may be prescribed.

(4) A citizen of Ghana who is also a citizen of any other country shall whilst in Ghana be subject to the laws of Ghana as any other citizen.

(5) A citizen who has lost his citizenship as a result of the law in Ghana which prohibited the holding of dual citizenship by a Ghanaian may on an application to the Minister be issued with a certificate of citizenship which shall be effective from the date of issue.

(6) A certificate issued under subsection (5) shall specify whether the citizenship is by birth, adoption or naturalization.

Renunciation of Ghanaian citizenship.

- (1) If any citizen of Ghana of age and capacity who is also a citizen of another country makes a declaration of renunciation of citizenship of Ghana, the Minister shall cause the declaration to be registered; and upon the registration, that person shall cease to be a citizen of Ghana.
- (2) Where the law of a country requires a person who marries a citizen of that country to renounce the citizenship of his own country by virtue of that marriage, a citizen of Ghana who is deprived of his citizenship of Ghana by virtue of that marriage shall, on the dissolution of that marriage, become a citizen of Ghana.

Deprivation of citizenship.

18. The High Court may on an application by the Attorney-General for the purpose, deprive a person who is a citizen of Ghana, otherwise than by birth or adoption of that citizenship on the ground

- that the activities of that person are inimical to the security of the State or prejudicial to the public morality or the public interest; or
- that the citizenship was acquired by fraud, misrepresentation or any other improper or irregular practice.

PART IV - MISCELLANEOUS PROVISIONS

Posthumous children

19. A reference in this Act to the citizenship status of the parent of a person at the time of the birth of that person shall, in relation to a person born after the death of the parent, be construed as a reference to the citizenship status of the parent at the time of the parent's death.

Certificate of citizenship in doubtful cases

20. The Minister may, on an application made by or on behalf of any person with respect to whose citizenship of Ghana a doubt exists under Part 1 of this Act, certify that the person is a citizen of Ghana and a certificate issued under this section shall be *prima facie* evidence that the person was such a citizen at the date indicated in the certificate, but without prejudice to any evidence that he was such a citizen at an earlier date.

Evidence

21. (1) A document purporting to be a notice, certificate, order or declaration or an entry in a register, or a subscription to an oath of allegiance, given, granted or made under this Act shall be received in evidence.

(2) The evidence may be given by the production of a certified true copy of the document by the person.

(3) An entry in a register made under this Act shall be received as evidence of the matters stated in the entry.

Offences

22. Any person who for the purpose of procuring anything to be done or not to be done under this Act makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, commits an offence and is liable on summary conviction to a fine of not less than ₦500,000 and not exceeding ₦5 million or a term of imprisonment not exceeding 12 months or to both.

Regulations

23. The Minister may by legislative instrument make Regulations for -

- procedures relating to use of travel documents by holders of dual citizenship;
- form and manner of notification of acquisition of dual citizenship;
- fees chargeable in respect of anything to be done under this Act; and
- generally for giving full effect to the provisions of this Act.

Interpretation

24. (1) In this Act unless the context otherwise requires -

“approved country” means any country declared by or under the authority of the President to be an approved country by a legislative instrument;

“child” means a person who has not attained the age of eighteen years;

“Minister” means the Minister responsible for the Interior;

“prescribe” means prescribed by legislative instrument under this Act.

(2) A reference in this Act to Ghana in relation to a birth or residence before 6th March 1957 shall be read as a reference to the territories comprised in Ghana on that date.

(3) For the purposes of this Act, a person born aboard a registered ship or aircraft or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or in that country.

(4) For the purposes of this Act, a person is of age if he has attained the age of eighteen years and is of capacity if he is of sound mind.

Repeal and savings

25. (1) The Ghana Nationality Act, 1971 (Act 361) as amended by the -

(a) Ghana Nationality (Amendment) Decree, 1972 (N.R.C.D. 134);

(b) Ghana Nationality (Amendment) Decree, 1978 (S.M.C.D. 172); and

(c) Ghana Nationality (Amendment) Decree, 1979 (A.F.R.C.D. 42)

is hereby repealed.

(2) Notwithstanding the repeal in subsection (1) of this section any Regulations made under Act 361 or continued in force under that Act and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) The repeal of the enactments specified in subsection (1) does not affect the validity of any action taken under any of the enactments before the repeal.

(4) Any person who immediately before the coming into force of this Act is a citizen by adoption, registration or naturalization acquired validly under any enactment before the coming into force of this Act shall continue to hold the citizenship subject to the Constitution and the provisions of this Act.