

**RESEARCHING AND ANALYSING LEGISLATION:**  
***A MANUAL FOR MEMBERS OF THE PARLIAMENT OF GHANA  
AND THE PARLIAMENTARY STAFF***

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We believe that this manual will contribute to the deliberative process by which public policy is formed in Ghana.

Sincerely,

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ACKNOWLEDGEMENTS

TABLE OF CONTENTS

CHAPTER I: THE LEGISLATIVE PROCESS.....	2
CHAPTER II: STRUCTURE OF BILLS.....	9
1. Recommended Order of Arrangement of Bills	
B. Other Necessary Features of a Bill	
CHAPTER III: REVIEWING LEGISLATION.....	13
A. Reviewing the Words Used	
B. Consideration of Substantive Effects	
C. Review in Relation of Fundamental Human Rights and Freedoms as Guaranteed by the Constitution	
D. Review in Relation to the Directive Principles of State Policy, as Required by the Constitution	
E. Review with Respect to Other Requirements of the Constitution	
CHAPTER IV: EVOLUTION OF ROLE OF CLERKS AND OTHER PARLIAMENTARY STAFF.....	22
A. Parliamentary Service (Staff) Regulations, 1995	
B. Evolution of Staff Role	
CHAPTER V: DELEGATED LEGISLATION.....	30
A. Form of Constitutional Instruments	
B. Form of Statutory Instruments	
C. Making of Statutory Instruments	
CHAPTER VI: INTERPRETATION OF LAWS.....	34
GLOSSARY OF TERMS USED IN LEGISLATION.....	36
APPENDICES.....	39
ENDNOTES.....	46

**CHAPTER I: THE LEGISLATIVE PROCESS**

Subject to the provisions of this Constitution, the legislative power of Ghana shall be vested in Parliament, and shall be exercised in accordance with this Constitution. Ghana Constitution, Art. 93(2). Accordingly, researching and analysing legislation are among the fundamental duties of a Member of Parliament. These tasks require a factual and legal understanding of the lawmaking process. They also require a thorough knowledge of the rules governing the structure and content of legislation. The following is a brief summary of the legislative process in Ghana.

## **! Introduction of Bills**

A bill is the draft version of a law passed by Parliament. Bills are proposed by a Member of Parliament (MP), group of Members or by Ministers, and approved by the cabinet. Members can also introduce bills without consulting the cabinet. However, this has not been the practice because Parliament, as yet, does not possess the capacity for legislative drafting. Bills are drafted by the Attorney-General's Office and revised in consultation with the cabinet.

After a bill is approved by the cabinet, it is returned to the Attorney-General's Office and the draftsman in charge of the bill forwards it to the government printers -- the *Assembly Press* - for publishing. Copies of the bill are then made available to the Clerk of Parliament, who on the instructions of the Speaker transmit the bill to the Business Committee to be laid on the table.

All bills (with the exception of urgent bills) must be published in the *Gazette* at least 14 days before they are introduced to Parliament.<sup>1</sup> With the exception of urgent bills, bills cannot be introduced that have been substantially changed since publication in the *Gazette*.<sup>2</sup>

Bills affecting taxation, national debt and changes to the Consolidated Fund are governed by special rules.<sup>3</sup>

## **! Form and Content**

A bill has a title and is divided into separate and successive clauses.<sup>4</sup> Matters within a bill must relate to each other.<sup>5</sup>

A bill must be accompanied by an explanatory memorandum that describes what the bill is, why it is needed and how it proposes to work. The memorandum must be signed by a Minister or a Member introducing the bill.<sup>6</sup>

Parliament cannot pass laws that alter a court's decision or judgement between parties to that decision or judgement. Parliament cannot pass laws that retrospectively limit or restrict personal rights and liberties.<sup>7</sup> Parliament cannot pass laws that establish or authorise the establishment of a body with authority to impose a common religious or political programme.<sup>8</sup> Parliament may not proceed upon a bill or amendment that makes provision for the imposition of increased taxation, or a charge on the Consolidated Fund or any other public fund.<sup>9</sup> Parliament may not introduce a bill affecting the institution of the chieftaincy without prior reference to the

National House of Chiefs.<sup>10</sup>

## **! Urgent Bills**

If the appropriate Committee decides that a bill is urgent, it can be introduced without prior publication in the *Gazette*. Copies of the bill are distributed to the Members, and the bill may pass through all of the stages in one day.<sup>11</sup> Urgent bills must be published in the *Gazette* within 24 hours of their first reading.<sup>12</sup>

## **! First Reading**

To present a bill, the Speaker reads the name of the bill's signatory. The Clerk then reads aloud the long title of the bill and the bill is considered read the First Time.<sup>13</sup>

After the First Reading, the bill is referred to the appropriate Committee for consideration.<sup>14</sup>

## **! Committee Consideration and Report**

Committees have all the powers, rights and privileges as are vested in the High Court of Justice or a Justice of the High Court to enforce the attendance of witnesses, examine them under oath, compel the production of documents and request to examine witnesses abroad.<sup>15</sup> The evidence of all witnesses shall be recorded and a copy provided to the witness.<sup>16</sup> Documents received by the Clerk of the Committee shall not be withdrawn or altered without the approval of the Committee.<sup>17</sup>

After considering the bill, the appropriate Committee submits a report to the House.<sup>18</sup> Committees cannot consider for more than three months a bill presented to Parliament by, or on behalf of, the President.<sup>19</sup>

A Committee considering a bill must report to the House before the end of each session of Parliament. If a Committee is unable to complete consideration of the bill before the end of the session, it will report this to the House.<sup>20</sup> All uncompleted business pending before the House or its committees lapses with the Session.

## **! Second Reading**

If a motion is made to read the bill a Second Time, there will be a full debate on the principles of the bill. The explanatory memo and the report of the Committee form the basis of the debate.

If the motion is carried, the Clerk reads aloud the long title of the bill, which is then considered as read a Second Time.<sup>21</sup>

## **! Consideration Stage**

After the bill has been read a Second Time, it reaches the Consideration Stage. At least 48 hours must pass between the Second Reading and the Consideration Stage (this does not include days on which the House does not sit). The Consideration Stage deals only with the details and not the principles of the bill.

If the bill has many proposed amendments, in a process called winnowing, the Business Committee will meet on the bill and amendment sponsors and members of the appropriate Committee will be asked to determine the order of amendments and to merge or drop redundant or related amendments.

The House may make relevant and consistent amendments during the Consideration Stage.<sup>22</sup> The Speaker reads aloud the number of each clause and the Clerk reads the marginal note of each clause. If no amendment is offered, the Speaker puts the question "That clause . . . stand part of the bill."<sup>23</sup> When the question is agreed to then that clause stands as part of the bill.

## **! Amendments**

Members may move to amend a clause that has been read but not yet agreed to. The Speaker announces the proposed amendment to a clause, and the House then considers it.<sup>24</sup> After the clause has been considered, and after any proposed amendment to it has been agreed to or negated, the Speaker puts the question "That clause ... (or clause ... as amended) stand part of the bill."<sup>25</sup>

A new clause may be considered at its appropriate place in the bill or after all of the clauses in the bill have been read.<sup>26</sup> The title of the new clause is read by the Clerk and taken to have been read a First Time. The question is then put "That the clause be read a second time." If it is agreed to, amendments may then be proposed to the new clause. The final question to be proposed is "That the clause (or the clause as amended) be added to the bill."<sup>27</sup>

New schedules are considered and treated the same way as new clauses.<sup>28</sup> After a new clause or schedule has been agreed to by the House (or amended and agreed to), the House may only resume consideration of it at a second consideration stage.<sup>29</sup> See Appendix B for further information on amendments.

## **! Optional Second Consideration Stage**

A Member (or a Minister) can propose to delete, amend or add a provision contained in a bill that has moved through the consideration stage. This can only happen, however, if before a Member rises to move the third reading of the bill, a motion is made that the bill pass through a Second Consideration Stage. Such a motion requires no notice.

If the motion is agreed to, the bill immediately passes through the Second Consideration Stage. Whether the whole bill or only provisions of it must pass through the Second Consideration Stage, depends upon the circumstances.<sup>30</sup>

### **! Third Reading**

At least 24 hours must pass between a bill's passage through the consideration stage and its Third Reading (this does not include days on which the House does not sit). A motion may then be made to read the bill a Third Time.<sup>31</sup>

The Member in charge of a bill (or the Minister who introduced it) may, at any point, make a motion without notice to withdraw the bill.<sup>32</sup>

Bills must be read three times and have passed through the consideration stage to be considered passed.<sup>33</sup>

### **! Presentation to President**

A bill passed by Parliament must be presented to the President for his assent. The President must inform the Speaker within seven days whether he assents or refuses to give assent, unless the Council of State indicates that it is considering the bill.<sup>34</sup>

If the President refuses to assent to the bill he must, within 14 days of the refusal, either

- (a) submit a memorandum to the Speaker stating specific provisions of the bill which in his opinion should be reconsidered by Parliament (including his recommendations for amendments); or
- (b) inform the Speaker that he has forwarded the bill to the Council of State for consideration and comments, or that the Council is considering the bill.<sup>35</sup>

The President must assent, upon presentation, to all bills certified by the Speaker as financial matters.<sup>36</sup>

### **! Reconsideration in Parliament**

When Parliament reconsiders a bill, it takes into account the President's or the Council's comments, or both.<sup>37</sup>

If a bill is reconsidered and passed by Parliament by a resolution supported by at least two-thirds of all Members, the President must assent to it within 30 days after the resolution is passed.<sup>38</sup>

Diagram 1.



**Step-by-Step Summary Chart of How a Bill becomes a Law  
in the Parliament of the Republic of Ghana**

STEP	TIME FRAME	ACTION	COMMENTS
<b>Step 1.</b>	No time limit.	<p>According to common practice, the government, an MP or group of MPs submits a proposal for legislation to the cabinet.</p> <p>If the cabinet approves, a parliamentary draftsman from the Attorney-General's Office is directed to draft the bill. The proposal's wording is fine tuned during consultations between the cabinet and the draftsman.</p>	<p>Legislation that incurs costs to the state must be introduced by a Minister or Member on behalf of the President.</p> <p>A Member has the power to introduce a bill without consulting the cabinet, but this has not been the practice.</p>
<b>Step 2.</b>	Upon completion of drafting.	The draft bill is published in the <i>Ghana Gazette</i> . It is considered mature after two weeks.	
<b>Step 3.</b>	At maturation (two weeks after publication).	<p>The parliamentary draftsman submits 200 or more copies of the proposed legislation to Parliament.</p> <p>The Clerk informs the Business Committee chairperson who schedules the First Reading.</p>	Proposed bills must be accompanied by an explanatory memo that sets forth the policy and principles of the bill, the defects of existing law, if any, the remedies proposed to deal with those defects and the necessity for its introduction.
<b>Step 4.</b>	On a date scheduled by chair of Business Committee.	The proposed bill is introduced before the House for its first reading.	The Clerk reads the long title of the bill and it is considered read a first time.
<b>Step 5.</b>	After First Reading.	Proposed bill is referred to the appropriate Committee for further review and	The Committee is expected to draft a report on the bill. Memos may be submitted by interested

		examination.	persons. Committees have up to three months to consider draft legislation proposed by the President.
<b>Step 6.</b>	Upon completion of the Committee's deliberations.	The Committee report on the bill is submitted to the House.	
<b>Step 7.</b>	Upon submission of the Committee's report.	Second Reading of the bill in the House and debate of the bill and contents of the Committee report.	Only principles of the bill and contents of the committee report are open for discussion.
<b>Step 8.</b>	At least 48 hours after second House reading.	Bill reaches the <i>consideration</i> stage.	Only details of the bill are open for discussion at this stage. Any amendments to the bill are made at the consideration stage on a clause-by-clause basis. Each clause is amended and approved as appropriate.
<b>Step 9.</b> <i>(Optional)</i>	After consideration stage.	Second consideration stage.	Members are permitted to request a second consideration stage for the entire bill or sections thereof.
<b>Step 10.</b>	Upon passage from consideration stage (but not less than 24 hours after).	Third reading of the bill in the House. House vote on the bill. If passed, bill is sent to the President for assent.	All bills (unless deemed <i>urgent</i> by a Committee) must be read three times to the House and pass through at least one consideration stage.  Urgent bills can be introduced and passed the same day.
<b>Step 11.</b>	Seven day limit.	President considers bill.	The President has seven days to assent or refuse to assent, unless the Council of State considers the bill.
<b>Step 12.</b>	Within 14 days of refusal to assent.	President states the provisions that he would like reconsidered and/or his recommendations for amendments OR he informs the Speaker that the Council of State is considering the bill.	When Parliament reconsiders the bill, it takes into consideration the President's or the Council's comments.

<b>Step 13.</b>	After receipt of the President's statement on refusal to assent.	Parliament reconsiders the bill. If the bill is passed by a resolution supported by at least two-thirds of all Members, the President shall assent to it within 30 days after the passing of the resolution.	A bill does not become law until it has been duly passed and assented to and has been published in the <i>Gazette</i> .

## CHAPTER II: STRUCTURE OF BILLS

### A. Recommended Order of Arrangement of Bills

The following order of arrangement of contents of Bills is generally recommended.

### L Preliminary Provisions

- C **Short Title:** This identifies and describes the Bill or Act. Its only purpose is for ease of reference, so it must be very short.<sup>39</sup>

*Example: The Acts of Parliament Act, 1960*

- C **Long Title:** This follows the short title and forms part of the Bill or Act. The purpose of the long title is to define the scope of a Bill. Because debate on a Bill before the Parliament is required to be restricted to matters included within the long title, it is important that the long title adequately embraces everything contained in the Bill. In addition, it is intended to assist in explaining the purpose and object of the Bill or Act.<sup>40</sup> If an amendment is adopted that is not within the long title of the Bill, the long title must be amended.<sup>41</sup>

*Example of a long title: An Act to provide for the form and commencement of Acts of Parliament, for the procedure following the passing of Bills and for other matters connected with Acts and Bills.*

- C **Preamble:** The preamble, like the long title, is intended to assist in explaining the purpose and object of the Bill or Act.<sup>42</sup> In practice, use of Preamble is desirable

if the subject matter of the Bill is of constitutional or international importance, such as The Constitution of the Republic of Ghana or the Diplomatic Immunities Act, 1960.

if the Bill is of a formal or ceremonial character intended to mark a noteworthy event such as death of a statesman or the anniversary of a historic occasion.

if the bill is of a private or localized nature intended to remedy an exceptional local problem of such complexity that an explanatory preamble is necessary to an understanding of the Bill or Act.

if the purpose of the Bill is to ratify or otherwise approve an agreement, treaty or convention entered into or intended to be entered into by the Government.

- C **Enacting clause:** This gives effect to the legislative provisions. Thus, the provisions of every Bill and Act must be prefaced by these words of enactment: **BE IT ENACTED** by Parliament as follows: which is taken to extend to all Clauses of the Bill and Sections of the Act and to any schedules and other provisions contained in either.<sup>43</sup>

## L Principal Provisions

After the above-described preliminary provisions of a Bill or Act come the substantive provisions that are made up of arranged and numbered sentences. Each numbered component of a Bill or Act must have a marginal or head note.<sup>44</sup>

A long and complicated **Bill** may be broken down into components which are given the following names:

Part I (Has a descriptive heading.)

Subpart I (Used if complexity of subject requires. Also has a descriptive heading.)

1. clause (Name of principal numbered component of a Bill. Appears in complete sentences.)

(1) subclause

(a) paragraph

(i) subparagraph.

A long and complicated **Act** is broken down into similar components, except that which had been referred to as **clauses** are referred to as **sections** and that which had been referred to as **subclauses** become referred to as **subsections**. Thus, the components are given the following names:

Part I (Has a descriptive heading.)

Subpart I (Used if complexity of subject requires. Also has a descriptive heading.)

1. section (Name of principal numbered component of an Act. Appears in complete sentences.)

(1) subsection

(a) paragraph

(i) subparagraph.

The **Constitution** of the Republic of Ghana is divided into components that are given somewhat different names, as follows:

CHAPTER ONE (Has a descriptive heading.)

1. Article (Name of principal numbered component of the Constitution. Appears in complete sentences.)

(1) clause

(a) paragraph

(i) subparagraph.

## L Miscellaneous Provisions

These are various provisions dealing with different aspects of the Bill such as:

C offences and penalties;

- C miscellaneous and supplementary provisions concerning, for example, the making of subsidiary legislation, the creation of indemnities, or the creation of special provisions relating to powers of entry, search, seizure and arrest;
- C definitions of terms or expressions used in the Bill which otherwise are not provided for in the Interpretation Act, 1960 (C.A.4), or which modify the definitions established in that act;
- C provisions regarding the scope of a Bill. If it is intended that the bill should apply to the Republic, the Bill should specifically provide to that effect, in view of the fact that section 20 of the Interpretation Act, 1960 (C.A.4), states as follows: **A**The Republic shall not be bound by an enactment except by express terms or by necessary implication.**@**
- C provisions that will accord the Bill, or part of the Bill, limited duration. If intended to exist, these provisions must be specifically stated;
- C savings provisions, that are intended to preserve or save a law, right or privilege or an obligation which would otherwise be repealed or cease to exist;<sup>45</sup>
- C transitional provisions, that mould the Bill to circumstances that exist at the time the Bill comes into force as an Act of Parliament; (For example, a proposal to establish a new body corporate that is intended to replace an existing body requires that consideration be given to existing assets and liabilities, contractual or otherwise, and to existing officers and pending suits by or against the former body.)
- C repeal and consequential amendments. A repeal clause is necessary when an existing enactment ceases to have effect, as a result of the Bill, or is replaced by the Bill. Likewise, existing enactments must be amended, as necessary to conform with policy changes included in the Bill;
- C commencement, that refers to the time at which the enactment comes into force, which may be no sooner than the date when it is published in the *Gazette* upon assent by the President;<sup>46</sup>
- C schedules, that usually contain matters that, because of their length, cannot be conveniently embodied in the clauses of the Bill or that are of relatively minor importance. Matters of major importance should not be included in a schedule except in special cases, such as where an Act is passed to confirm a treaty or convention.

## **B. Other Necessary Features of a Bill**

### **L Explanatory memorandum**

The memorandum to a Bill, described above, may be used by the courts as an aid to construction of the bill:

**A**For the purpose of ascertaining the mischief and defect which an enactment was made to cure and as an aid to the construction of the enactment a court may have regard to any text-book or other work

of reference, to the report of any commission of inquiry into the state of the law, to any memorandum published by authority in reference to the enactment or to the Bill for the enactment and any papers laid before Parliament in reference to it but not to the debates of Parliament.<sup>@47</sup>

## **L Headings and marginal notes**

Every Bill is required to have marginal notes or headings, in accordance with Standing Order 117.

*Example: The Common Law and Customary Law*

**17.** (1) The common laws of Ghana,

However, titles or headings have limited effect:

An arrangement of sections of similar divisions of an enactment, titles placed at the head or beginning of any subdivision of an enactment and notes and references placed at the side of any provision are intended for convenience of reference only and do not form part of the enactment.<sup>@48</sup>

## **L Punctuation**

Punctuation forms part of an enactment and may be used as an aid to its construction.<sup>49</sup> Punctuation must therefore be used with care.

## **L Numbering**

See designations of subdivisions for Bills, Acts and the Constitution, as presented above.

## CHAPTER III: REVIEWING LEGISLATION

### A. Reviewing the Words Used

#### L Is the bill clear?

- C Some interpretation of a law may always be required. Instead of attempting to anticipate and address all possible events that might fall under a law, a bill is drafted so as to express a general standard. But a law should not be ambiguous. [For example, if a reference is to a **A**light truck, does it mean a light coloured truck, or a truck that weighs little?]
- C Does the bill use jargon only when appropriate? [In the case of legislation that mainly affects and is read by people with technical backgrounds, accurate technical language saves time and space and is expected and understood by the expert users. Terms that may be obscure to the general public may make sense in such a situation, as long as they are defined, so as to enable the non-technical person to understand the bill if the person is willing to put in the effort. In other cases, a bill should use words that ordinary persons will understand.]
- C Does the bill use terms consistently? [For example, if a bill says **A**Water supplies serving more than 1000 people ... later provisions might pose problems in interpretation if they say, **A**Systems serving more than 10,000 persons ... Courts and others interpreting the bill may determine that different words are intended to convey different meanings. If different meanings are not intended, the same word should be used in all instances.]
- C Does the bill put modifiers next to words modified? [For example, if a provision provides, **A**The Minister shall inform the Committee of services that are to be provided, by August 15, it is not clear whether the services are to be provided by August 15 or the Minister is to inform the Committee by that date.]
- C Does the bill use definitions appropriately?

Some words have a standard definition that will apply if the bill is silent.<sup>50</sup> These words need be defined only if they differ from the standard definition.

Common words given their common meanings need not be defined.

Use definitions to explain words that might be unfamiliar to the general public.

Use a definition to indicate a special meaning or a meaning that is different or more limited than the common meaning, or to increase the level of precision in the bill, but do so without doing violence to the ordinary meaning. [For example, do not provide that **A**Horse includes an elephant.]

Use definitions to reduce the length of the law, by eliminating repetition. [For example, Section 32 of the Interpretation Act, 1960 (C.A.4) defines the word **A**writing, thereby



avoiding the need to repeatedly provide how a bill affects Aprinting, lithography, typewriting, photography and other modes of representing or reproducing words or figures in visible form.@]

C Is it clear who is responsible for executing the law?

## L Are standard words used as intended?

C And - or

In general, using the word Aand@in the context of creating a requirement implies that all propositions must be fulfilled, while using the word Aor@means that only one must be fulfilled.

The context of a particular bill, however, might list a number of prohibitions, without intending by the use of Aor@to indicate that only one specified act is prohibited. [For example, if a law provides that Aa person may not kick or bite,@it does not mean that if the person refrains from kicking, the person is allowed to bite, or vice versa. On the other hand, if a law provides that Aa person may not drink and drive,@the law will be interpreted so as to not prohibit either drinking or driving, if committed in the absence of the other.] The failure to use great care in the selection of the word Aand@and the word Aor@can result in huge and unintended consequences. If a precise meaning is not conveyed by the words used, additional clarification is necessary.

If a requirement is intended to establish administrative flexibility, it may be desirable to have a bill provide: AThe Minister may provide services to A, or B, or both.@ In other situations, a bill may provide: AThe Minister may require submission of one or more of the following: ...@or it may provide that AThe Authority may take any combination of the following actions: ....@

C Shall - may

Ashall@is construed as imperative, while Amay@is permissive and empowering.<sup>51</sup>

C Includes - means

The word Aincludes@means the same as the words Aincludes, but is not limited to.@ Thus, a list preceded by the word Aincludes@is not an exhaustive list. One might consider the consequences of not providing an exhaustive list. A list preceded by the word Ameans@is an exhaustive list.

C Notwithstanding

The word Anotwithstanding@is used when two provisions of law deal with the same issue and the provision that includes the term Anotwithstanding@is intended to be an exception to

the other provision that otherwise would apply. In effect, the expression **Notwithstanding** indicates that **Regardless of what the other law provides, the following shall apply in this instance.**

C **Deem**

The word **Deem** is appropriate when it is used to create a legal fiction. For example, a Bill may provide that condition A will be **Deemed** or **Considered** to be the same as condition B, although in reality the two conditions are different. But, the word should not be used in the creation of an offence.

**B. Consideration of Substantive Effects**

- U Does the bill require more **legislative guidance** regarding factors that must be considered when government is taking a particular action? [For example, instead of saying **Government may regulate x**, should the bill say that **Government may regulate x, in a manner that gives due consideration to factors y, z, a, b and c?**]
- U Are there **public values** outside the principal objective of the bill that may be unnecessarily harmed, unless the bill is revised so as to better protect those other values? [For example, if a bill accords broad discretion in the siting and construction of a particular public building, it may be worth determining whether existing environmental laws would continue to provide adequate protection to crucial and sensitive environmental resources that might otherwise become building sites.]
- U Are there situations with respect to which the bill would **function unfairly**? [For example, if a bill that provides that **In case of divorce, custody over minor children shall be awarded to the mother**, it would be particularly unfair to fathers who otherwise would be determined by a court to be better able than their wives to care for the children. This would also be unfair to children in many instances.]
- U Has the bill been considered from the perspective of all categories of **people and interests** that might be **affected by the bill**? [Unless there is expertise and experience among the Members regarding all aspects of the likely effects of a bill, there is no substitute for getting the input of affected people and interests, regarding how the bill could be adjusted to make it work better, to reduce its unnecessary bad effects without impairing its principal objectives, and to coordinate better with the current way of doing things (unless there is a specific intent to change these current ways of doing things.)]
- U Is the approach in the bill **consistent** with existing law, with definitive decisions of a court of last resort, and with ratified treaties, except to the extent it has the power to differ and intends to differ?
- U Does the bill include all appropriate **adjustments to existing law**? If a conflict in laws is identified, a bill generally should include language that resolves the conflict. [In the absence of a resolution of such a conflict, a court applying the rules of interpretation imbedded in the common law may determine that **an act adopted later in time** should be given effect despite a conflict with

an act adopted earlier, or it may hold that the **more specific act** controls over the more general act. Thus, if a more recent act is also more general, the court could decide that either one or the other controls, depending upon which theory is selected by the court. The Parliament should not intentionally create such a situation.]

- U If the bill assumes that certain facts exist, consider the **accuracy of that assumption**. If an undesirable event happens one or more times, does it justify the conclusion that the problem is sufficiently widespread to warrant a legislative solution? On the other hand, is the problem sufficiently widespread to warrant a legislative solution on a broader scale than the one contained in the bill?
- U Do **existing laws have the defects** as stated in the explanatory memorandum accompanying the bill, or as otherwise represented?
- U Is it clear what the **objectives** of the bill are and what outcomes the bill attempts to bring about?
- U Is it sufficiently likely that the bill will have the **desired effect** and lead to the **desired outcome**? Have political, economic and social impacts all been considered?
- U Should the bill be revised to avoid creating **unintended effects** that are contrary to the objective of the bill? [For example, assume a bill states **A**Due to the importance of Organization X, a fee of (a large amount) shall be assessed by the State against those who discontinue membership in the Organization.@Would the large fee in the bill deter people from joining the organization in the first place, and thus work directly to defeat the principal purpose of the bill, which was to make sure that the organization had a substantial membership? Careful consideration must be given to the various ways that the general public might react to a particular enactment.]
- U Are there **revisions** that would make the bill work **more effectively**, and **less expensively**? [For example, does the bill allocate responsibilities to the most appropriate person or organization? Is there a less expensive way to perform one of the functions the bill requires?]
- U Are **sufficient resources** provided to implement the bill as intended? If not, could the bill be revised to reduce the costs of implementation? Is it clear what financial resources will be relied upon? Is the bill likely to incur obvious or hidden costs?
- U Does the bill create a **new entity** to do something that could be done by an existing entity that already functions in the subject area in question? [Perhaps adding an additional, related responsibility to the existing entity would make more sense.]
- U If the bill creates a new entity, should there be more clarity regarding its **relationship** with or **overlapping jurisdiction** with, an existing entity? [For example, one entity could be required to consult with the other, a person subject to one entity could be exempt from having to deal with the other, a person could be required to meet the requirements of both entities, one entity could be required to act in accordance with the advice of the other, one entity may be required to act subject

to the conditions established by the other, one entity may appoint from among persons nominated by the other.]

- U Will the system established in the bill **make sense to the citizens**? Does the bill require action that is consistent with existing customs, unless there is a reason to change customs?
- U Is it clear **how** the bill will be fully implemented, **when** it will be fully implemented, **who** it will affect, and whether it will unfairly affect people for actions taken before the bill was enacted?
- U Are there people or situations that ought to be **exempt** from the effect of the bill?
- U Should the bill include additional **provisions to inform the public** about its requirements? [If, for example, a bill intends to penalize roadside disposal of solid waste, it also ought to provide barrels along the roadside to be used by the travelling public, and it ought to provide signs to encourage them to use the barrels and to warn them that failure to do so may result in the assessment of penalties.]
- U Should the bill be implemented in **stages**? [For example, perhaps a building must be constructed before people can be expected to use the building, as the bill anticipates.]
- U Does the bill attempt to go too far at once? Should it focus on **preliminary action**, accompanied by the gathering of information, with **later action** to depend upon the information gathered?
- U Is there an aspect of the bill or subjects or issues related to or raised by the bill that require **further investigation** either before or after enactment of the bill?
- U Is there an **assumed implementation approach** that ought to be **expressed** in the bill? [For example, if the Minister that will be charged with implementing the bill indicates that he will interpret the bill in a particular way, but there could be other readings that would not be as beneficial, consider adding more detail to the bill and thereby assuring the desired outcome. A Minister could be replaced by another, for whatever reason, who may not have the same understanding of how the bill ought to be implemented. Ask the proposing Minister how he would interpret it, and if you like the approach, consider adding that level of detail to the bill.]
- U Are any **penalties** established in the bill out of line with the gravity of the conduct penalized, or with other penalties established by existing law? Is there any flexibility in the assessment of penalties? [For example, a bill that penalizes the dumping of toxic material might have a penalty section that requires a Judge to consider factors such as: whether the dumping was intentional, whether the defendant had committed the offense before, the economic gain resulting from commission of the offense, whether the defendant had knowledge that the behaviour was prohibited, actual harm caused, the gravity of harm that might be created. If such criteria existed, a Judge would be able to assess a small fine on an individual citizen, who by accident spilled a toxic material for a first time, and would be able to assess a large fine against a multi-national corporation that was intentionally dumping large amounts of toxic materials into an environmentally sensitive area,

despite previous penalties for the same conduct, because it was much cheaper to pay the fine on a regular basis than it was to properly dispose of the toxic material.]

- U Does the bill allow or encourage conduct that may have an **undue adverse effect**? [For example, does an energy bill unduly limit future efforts to protect the environment? Does it allow or encourage all practicable efforts to increase energy conservation, and the environmentally sound, sustainable development of sources of energy or does it encourage the opposite behaviour?]
- U Will the bill have an effect that may preclude or unnecessarily **complicate later attempts** to advance the public interests?
- U Does the bill address both **short term and long term solutions** to an identified problem?
- U Are there **alternative or optional approaches** to the approach taken in the bill, or alternative or optional components to those appearing in the bill, that have been or should be considered, in order to improve the bill or reduce any problems associated with the bill?
- U Does the bill address or identify a problem that it would be a **waste of time** for Parliament to address at this time? [Members have to prioritize the use of their time. If, for whatever reasons, a particular problem is such that progress is highly unlikely to be made now or in the near future, and any attempts to address the problem now might well make matters worse, it may be wise to give priority attention instead to issues where it is possible to make progress.]

**C. Review in Relation to Fundamental Human Rights and Freedoms as Guaranteed by the Constitution**

Does the bill respect and uphold the fundamental human rights and freedoms contained in Chapter 5 of the Constitution, including the following?

- U Does it respect and uphold
  - C the right to life?
  - C the protection of personal liberty?
  - C human dignity?
  - C protection from slavery and forced labour?
  - C equality before the law and freedom from discrimination on the grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status?
  - C the right to own a home and other property?
  - C the right to a fair trial?
  - C protection against the improper deprivation of property?
  - C freedom of speech, including freedom of the press, and freedom of thought, conscience and belief, including academic freedom?
  - C freedom to practice any religion?
  - C freedom of assembly including freedom to participate in demonstrations?

- C freedom of association and the freedom to join trade unions or other associations to protect a person's interests?
- C the right to information, subject to laws as are necessary in a democratic society?
- C freedom of movement?
- C the right to join political parties?
- C the property rights of spouses, including reasonable provisions out of the estate of a spouse and the rights to access to property jointly acquired during a marriage?
- C the right to seek redress in the event of unfair or unreasonable actions by administrative bodies or officials, or in the event of administrative noncompliance with the requirements of law?
- C economic rights including the right to work under safe and healthy conditions, the right to receive equal pay for equal work, and the right to join a trade union of a person's choice?
- C the right to equal educational opportunities and facilities?
- C the right to practice any culture, language, traditions or religion, other than customary practices which dehumanise or are injurious to the physical and mental well-being of a person?
- C women's rights during a reasonable period before and after child-birth, their rights to child care assistance, and their equal rights to training and promotion?
- C children's rights, including the right to care, assistance and maintenance, the right to reasonable provision from a parent's estate, the right to special protection against exposure to physical and moral hazards, and the right to protection of the family unit?
- C the rights of disabled persons, including the right to live with their families or with foster parents, the right to freedom from exploitation and discrimination, the right to access, within the limits of practicability, to every place to which the public has access, and the right to participate in social, creative or recreational activities?
- C the rights of persons who by reason of sickness or any other cause are unable to give their consent, so that they are not deprived of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs?

**D. Review in Relation to the Directive Principles of State Policy as Required by the Constitution**

Does the bill reflect the guidance provided by the directive principles of state policy, as they appear in Chapter 6 of the Constitution, including the following?

**U** Does the bill

- C reflect the fact that Ghana is a democratic state dedicated to the realization of freedom and justice and the fact that sovereignty resides in the people of Ghana from whom Government derives all its powers and authority under the Constitution?
- C protect and safeguard the independence and unity of the people and seek the well-being of all citizens of Ghana?
- C promote reasonable access by all citizens to public facilities and services?
- C cultivate among all Ghanaians respect for fundamental human rights and freedoms and the

dignity of the human person?

- C promote the integration of the people and prohibit discrimination and prejudice on the grounds of place of origin, circumstances of birth, ethnic origin, gender or religion, creed or other beliefs?
- C take or impede appropriate measures to foster a spirit of loyalty to Ghana that overrides other loyalties?
- C take or impede appropriate measures to achieve reasonable regional and gender balance in recruitment and appointment to public offices?
- C take or impede appropriate measures to provide adequate facilities for and encourage free mobility of people, goods and services throughout Ghana?
- C take or impede appropriate measures to decentralize administrative and financial machinery of government to the regions and districts and does it take appropriate measures to afford all possible opportunities to the people to participate in decision-making at every level in national life and in government?
- C take or impede appropriate measures to ensure that, whenever practicable, headquarters of governmental institutions are conveniently located within a region?
- C continue, as far as practicable, the projects and programs of previous governments?
- C reflect or impede the requirement that the State take steps to eradicate corrupt practices and the abuse of power?
- C reflect the requirement that the State promote the culture of political tolerance?

5. Review with Respect to the Code of Conduct for Members; Conflict of Interest

- U** Does the performance of the member's duties in regard to the bill conflict with Article 284 of the Constitution, that a public officer not put himself in a position where his personal interest conflicts or is likely to conflict with the performance of the functions of the office?

**F. Review with Respect to Other Requirements of the Constitution**

Does the bill comply with other provisions of the Constitution, including the following?

- U** Is the bill
  - C consistent with the provisions of Article 3 of the Constitution, that provides that Parliament shall have no power to enact a law establishing a one-party state?

- C consistent with the provisions of Article 56 of the Constitution, that provides that Parliament shall have no power to enact a law to authorise the establishment of a body or movement with the right or power to impose on the people of Ghana a common programme or a set of objectives of a religious or political nature?
  
- C compliant with the provisions of Chapter 25 of the Constitution (if the bill relates to the amendment of the Constitution)? Is there also compliance with the provisions of Section 37 of the Transitional Provisions of the Constitution, that provides that Parliament has no power to amend Section 37 or the indemnity provisions that exist in Sections 34 and 35 of the Transitional Provisions?



## CHAPTER IV: EVOLUTION OF ROLE OF CLERKS AND OTHER PARLIAMENTARY STAFF

### A. Parliamentary Service (Staff) Regulations, 1995

According to regulation 20 of the 1995 regulations, "Every member of staff of the service shall show loyalty to the State, Parliament and the Service." According to regulation 22, staff misconduct includes the offence of disobedience.

Regulation 21 requires officers to take an oath of secrecy, which is established in Schedule 1 of these regulations. In the oath of secrecy, each officer swears or affirms that "I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall come to my knowledge in the discharge of my official duties except as may be required for the discharge of my official duties or as may be specially permitted by law."

### B. Evolution of Staff Role

#### ! Staffing model for consideration

Although the nature of staff services provided to Members of Parliament is evolving, two important threshold principals have been established: staff owes a **duty of loyalty** to the State and the Parliament, and staff is **sworn to secrecy**, except as otherwise required in the discharge of official duties.

These established values, as well as economic constraints on staff resources, suggest that serious consideration should be given to a staffing model under which a small, centralized staff works for the entire body, as individuals and as committees. Under this model, staff personnel would divide up subject areas and Committee assignments in a manner that apportions the work evenly among them and that covers all subjects before the Parliament. Assistance requested by any Member would be referred to the staff person who is assigned the subject area in question, and is expected to learn about the subject area and about sources of information relating to the subject area. Any staff person would owe a duty of confidentiality to any Member that asks for assistance and each Member would be expected to respect the duty of staff to each other Member. In this manner, a small central staff, over a relatively short period of time, would be able to develop substantive, technical and legal expertise and experience in a wide range of subject areas, and each Member would be able to obtain a certain level of assistance and advice in any subject area. As resources allow staff expansion, staff would be able to allocate the work load to a larger number of people.

#### ! Staff code of conduct

Consideration should be given to establishing a code of conduct for staff, in addition to the regulations that currently exist. Staff should be expected to be **objective, respectful, discreet** and **diligent**. Staff should be **considerate** and **supportive** of colleagues and employers, but should also have a duty of **candour**. Under this duty, staff would be expected to fully share knowledge in the form of information and advice, with a Member who needs it in order to make an informed decision, even in situations when staff has not been asked a direct question. In these circumstances, staff should offer relevant knowledge, without

becoming advocates, and then should let the Member or Members use or disregard the advice and information, as the Member or Members see fit as policy makers with a mandate to represent the people of Ghana.

It is in the interest of Parliament to take full advantage of the knowledge and experience of its staff, and, in order to do so, needs to require them to be forthcoming with their views and protect them from attack when they do so. The Members do not have to agree with the advice of staff and they do not have to follow that advice, but the system will work best if they are able to obtain clear, honest advice that is offered without fear of reprisal.

### **! Building Expertise and Improving Organization**

Each clerk assigned to a subject area should **assemble and update a looseleaf notebook** that contains a copy of all laws that pertain to that subject area.

Clerks or other staff should be encouraged to **develop outlines, charts, summaries** or other documents that may assist Committee members in analysing bills and in otherwise performing their functions.

*Example: A convention that is frequently used by other legislative bodies in an attempt to **Quality Control** proposed changes is to use*

Clerks should **review all bills** to ascertain whether the **numbers** used to refer to the numbers used in sections, articles and other subdivisions of existing law are accurate and to ascertain if the **cross-references are substantively accurate and appropriate**.

Each Clerk should learn whether the **Constitution requires** that Parliament develop substantive law within each of his assigned areas, and advise his Committee Chairmen of any such requirements.

### **! Indexing and Filing System**

In order to facilitate the future ability to research issues and legislative options with respect to those issues, Clerks should consider establishing a **system for indexing and filing requests for work**. By organizing and retaining this material, the staff would be developing a resource that may be of great use in future years, when the Parliament is addressing recurring or similar issues. The essentials of this system could be as follows:

**Creation of a request form**, to be filled out by a clerk, each time a request is made on a new issue. The form could look like the following:

THE PARLIAMENT OF  
GHANA  
**Use of Request Form**

The form would be filled in by each Clerk, upon receipt of a request for work, and would be forwarded to a **central secretary**. The central secretary would take the following steps on receipt of a filled-in **request form**:

- give the request the next consecutive number, e.g. **98 - 24** (for the 24th form processed that year). This becomes the **request number** for this request.
- fill out a **Sponsor index card** headed by Sponsor's name, followed by General Subjects marked on form, followed by Key words appearing on form and the request number just allocated to the request.
- fill out a **Subject index card** for each General Subject indicated of the request form, followed by the key words, the sponsor's name and the request number
- mark request number on top corner of manilla **file folder**, put request form inside and put file in numerical order in **central file folder cabinet**
- file index cards alphabetically in Sponsor and Subject Card portions of **central index file cabinet**.

Clerks would allocate request files at least weekly, attempting to adjust the work load equally among staff. When actually working on a subject, a Clerk may keep the file in his possession, otherwise the file is kept in numerical order in a central file folder cabinet, for at least four years, and then the folders may be moved to long term storage, where they would still be easy to obtain when needed. Index cards are kept indefinitely.

Folders are maintained as confidential, until the matter in question becomes public, unless the sponsor wants it to be public before that time. Clerks use folders to compile copies of working drafts developed, memos on the subject and background material collected on the subject. If too much material is developed for a given folder, Clerks can create a "Folder No 2", for the same request number.

Lines may be drawn on the front of the file folder, and filled in to record the **status of work** on the request. This could include the nature of work completed, date and initials of person doing work. An illustration of how the lines on a file folder might be filled out, follows:

Cards done 1/10/98 KG (central secretary with initials KG filled this out)

draft #1 John (Clerk) 1/11/98 doc.# 3214 (he finishes the first version of the written material and submits to be typed, if he doesn't type it himself.)  
Draft #1 typed 1/15/98 LB (LB are the initials of the person who typed, if John didn't) proofed, 1/18/98 GH and HJ (assumes two persons proofread the document and sent it back for correction)  
retyped 1/15/98 LB (the original typist made corrections and sends the file to Clerk, writing the following):  
OK to send to sponsor? OK John 1/20/98 (Clerk decides it is ready to send to sponsor)  
Sent to sponsor 1/21/98 KG (secretary who sends it out, so indicates)  
Draft #2 John 2/8/98 (sponsor has asked Clerk to revise the first draft, and the clerk has done so)

By using a system such as this, staff can immediately look at the file folder and learn the status of the work that has been done on the request.

## **! Drafting checklist**

Despite the fact that historically Parliamentary staff has not provided the bulk of drafting services, the institution may want to increase its ability to develop more drafting skills in-house. The following is an abbreviated version of a drafting checklist that is used by the staff of another legislative body.

## **N Bill Drafting Checklist**

- U get requester's intent in writing in the file, state major concept and basic objective; include examples of the problem
- U ask requester who to contact for further instructions
- U list questions as you go, but don't get too bogged down early
- U answer necessary preliminary questions
- U look for similar legislation, check if organization and language might be useful
- U look for current law
- U look at relevant laws from other places
- U decide where to insert it in the law, if inserting it into existing law
- U prepare a rough draft of the main part of the text
- U identify limitations on the draft (constitutional limitations, financial limitations)
- U identify and research factual issues
  - C talk with requester,
  - C talk with ministries (as authorized specifically, or generally without divulging actual request)
  - C talk with affected interest groups or representative individuals (as authorized or generally)
- U determine what existing law will be affected, and how
- U consider the need for non-statutory sections for: transitional provisions; position authorizations; state building program changes; appropriation changes; terminology changes; cross-reference changes; initial applicability provisions; and effective dates

- U begin developing definitions
  - C identify words that need definition
  - C define the term
  - C revise definitions to fit completed draft
- U draft the text
  - C structure logically; use small words and short sentences; review definitions for accuracy and consistent usage after completing the text; as needed, check with requester for direction
- U review draft
  - C have all questions been answered?
  - C are statute sections in correct order?
  - C is the organization of the draft consistent?
  - C have you checked all cross references for accuracy?
  - C is the analysis accurate?
  - C is effective date, initial applicability or transitional provision necessary?
  - C does the draft work? does it carry out requester's intent? does it cover all situations intended, and only those situations? or do you intend to create a statutory mechanism that is intended to be general enough that it can be referred to in the future?
  - C do the parts of the draft interrelate logically with each other and with provisions of existing law that are not affected by the draft?
  - C are substantive sections on a particular aspect of the bill condensed in one area of the bill, in order to avoid having a clause which is voted out of the bill upset the structure of the bill as a whole
  - C is it easy to understand?
- U compose explanatory memorandum
- U consult requester
  - C discuss legal and practical consequences of options, revise to meet concerns of requester
  - C if a change does not carry out intent, or is bad drafting form, or clashes, politely inform

## ! Range of Substantive Provisions That May Be Used

Although some of the following material may already be covered, the following is a list of ways that legislation may be used, in order to influence conduct and achieve desired outcomes:

## N Optional Tools That Might Be Contained in Legislation

- O make good conduct easy by providing things, system and information
- O get information for long term progress or solution
- O prohibit unwanted conduct, inform public of that fact, enforce, allow appeals
- O make developers or applicant pay costs of review
- O establish a process for setting standards, reviewing applications and issuing permits
- O create tax inducement to do the desired thing
- O provide a free service
- O provide free advice
- O provide an example that people are free to follow for a desired result

- O obtain particular public input and react to it
- O encourage localities to address problems, and provide them with resources
- O allow citizens to override discretion of local officials, if they choose to, according to a process
- O registration systems [under a registration system, anyone wanting to perform the activity must first sign up, or register. Registration may be retracted, according to a process, if they perform incompetently or dishonestly, or fail to follow the rules established. Some places use registration systems to regulate street vendors.)
- O certification system [Under a certification system, anyone can perform the activity in question, but those who attain special training can advertise of that fact, and the public may choose to deal with a certified person who might have greater skills. A certified hairdresser might be one who has passed a particular course of study .]
- O licensing system [Under a licensing system, the only person who can perform the activity, e.g. the practice of law, is a person who has passed an examination, and perhaps a character review, conducted by a licensing board or authority of some nature. There may be an internship requirement, continuing education may be required, and a license may be taken away for incompetence or dishonesty. Although frequently a licensed profession administers the licensing function, the legislative body must oversee this process to assure that the existing licensees are making entrance requirements artificially high so as to eliminate competition, and preserve their own income, to the detriment of the public who could otherwise obtain adequate services at cheaper prices. Oversight must assure that a licensing body otherwise acts in the interests of the general public and not in the interests of the occupation in question.)

## ! Training

Experienced staff may take time, as available, to develop a handbook to be used in the **orientation of new Members**. Many legislatures run an information meeting, soon after an election, giving the new Members an early opportunities to learn about the process. Typically, these training sessions will include presentations from outgoing leadership, the Clerk of the House, the press corps, the NGOs, and the Ministers. Members will have to learn details about how they are paid, and housing issues. Staff may be asked to explain the services they render, the way existing laws are organized, how to find existing law, and other practical issues relating to the use of the building and security. Staff may be called upon to help organize the entire program.

Legislative staff may be called upon to **work together with a local law school** to teach a course on the Parliament, what it does and how it works. Although this should only be done if time is available, time spent doing this may have dividends, particularly if the students are required to provide free services at the Parliament one or two days per week.

Staff should **learn about the substantive areas** they are assigned, including the nature of judicial opinions in their area. Contacts should be cultivated with experts in the related Ministries, and with NGOs and representatives of business organizations. In many systems, it is not unusual for legislative staff, in the middle of a session, to call contacts, either formally or informally, and to ask for a quick reaction to a specific idea or draft amendment within a small amount of time. This useful input may be more easily obtained during the session if staff has already cultivated the relationships and undertaken enough research

to know who to contact and what questions to ask. Staff should watch the news for issues emerging in their areas of responsibility, and try to learn about those emerging issues, as time permits.

**Senior staff** should attempt to expand the knowledge of **junior staff**, be willing to review work and submit work for review by others. Tasks that can be delegated to clerical staff should be delegated, subject to whatever level of oversight is appropriate.

**Standard forms** should be assembled, showing how particular issues have been dealt with in the past, and providing a model for future action by Parliament.

Staff periodically should **consider the value of tasks currently performed** by staff as a whole, and if too many resources are being allocated to an activity of limited utility, staff should be prepared to recommend to leadership, through proper channels and with due respect, that the institution would be better served if reassignments were made.

As time is available, staff should **serve as a general resource to members of the public**, by teaching them about the process, how laws are developed, and what the requirements of the law may be. On the other hand, particular Members may attempt to get staff to help constituents solve particular legal problems. In such instances, it is typical for a staff attorney of a legislative body to direct a member of the public to a particular law of which the attorney is aware, while at the same time advising the citizen that legislative staff cannot provide legal advice to individual citizens and that he ought to procure his own attorney. Staff should attempt to avoid performing personal legal work for Members, particularly if it interferes with their ability to work for the people of the State as a whole.

## CHAPTER V: DELEGATED LEGISLATION

Delegated or subordinate legislation is the result of the exercise of law-making powers confirmed by or under the Constitution or an Act of Parliament. Law-making powers may be conferred on a wide variety of bodies including Ministers (or Law-making Departments), Local Authorities and Public Corporations. It takes a variety of forms, including Constitutional Instruments, statutory instruments, regulations, rules, order, by-laws and notices. For the purposes of this Manual, consideration will be confined to Constitutional Instruments and statutory instruments.

### A. Form of Constitutional Instruments

Constitutional Instruments are instruments made under **a power conferred by the Constitution**.<sup>52</sup> Therefore, these instruments must be construed as one with the Constitution.<sup>53</sup>

Regarding Constitutional Instruments, however, currently there is no Act of Parliament similar to the Statutory Instruments Act, 1959 (No.52 of 1959) to provide for the form and other requirements for Constitutional Instruments. Nevertheless, in practice, Constitutional Instruments have followed statutory instruments with respect to short titles, recitals, introductory words, arrangements of paragraphs, side notes, schedules, punctuation and signatures.

Parliament is not directly involved in the actual making of Constitutional Instruments. However, Constitutional Instruments, like statutory instruments, are subject to Parliamentary scrutiny under Article 11(7) of the Constitution, which provides as follows:

- (7) Any Order, Rule or Regulation made by a person or authority under a power conferred by this Constitution or any other law shall -
- (a) be laid before Parliament;
  - (b) be published in the *Gazette* on the day it is laid before Parliament; and
  - (c) come into force at the expiration of twenty-one sitting days after being so laid unless Parliament, before the expiration of the twenty-one days, annuls the Order, Rule or Regulation by the votes of not less than two-thirds of all the Members of Parliament.

Thus, the Parliament lacks the power to amend any such orders, rules or regulations, but may only annul them or allow them to come into effect. The act of annulment, however, does not limit the ability of an authorized person or authority to make revisions in the order, rule or regulation and again lay it before parliament.

### B. Form of Statutory Instruments

The form of a statutory instrument is governed by the provisions of the Statutory Instruments Rules, 1960 (L.I. 39), which deal with the following features of a statutory instrument:

- ! **Short title.** Every statutory instrument is required by law to bear at the head a short title and must not include any other provision conferring a short title.<sup>54</sup> It is sufficient for all purposes to cite an



instrument by its short title. Unlike an Act of Parliament, a statutory instrument does not have a long title.

*Example: The Statutory Instruments Rules, 1960*

- ! **Recital.** Sometimes a power to make a statutory instrument can only be exercised if certain findings of fact or conditions exist. In such a case the instrument should begin with a recital stating that the necessary fact or condition has been fulfilled or established.<sup>55</sup>

*Example: See Appendix A. Executive Instrument 27, relating to state lands*

- ! **Introductory words.** Every statutory instrument must state the powers under which it is made, following the short title. Rule 4 of the Statutory Instruments Rules, 1960, prescribes a common formula for this purpose in the following form:

**A**In exercise of the powers conferred on----- by -----, [and after consultation with/and with the consent of -----] these Regulations /this Order/ this Instrument/ etc. is/are made this-----day of -----19-----.@

The introductory words should therefore convey the following information**B**

- the title or name of the enabling enactment;
- the name of the authority on whom power to make the instrument is conferred; and
- the date on which it is made.

If the power may be exercised by the named authority only with the approval or consent of, or after consultation with, some other authority the introductory words must embody the statement that the approval or consent has been given or that the consultation has taken place, as the case may be.

- ! **Body of the Statutory Instrument.** If an instrument contains two or more substantive provisions, these provisions must be divided up in much the same manner as an Act of Parliament, except that a provision is not known as a **A**section,@but as a **A**regulation, rule or paragraph@or otherwise according to the nature of the instrument. The explanations in this Manual with regard to **A**clauses@of a Bill (except the requirements applicable to the passage of Bills in Parliament) apply in substance to the paragraphs of a statutory instrument. As with Bills, formal provisions relating to interpretation, commencement or other matters apply<sup>56</sup> and should normally be placed at the end of the instrument.
- ! **Side notes.** If a statutory instrument contains two or more paragraphs, each paragraph should be numbered and given a side note briefly describing its contents. However, side notes may be dispensed with where there are only two or three short paragraphs.<sup>57</sup> Again, the provisions in this Manual relating to side notes of clauses of a Bill apply with necessary modifications to statutory instruments.
- ! **Schedules.** A schedule may be annexed to a statutory instrument in the same manner as to a Bill.

- ! **Punctuation.** Punctuation forms a part of a statutory instrument and, as in the case of an Act of Parliament, may be used as an aid to its construction.<sup>58</sup>
- ! **Signature.** A statutory instrument is made when it is signed by or on behalf of the authority having power to make it. The signature and description of the person making the instrument must appear at the end of the instrument; that is, after any schedules that may be annexed to it.<sup>59</sup> For example, if power to make an Order is conferred on the Minister for Housing and the responsibility for that subject is for the time being conferred on the Minister for Works, the signature will be followed by the words **Minister for Works.**<sup>60</sup> Special rules as to signature are provided where power to make a statutory instrument is vested in the President.<sup>61</sup>

### C. Making of Statutory Instruments

With respect to statutory instruments, there is no parallel to the Parliamentary procedure by which a Bill becomes an Act of Parliament. Therefore, generally, Parliament has little or nothing to do with the process of the actual making of statutory instruments, which is usually undertaken by the appropriate authority on whom the delegated power is conferred. But through the required laying of statutory instruments before Parliament and the opportunity for annulment, Parliament has control over the way in which a delegated power is exercised by any person in whom such power is conferred, in order to ensure that such instruments are made in accordance with the following principles:

- the enabling power must empower the making of such instruments;
- the procedure prescribed by such power must have been observed;
- the instrument must not be repugnant to existing law;
- the instrument must not be inconsistent with the provisions of the Act under which it is made;
- the instrument must be certain and its terms must not be too vague; and
- the instrument must be reasonable.

In reviewing any exercise of discretionary power, consider whether it complies with the requirements of Article 296 of the Constitution.

- Does it comply with the duty to be fair and candid?
- Does it avoid being arbitrary, capricious or biased either by resentment, prejudice or personal dislike and is it in accordance with due process of law?
- Are there published regulations to govern the exercise of that discretion?

### D. Suggestion for Consideration

Other legislative bodies have enacted requirements that must be complied with in the development of delegated legislation that assist the legislative body in reviewing a proposal before it. In particular, a legislative body may **request the executive to submit supporting documentation** together with the formal proposal for review. This documentation may include information about the public notice provided, and whether a public hearing was held. The ministry may be asked to summarize the comments elicited by the

proposal, and to create a responsiveness summary in which the ministry responds to each major comment, explaining how it may have adjusted the proposal in order to respond to all points well taken, and explaining why particular objections were not considered well taken. This documentation may be required to indicate the impact of the proposal on small business, its likely financial implications for the ministry, and its expected economic impact on the society, broken down by categories of people or interests that are expected to be effected by the proposal and the way that they are expected to be effected. This documentation may be required to include copies of all comments submitted in writing by the general public. When a proposal to exercise delegated power is accompanied by information such as that described in this paragraph, a legislative body is in a much better position to understand the issues involved, and to focus its own review with a greater speed and accuracy. Given the limited time allowed for a decision on whether or not to annul a particular proposal, it is suggested that Parliament consider establishing requirements that delegated power be exercised in such a manner.

## **CHAPTER VI: INTERPRETATION OF LAWS**

The following are standard laws of general application to acts of Parliament and Statutory Instruments.

### **! The Interpretation Act, 1960 (C.A.4)**

The Interpretation Act, 1960, as its long title states, provides for the interpretation of the Constitution and any other enactment. The Act essentially confines itself to matters of interpretation, while provisions governing the form, citation, and other aspects of Acts and statutory instruments are contained respectively in the Acts of Parliament Act, 1960 (C.A.7) and the Statutory Instruments Act, 1959 (No. 52 of 1959). Nevertheless, the Interpretation Act has a fairly wide scope, as it applies not only to the Constitution, Acts, Decrees and Laws, but also to statutory instruments. Not only does the act contain rules of construction and the meanings of common terms likely to be used in enactments, but it also defines the content of a statute or statutory instrument. That is, it explains what does and what does not form part of the statute or instrument. This is, of course, subject to the caveat that the Act applies to an enactment ~~A~~except in so far as the contrary intention appears in the enactment.®

In sum, the purpose of the Interpretation Act, 1960, is to provide definitions and rules of interpretation which apply generally and would otherwise have to be set out afresh or otherwise provided in every new Act or statutory instrument. The Interpretation Act is therefore an indispensable source material for Members of Parliament and other lawmakers. Regard must also be had to Article 295 (Interpretation), Article 296 (Exercise of discretionary power), and Article 297 (Implied Powers, Etc.) of the Constitution as these provisions will take precedence over similar provisions in the Interpretation Act, 1960.

### **! The Acts of Parliament Act, 1960 (C.A.7)**

Subject to the provisions of the Constitution, the Acts of Parliament Act, 1960, provides for the form of Acts of Parliament and Bills, as well as the procedure for the preparation for Presidential assent of presentation copies of Bills passed by Parliament.

It also provides for the numbering of Acts of Parliament and the citation of an Act by reference to its short title.

### **! The Statutory Instruments Act, 1959 (No. 52 of 1959)**

This Act provides for the form and the types of statutory instruments, as well as the procedure for the making and publication of statutory instruments, subject to Article 11(7) of the Constitution which provides:

Any Order, Rule or Regulation made by a person or authority under a power, shall-----

- (a) be laid before Parliament.
- (b) be published in the *Gazette* on the day it is laid before Parliament; and
- (c) come into force at the expiration of twenty-one sitting days after being so laid unless

Parliament before the expiration of the twenty-one days, annuls the Order, Rule or Regulation by the votes of not less than two-thirds of all the Members of Parliament.@

Statutory Instruments are classified broadly by the Act as follows:

**Legislative Instruments**, which comprise statutory instruments declared by the Attorney-General by legislative instrument to be of legislative character and of sufficient importance to justify separate publication, or those made under powers expressed to be exercisable by legislative instrument;<sup>62</sup>

**Executive Instruments** other than legislative instruments or instruments of a judicial character;<sup>63</sup>  
and

**Instruments of judicial character**, meaning instruments in the nature of an order of a judicial body or tribunal.<sup>64</sup>

The Act is supplemented by the Statutory Instruments Rules, 1960 (L.1.39), which provide the details as to the form and the making of statutory instruments. It also is supplemented by the Statutory Instruments Order, 1960 (L.I.9), made by the Attorney-General under Section 4 of the Act.

## GLOSSARY OF TERMS USED IN LEGISLATION

**Act** is a law made by Parliament which comes into force on the signifying of assent to a Bill passed by Parliament and published in the *Gazette* as provided in Article 106 (7), (10) and (12) of the Constitution, as well as Standing Orders 134 and 135.

### **Amendment**

(a) is a motion to alter or modify the provision in a Bill, or insert a new provision, made at the Consideration Stage or Third Reading of the Bill (Standing Orders 130 and 131), or to alter or modify the wording of another motion. (Standing Orders 78, 80 and 83)

(b) is an alteration or addition made to an enactment after it has become law, that is to say, an Act of Parliament amending an existing Act. [For example, the Criminal Code (Amendment) Act 1993 (Act 459)]

**Article** is used to describe the numbered divisions of the Constitution.

**Assent** is the agreement of the President to a Bill or part of a Bill passed by Parliament, signified by the affixing of the President's signature and the Presidential Seal on the original copies, in accordance with Article 106(7), (10) and (12) of the Constitution, Section 6 of the Acts of Parliament Act, 1960 (C.A.7) and Standing Orders 134 and 135.

**Bill** is a provision or set of provisions introduced into Parliament by a Minister or a Member of Parliament under Standing Order 120(2) for consideration by Parliament in accordance with Standing Orders 123, 125, 127, 128, 129, 130, 131 and 133, with a view to becoming an Act of Parliament upon assent by the President and subsequent publication in the *Gazette*.

**Clause** is a numbered subdivision of a Bill or a subdivision of an Article of the Constitution.

**Code** is an Act of Parliament which embodies the unwritten law or common law on a particular subject, together with any relevant enactment. [See the Criminal Code 1960 (Act 29), the Criminal Procedure Code, 1960 (Act 30) and the Companies Code, 1963 (Act 179) as examples.]

**Consideration Stage** is the stage following the Second Reading of a Bill at which the Bill is examined in detail, clause by clause, and amendments may be made to the Bill subject to the requirements of relevancy, consistency and intelligibility as stipulated in Standing Order 128. A Bill may be amended after it has passed Consideration Stage. (Standing Order 130)

**Consolidation** is the process of putting together in one Act a number of different enactments on the same subject and then repealing those different enactments in their original form.

**Constitutional Instrument** is an instrument made under a power conferred by the Constitution.

**Enactment** is defined in section 32 of the Interpretation Act, 1960 (C.A.4) as an Act or statutory instrument, taken as a whole, or any separate provision of an Act or statutory instrument.

**Executive Instrument** is a statutory instrument which is neither legislative instrument nor an instrument of a

judicial character. [Section 5 of the Statutory Instruments Act, 1959 (No.52 of 1959)]

**First Reading** is a purely formal stage following the introduction of a Bill by a Minister or Member of Parliament, at which time the Clerk reads aloud the long title of the Bill. (Standing Order 123) No debate is permitted or Motion put at this stage.

**Introduction** is the process by which a Bill begins its progress through Parliament.

**Legislative Instrument** is a statutory instrument which is made under an enactment specified in the Schedule to the Statutory Instrument Order 1960 (L.I.9) or which is made under a power expressed to be exercisable by legislative instrument. (Section 4 of the Statutory Instruments Act, 1959)

**Long Title** refers to the words following the short title of an Act, which concisely describe the provisions of the Act. [Section 2 of the Acts of Parliament Act, 1960 (C.A.7)]

**Order** is a statutory instrument of a nature requiring some particular act to be done. [The Statutory Instrument Order, 1960 (L.I.9)]

**Paragraph** is a subdivision of a subsection of an Act, or a subdivision of a subclause of a Bill, or a subdivision of a clause of the Constitution, or a division of a statutory instrument corresponding to a section.

**Passing.** A Bill is passed by Parliament when in accordance with Standing Order 133 it has been read three times and passed through the consideration stage, or second consideration stage, as the case may be.

**Presentation.** A Bill is presented by the Minister or Member who is introducing it rising in his place when called by the Speaker and bowing to the chair, whereupon the Clerk reads aloud the long title of the Bill.

**Recital.** Where an enactment conferring power to make a statutory instrument lays down conditions which must be satisfied before the instrument can be made, the introductory words should be prefaced by a recital stating that the conditions have been satisfied. (Rule 4 of the Statutory Instrument Rules, 1960)

**Regulations** are the provisions contained in a statutory instrument which regulate in detail some administrative procedure or other activity governed by an enactment.

**Repeal** is the process by which an Act ceases to have effect because it is spent, obsolete or replaced by another Act.

**Revocation** is the process by which a statutory instrument ceases to exist because it is spent, obsolete or replaced by another statutory instrument.

**Rules** are provisions similar to regulations, but which usually relate to procedures of court or other tribunals.

**Second Reading** is the stage following the First Reading of a Bill, at which the principles of the Bill rather

than the details of its wording are debated on the basis of the memorandum accompanying the Bill and the report of the Committee that scrutinized the Bill. (Standing Orders 125, 126 and 127) No amendments can be moved to the Bill at this stage.

**Section** is the numbered division of an Act.

**Short Title** is the description which appears at the head of an Act designated by the calendar year in which it is made and by which the Act may be cited.

*Example: National Population Council Act, 1994*

**Spent.** An enactment is spent when through lapse of time or change of circumstances it ceases to be capable of being operative.

**Statutory Instrument** means an instrument made, whether directly or indirectly, under a power conferred by an Act of Parliament or a Decree or a Law. [Article 295 (1) of the Constitution]

**Subclause** is a subdivision of a clause of a Bill.

**Subsection** is a subdivision of the section of an Act.

**Third Reading** is the final stage of the passage of a Bill at which, under Standing Order 131(3), the Clerk reads the long title of the Bill if the motion for its Third Reading is agreed to.

**Urgent Bill** is a Bill which is determined and certified by the appropriate Committee of Parliament to be of urgent nature and introduced into Parliament without prior publication in the *Gazette*, and which is taken through all its stages in one day. (Standing Order 119)



## **APPENDICES**

APPENDIX A: Example of a Recital (Executive Instrument 27)

APPENDIX B: Note on How to Draft Amendments, produced by Parliament, 1957

APPENDIX C: Example of Interpretation Clauses, Minnesota State Legislature

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EXECUTIVE INSTRUMENT

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**E.I. 27**

**STATE LANDS (ASANKRAGWABSITE FOR RADIO  
REPEATER STATION) INSTRUMENT, 1997**

WHEREAS it appears to the President that the land described in the Schedule to this Instrument is the land required in the public interest;

NOW, THEREFORE, in exercise of the powers conferred on the President by subsection (1) of section 1 of the State Lands Act, 1962 (Act 125) this Instrument is made this 30<sup>th</sup> day of September, 1997.

The land specified in the Schedule hereto is hereby declared to be land required in the public interest.

*SCHEDULE*

ALL THAT piece or parcel of land containing an approximate area of 2.61 acres situate at Asankragwa in the Amanfi Aowin District in the Western Region of the Republic of Ghana lying to the South-west of Asankragwa and bounded on or towards the North-east by open space and measuring on that side 340 feet more or less on or towards the South-east by open space and measuring on that side 335 feet more or less on or towards the South-west by open space and measuring on that side 340 feet more or less on or towards the North-west by open space and measuring on that side 335 feet more or less which piece of land is more particularly delineated on the Plan No. LD. 10076/74682 attached and shewn edged pink.

By Command of the President.

CLETUS A. AVOKA  
*Minister for Lands and Forestry*

Date of *Gazette* notification: 19<sup>th</sup> December 1997

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\*\* Reprinted from GPC, Printing Division, Assembly Press, Accra, GPC/A801/690/12/97

A NOTE ON THE NOTICES OF AMENDMENTS TO BILLS  
PREPARED BY THE CLERK OF THE NATIONAL ASSEMBLY

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It has become necessary to restate and augment the rules governing the giving of Notices of Amendments to Bills, and in order that Notices may be more expeditiously dealt with in the Office of the Clerk of the National Assembly this Note is recommended for close study and observance by Members of Parliament and officials connected with the subject.

A. Notices of Amendments must bear the heading NOTICE OF AMENDMENT(S) TO BE MOVED IN COMMITTEE TO THE ..... BILL. A Notice must be signed by the Member proposing the Amendment, except that in the case of a Notice from the Minister in charge of a Bill the title of the Minister plus the signature of an official from the Ministry will suffice. A covering letter is not necessary.

B. Every Notice of Amendment consists of two parts, the first part being the Allocation of the Amendment and the second part the Substance of the Amendment. The essential elements of the Allocation are Clause (or Schedule), page and line. The Substance may take the form of (i) deletion, (ii) insertion (or addition) or (iii) deletion and insertion (or addition) of words or figures or punctuation marks or signs. Substitution which is the same as deletion and insertion (or addition), although used in Acts, should not be employed in Amendments, it being necessary for the Committee to consider deletion and insertion (or addition) as two separate questions.

C. In considering Amendments the question to be decided by the Committee is That Clause so-and-so stand part of the Bill. No question is put on Subclauses and paragraphs. Therefore, although the Amendment is in fact going to affect a Subclause or paragraph, only the Clause itself should be stated in the Notice as the part of the Bill to be affected.

D. Words and figures are inserted unless it is at the end of a Clause where they are added, in which case the phrase at end, add should be used. Phrases, such as the word and the figure, [used] in Acts, should not be employed in an Amendment. The absence of such phrases makes the Amendment less cumbersome for the Committee. All that it is necessary to do is to put quotation marks immediately before and after the words and/or figures. If punctuation marks or signs form part of the Amendment care should be taken that they are embraced by the quotation marks.

E. Where words are to be inserted in a new line, the line immediately after which the words are to be inserted should be stated in the Notice, in which case the phrase thereafter, insert should be used.

F. Where the words to be deleted occur in more than one line only the first line should be stated in the Notice. Where a whole Subclause or paragraph is to be deleted only the first line of that Subclause or paragraph should be stated in the Notice. It is worth mentioning here that an Amendment to delete a whole Clause is not admissible; the proper course is to vote against the Clause standing

part of the Bill, and a new Clause may be brought up to replace it.

G. Deletion and insertions which cannot be considered as belonging together should be achieved by way of separate Amendments, even though they are to be effected in the same Clause, page and line.

H. An Amendment affecting letters in a word should be proposed by the deletion of the whole word and the insertion of the correct word, and not by the deletion and insertion of letters.

I. Marginal Notes do not form part of a Bill, and if deletion or insertion becomes necessary on account of an Amendment to the Clause to which they belong the proposer of the Amendment should include the amended version of the Marginal Notes in his Notice, and the necessary action will be taken by the Clerk. Such deletion or insertion should not be proposed as an Amendment.

J. The lines in the Schedules to Bills will in future be numbered, every line being taken into account, and where the Schedules are complicated in form the location of the Amendment may further be described by reference to, say, Column.

K. The numbering of new Clauses and Subclauses and the lettering of new paragraphs as well as the renumbering of Clauses and Subclauses and the relettering of paragraphs necessitated by an Amendment will be carried out by the Clerk, if necessary upon advice from the Attorney-General's Office. Such renumbering or relettering should not be proposed as an Amendment, nor should numbers or letters be anticipated for new Clauses and Subclauses or paragraphs.

L. Deletion or insertion of punctuation marks consequential on an Amendment will be carried out by the Clerk, if necessary upon advice from the Attorney-General's Office. Such deletion or insertion should not be proposed as an Amendment. An example is the deletion of the colon at the end of the line immediately preceding a proviso and the insertion of a semi-colon or a full stop upon the proviso being deleted.

M. Printing errors which are trivial or obvious need not be proposed as Amendments. The necessary correction will be carried out by the Clerk upon attention being drawn to them.

2. The following examples of Amendments are given as a guide

1. Clause 4, page 3, line 24, delete Against loss resulting from failure
2. Clause 6, page 4, line 47, delete A, 60,000; and insert A, 30,000".  
(Note deletion of semi-colon and insertion of full stop.)
3. Clause 8, page 6, line 43, delete from As to Fifty-five in line 2 page 7.  
(Note As and Fifty-five are inclusive.)
4. Clause 10, page 8, line 7, delete Subclause (2).

5. Clause 12, page 10, line 18, delete paragraph (k) and insert the following new paragraph **B**  
**A**Conserve the said areas for industrial operations;@
6. Clause 14, page 11, line 10, thereafter, insert the following new Subclause **B**  
**A**Where it appears to the officer ..... he may immediately order the seizure of the goods@  
 (Note new Subclause bears no number.)
7. Clause 16, page 17, line 8, at end, add **A**and the regulations shall be deemed to have been complied with.@  
 (Note use of add as distinct from insert.)
8. Clause 18, page 9, lines 2, 3, 7 and 11, delete **A**Minister of Finance@and insert **A**Accountant-General@
9. Clause 20, page 7, line 5, delete the quotation marks before and after **A**district@
10. Clause 16, page 12, line 15, delete from **A**Commissioner@first occurring to **A**area@second occurring in line 17.
11. First Schedule, page 10, line 12, delete **A**, 207,000" and insert **A**209,000".
12. Third Schedule, page 14, line 32, Fourth Column, after **A**69" insert **A**71".

PARLIAMENT HOUSE,  
 ACCRA.

26<sup>th</sup> November, 1957.

a. Interpretation Clause

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All statutes are supposed to be construed to accomplish the intention of the legislature and secure their most beneficial operation. The statement of this principle is set forth in general and permanent Minnesota law:

**645.16 LEGISLATIVE INTENT CONTROLS.**

The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions.

When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.

When the words of a law are not explicit, the intention of the legislature may be ascertained by considering, among other matters:

- (1) The occasion and necessity for the law;
- (2) The circumstances under which it was enacted;
- (3) The mischief to be remedied;
- (4) The object to be attained;
- (5) The former law, if any, including other laws upon the same or similar subjects;
- (6) The consequences of a particular interpretation;
- (7) The contemporaneous legislative history; and
- (8) Legislative and administrative interpretations of the statute.

**645.17 PRESUMPTIONS IN ASCERTAINING LEGISLATIVE INTENT.**

In ascertaining the intention of the legislature the courts may be guided by the following presumptions:

- (1) The legislature does not intend a result that is absurd, impossible of execution, or unreasonable;
- (2) The legislature intends the entire statute to be effective and certain;
- (3) The legislature does not intend to violate the constitution of the United States or of this state;
- (4) When a court of last resort has construed the language of a law, the legislature in subsequent laws on the same subject matter intends the same construction to be placed upon such language; and

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\*\* Quoted from *Introduction to Bill Drafting*, by Harry M. Walsh and Janet C. Rahm, Revisor of Statutes Office, Saint Paul, Minnesota, as adapted by Peter S. Wattson, Senate Counsel, State of Minnesota (June 1995).

(5) The legislature intends to favor the public interest as against any private interest.

## **ENDNOTES**

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1. Standing Order 120; Article 106(2)(b) of the Constitution.
  2. Standing Order 120.
  3. Standing Order 122; Article 108 of the Constitution.
  4. Standing Order 17.
  5. Standing Order 18; but see Standing Order 129(e) relating to the amendment of the long title.
  6. Standing Order 116; Article 106(2)(a) of the Constitution.
  7. Standing Order 137; Article 107 of the Constitution.
  8. Article 56 of the Constitution.
  9. Article 108 of the Constitution.
  10. Article 106(3) of the Constitution.
  11. Standing Order 119; Article 106(13) of the Constitution.
  12. Standing Order 124.
  13. Standing Order 123.
  14. Standing Order 125; Article 106(4) of the Constitution.
  15. Standing Order 155.
  16. Standing Order 202.
  17. Standing Order 206(1).
  18. Standing Order 126; Article 106(5) of the Constitution.
  19. Standing Order 136; Article 106(14) of the Constitution.
  20. Standing Order 212.
  21. Standing Order 127.

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22. Standing Order 128.
  23. Standing Order 129(a).
  24. Standing Order 129(b).
  25. Standing Order 129(d).
  26. Standing Order 129(h).
  27. Standing Order 129(i).
  28. Standing Order 129(j).
  29. Standing Order 129(k).
  30. See Standing Order 130.
  31. Standing Order 131.
  32. See Standing Order 132.
  33. Standing Order 133.
  34. Standing Order 134; Article 106(7)-(9) of the Constitution.
  35. Standing Order 134(2); Article 106(8) of the Constitution.
  36. Standing Order 135; Article 106(12) of the Constitution.
  37. See Standing Order 134(3); Article 106(9) of the Constitution.
  38. Standing Order 134(4); Article 106(10) of the Constitution.
  39. Sections 2 and 12 of the Acts of Parliament Act, 1960 (C.A. 7).
  40. Section 2 of the Interpretation Act, 1960 (C.A.4).
  41. Standing Order 128(4)(d).
  42. Section 2 of The Interpretation Act, 1960.
  43. Section 3 of the Acts of Parliament Act 1960 (C.A.7).
  44. Standing Order 117.



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45. See clause 126 of the Children's Bill.
  46. Article 106 (11) of the Constitution and Standing Order 134(5).
  47. Section 19 of the Interpretation Act, 1960 (C.A.4).
  48. Section 4 of the Interpretation Act, 1960 (C.A.4).
  49. Section 3 of the Interpretation Act, 1960 (C.A.4).
  50. See Article 295 of the Constitution and the Interpretation Act, 1960 (C.A.4).
  51. Section 27 of the Interpretation Act, 1960 (C.A.4).
  52. Definition of Constitutional Instruments in Article 295 (1) of the Constitution.
  53. See Section 21 of the Interpretation Act, 1960, which provides that a statutory instrument must be construed as one with the Act under which it is made.
  54. Rule 2 of the Statutory Instruments Rules, 1960.
  55. Rule 4 of the Statutory Instruments Rules, 1960.
  56. See Rule 1 of the Statutory Instruments Rules, 1960.
  57. Rule 5 of the Statutory Instruments Rules, 1960.
  58. Section 3 of the Interpretation Act, 1960 (C.A.4).
  59. Rule 9(1) of the Statutory Instruments Rules, 1960.
  60. Example D annexed to Rule 9 (1) of the Statutory Instruments Rules, 1960.
  61. See Rule 9(2) of the Statutory Instruments Rules, 1960.
  62. Section 4 of the Statutory Instruments Act, 1959.
  63. Section 5 of the Act.
  64. Section 5 of the Act.