

## INTERPRETATION ACT, 1960 (CA 4)

As amended by

THE INTERPRETATION (AMENDMENT) ACT, 1961 (ACT 92)1

THE INTERPRETATION (AMENDMENT) (NO.2) ACT, 1962 (ACT 145)2

INTERPRETATION ACT (AMENDMENT) LAW, 1982 (PNDCL 12)3

LOCAL ADMINISTRATION ACT, 1971 (ACT 359).4

LOCAL GOVERNMENT ACT, 1993 (ACT 462).5

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AN ACT  
OF THE CONSTITUENT ASSEMBLY OF GHANA  
ENTITLED

THE INTERPRETATION ACT, 1960

AN ACT to provide for the interpretation of the Constitution and other enactments.

DATE OF PASSING: 29th June, 1960

WHEREAS by section 2 of the Constituent Assembly and Plebiscite Act, 1960 (No. 1) this Constituent Assembly is authorised to enact such provisions for or in connection with the establishment of a new Constitution as it thinks fit:

AND WHEREAS it is expedient to enact the provisions hereinafter appearing in consequence of the enactment of the Constitution:

NOW THEREFORE BE IT ENACTED by the Constituent Assembly as follows:—

Section 1—Application.

Each provision of this Act applies to every enactment being—

(a) the Constitution, an Act (including this Act) of the Constituent Assembly or of the Parliament of the Republic of Ghana.

(b) a legislative measure continued in force by the Constitution, or

(c) an instrument made (directly or indirectly) under any such enactment, except insofar as the contrary intention appears in the enactment.

Operation of Enactments

Section 2—Long Title and Preamble.

The long title and the preamble form part of an Act intended to assist in explaining the purport and object of the Act.

Section 3—Punctuation.

Punctuation forms part of an enactment and may be used as an aid to its construction.

Section 4—Headings and Marginal Notes.

An arrangement of sections or of similar divisions of an enactment placed at the front of an enactment, an arrangement of sections or of similar divisions of an enactment placed at the front 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.[As amended by the Interpretation (Amendment) Act, 1961 (Act 92) s.1]

Section 5—Descriptive Words.

Words in an enactment descriptive of another enactment are intended for convenience of reference only and shall not be used as an aid to the construction of the enactment to which they refer.

Section 6—Amended, Substituted and Applied Enactments.

A reference in an enactment to any enactment shall be construed as a reference to it as for the time being amended by any provision, including a provision contained in the enactment in which the reference is made or in a later enactment.

Where an enactment is repealed or revoked and another enactment is substituted, by way of amendment, revision or consolidation, a reference to the repealed or revoked enactment shall be construed as a reference to the substituted enactment.

Where an enactment applies another enactment, whether with or without modification, and the applied enactment is subsequently repealed or revoked it shall continue to apply according to the terms of the enactment which applies it, notwithstanding the repeal or revocation.

Section 6A—Authorisation of Reprinting.

(1) Where any enactment is amended, the Minister responsible for Justice may authorise the reprinting of such enactment as so amended.

(2) Where any enactment is reprinted under the authority granted under subsection (1) of this section, every copy of the enactment as so reprinted shall be deemed to be the authentic and correct copy of the enactment on the date of the reprinting if,

(a) the date of such reprinting is printed on the copy; and

(b) the copy purports to be printed by the Government Printer.[As Inserted by the Interpretation (Amendment) (No.2) Act, 1962 (Act 145), s.1]

Section 6B—Validation of Certain Previous Reprints.

Every copy of an enactment which was amended, and thereafter reprinted by the Government Printer or under his authority, between the first day of July, 1960 and the date of the commencement of this Act shall be deemed to be the true and authentic copy of such enactment, notwithstanding that the provisions of section 6A of the principal Act (inserted by section 1 of this Act) were not complied with[ Inserted and to be cited as the Interpretation (Amendment) (No.2) Act, 1962 (Act 145), s.2].

Section 7—Textual Insertion not Affected by Repeal of Amending Enactment.

The repeal or revocation of an enactment which provides for a textual insertion in another enactment shall not affect the insertion and the text of the altered enactment shall continue to stand as altered, notwithstanding the repeal or revocation.

Section 8—Effect of Repeal, Revocation or Cesser.

(1) The repeal or revocation of an enactment shall not—

- (a) revive anything not in force or existing at the time when the repeal or revocation takes effect; or
- (b) affect the previous operation of the enactment or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed thereunder; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the enactment had not been repealed or revoked.

(2) When an enactment expires, lapses or otherwise ceases to have effect this section shall apply as if the enactment had then been repealed or revoked.

Section 9—Effect of Substituting Enactment.

Where an enactment is repealed or revoked and another enactment is substituted, by way of amendment, revision or consolidation—

(a) all authorities and persons established or acting under the repealed or revoked enactment shall continue to be established, or to be entitled to act, under the substituted enactment; [As amended by the Interpretation (Amendment) Act, 1961, (Act 92), s.2]

(b) every bond and security given by a person appointed under the repealed or revoked enactment shall remain in force and all books, papers and things used under it shall continue to be used so far as consistent with the substituted enactment; and

(c) all proceedings taken under the repealed or revoked enactment shall be prosecuted and continued under and in conformity with the substituted enactment, so far as consistently may be.

Construction of Powers and Duties

Section 10—Statutory Powers and Duties.

(1) Where an enactment confers a power or imposes a duty the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an enactment confers a power, or imposes a duty, to do any act or thing all such powers shall be deemed to be also given as are reasonably necessary to enable that act or thing to be done or are incidental to the doing thereof. [As amended by the Interpretation (Amendment) Act, 1961, (Act 92) s.3]

Section 11—Power to Grant Licences, Authorisations and Permits.

Where an enactment confers power to grant a licence, authorisation or permit, the power includes power to revoke, suspend or amend the licence, authorisation or permit.

Section 12—Appointments to Office.

(1) Where an enactment confers a power to appoint a person to an office, whether for a specified period or not, the power includes—

- (a) power to remove or suspend him;
- (b) power, exercisable in the manner and subject to the limitations and conditions applicable to the power to appoint—
  - (i) to reappoint or reinstate him;
  - (ii) to appoint a person to act in his stead either generally or in regard to specified functions, during such time as the authority in whom the power of appointment to the office is vested considers expedient.
- (2) A reference in an enactment to the holder of an office shall be construed as including a reference to a person for the time being appointed to act in his stead, either, as the case may require, as respects the functions of the office generally or the functions in regard to which he is appointed.

#### Procedure and Practice

##### Section 13—Service of Documents.

- (1) Where an enactment authorises or requires a document to be served on any person without directing it to be served in a particular manner the service of the document may be effected either—
  - (a) by personal service, or
  - (b) by post in accordance with subsection (2) of this section, or
  - (c) by leaving it for him with some person apparently over the age of sixteen at his usual or last known place of abode or business, or
  - (d) in the case of a corporate body or an unincorporated body of persons, by delivering it to the secretary or clerk of the body at the registered or principal office of the body or serving it by post in accordance with subsection (2) of this section on the secretary or clerk at his office, or
  - (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of, or person having a particular estate or interest in, premises on whom the document should be served, by addressing the document to him by the description "owner" or "occupier" of, or by the description of the particular estate or interest in, the premises (naming them) to which the document relates, and by delivering it to some person apparently over the age of sixteen on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (2) Where an enactment authorises or requires a document to be served by post, whether the word "serve" or some other word is used, service may be effected by prepaying, registering and posting an envelope containing the document, addressed to the person on whom the document is to be served at his last known postal address; and, unless the contrary is proved, the document shall be deemed to have been served at the time at which the envelope would have been delivered in the ordinary course of post.

##### Section 14—Rules of Court.

Where an enactment confers jurisdiction on a court or other tribunal or varies its jurisdiction, the authority having for the time being power to make rules regulating the practice and procedure of that court or tribunal may make such rules as appear to the authority to be necessary or expedient for regulating the practice and procedure of the court or tribunal in the exercise of the jurisdiction.

##### Section 15—Administration of Oath.

Where by an enactment power is conferred to require evidence to be given on oath otherwise than in a court the power includes power to administer the oath, or take an affidavit or statutory declaration. [As substituted by the Interpretation (Amendment) Act, 1961 (Act 92), s.4]

##### Section 16—Deviation in Forms.

Where a form is prescribed or specified by an enactment, deviations from the form not materially affecting the substance or calculated to mislead shall not invalidate the form used.

#### The Common Law and Customary Law

##### Section 17—The Common Law.

- (1) The common law, as comprised in the laws of Ghana, consists, in addition to the rules of law generally known as the common law, of the rules generally known as the doctrines of equity and of rules of customary law included in the common law under any enactment providing for the assimilation of such rules of customary law as are suitable for general application.