

A SUMMARY OF THE EXECUTIVE INSTRUMENTS UNDER THE IMPOSITION OF RESTRICTIONS ACT, 2020 (1012)



LADA BRIEF

This Brief is a summary of the various policy directives that have been issued, in the form of Executive Instruments, to control the spread of the Coronavirus Diseases (COVID-19), in Ghana. Ghana's first set of Covid-19 cases were recorded on the 12th March, 2020. Following the first set of positive cases, the Parliament of Ghana passed an Imposition of Restrictions Act that gives the President the powers to impose restrictions, upon the advice of relevant persons or body, in the interest of public safety and health, and in accordance with the 1992 Constitution of Ghana.

WHAT IS THE IMPOSITION OF RESTRICTIONS ACT, 2020 (ACT 1012)?

The Imposition of Restrictions Act, 2020 (ACT 1012) gives legal backing to the policy directives and measures that the President has taken to contain the spread of the coronavirus in Ghana. The Act (Act 1012) is in accordance with Article 21(4) (c) and (d) of the 1992 Constitution of Ghana.

Article 21 of the 1992 Constitution of Ghana provides for certain fundamental freedoms of all persons, including the freedom of movement and the freedom of assembly. However, Clause 4 of that article allows for restrictions to be imposed on the freedoms granted by, or under, a Law, in the interest of defence, public order and public safety. The Imposition of Restrictions Act, 2020, is therefore one of the Laws that is giving the president the powers to impose restrictions on persons, through Executive Instruments, in the event of disasters and emergencies (including Covid-19), in the interest of public safety, health and protection.

THE EXECUTIVE INSTRUMENTS

A number of Executive Instruments have been gazetted in accordance with Act 1012 for the purpose of instituting measures to combat the Coronavirus Disease pandemic. The set of Executive Instruments pursuant to Act 1012 are Executive Instruments (E.1) 64, 65, 66, 67, 68, 104, 109 and 110. These instruments cover three main measures and restrictions i.e. Suspension of Public Gatherings; Closure of all borders of Ghana by air, land or sea; and Restrictions on Movement.

E.I 64 was the first instrument to be issued. This Instrument imposes:

1. Suspension of public gatherings (conferences, workshops, funerals, festivals, political rallies, sporting events and clubs, private parties and social gatherings, night clubs and event centers, religious activities in churches, mosques, shrines-crusades, conventions, pilgrimages), for a period of three weeks, subject to review.
2. Ban on travel to Ghana (by air, land and sea), for a period of two weeks, subject to review.
3. Closure of all schools and academic institutions.

Despite the above restrictions;

1. Private burial can be held with not more than 25 persons in attendance.
2. Certain establishments and facilities are exempted from the imposition, but must adhere to social distancing measures and public safety procedures. They include (supermarkets, markets, shopping malls, restaurants, hotels, security services and essential services).

With regards to the ban on travel to Ghana,

1. Persons who arrived in Ghana on the 21st and 22nd March, 2020 were to be mandatorily quarantined for a period of 14 days and tested for Covid-19.
2. Persons who arrived in Ghana prior to 21st March, from countries that had recorded 200 covid-19 cases or more, at the time of this E.I, were to be quarantined for 14 days.
3. Ban on travel does not apply to transportation of goods, supplies and cargo to Ghana.

Review of restrictions

Paragraph 6 of E.I 64 makes room for a review of the restrictions where the exigencies of the situation require. This is consistent with sub-section (2) of section 4 of the Imposition of Restrictions Act, 2020 (Act 1012), which provides for an extension or reduction of the restriction, by an Executive Instrument, where the exigencies of the circumstances require. Following E.I 64, a number of other Instruments have been made to extend the duration of the various restrictions. The subsequent Instruments are however without prejudice to E.I 64. The table below further summarises the various Instruments.

| | Specific Restriction | Executive Instrument Title and Date of Gazette | Duration of Executive Instrument |
|----|--------------------------------|---|--|
| 1. | Suspension of Public Gathering | Executive Instrument 64- Imposition of Restrictions (CORONAVIRUS DISEASE (COVID 19) PANDEMIC) Instrument, 2020. This was gazetted on the 23 rd March, 2020 | 23 rd March-12 th April (3 weeks) |
| | | Executive Instrument (EI) 67: Imposition of Restrictions | 13 th April-26 th April |

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| | | Coronavirus Disease (COVID-19) Pandemic (NO.4) INSTRUMENT, 2020 This was gazetted on the 11 th April, 2020 | (2 weeks) |
| | | Executive Instrument (EI) 90: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.6) INSTRUMENT, 2020 This was gazetted on the 24 th April, 2020 | 27 th April-10 th May (2 weeks) |
| | | Executive Instrument (EI) 110: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.8) INSTRUMENT, 2020 This was gazetted on the 8 th May, 2020 | 11 th May to 31 st May (3 weeks) |
| 2. | Ban on Travel | Executive Instrument 64- Imposition of Restrictions (CORONAVIRUS DISEASE (COVID 19) PANDEMIC) Instrument, 2020. This was gazetted on the 23 rd March, 2020 | 22 nd March to 5 th April (2 weeks) |
| | | Executive Instrument (EI) 66: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.3) INSTRUMENT, 2020 This was gazetted on the 3 rd April, 2020 | 5 th April to 19 th April (2 weeks) |
| | | Executive Instrument (EI) 68: Imposition of Restrictions Coronavirus Disease (COVID-19) | 20 th of April to 3 rd May (2 weeks) |

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| | | Pandemic (NO.5) INSTRUMENT, 2020 This was gazetted on the 17 th April, 2020 | |
| | | Executive Instrument (EI) 109: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.7) INSTRUMENT, 2020 This was gazetted on the 2 nd May, 2020 | 4 th May to 31 st May (4 weeks) |
| 3. | Restrictions on Movement | Executive Instrument (EI) 65: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.2) INSTRUMENT, 2020. This was gazetted on the 30 th March, 2020 | 30 th March to 12 th April (2 weeks) |
| | | Executive Instrument (EI) 67: Imposition of Restrictions Coronavirus Disease (COVID-19) Pandemic (NO.4) INSTRUMENT, 2020 This was gazetted on the 11 th April, 2020 | 13 th April to 20 th April |

OFFENCES AND PENALTIES

Act 1012 imposes penalties on persons who fail to comply with a restriction imposed under the Executive Instruments. Such persons are liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than four years and not more than ten years or to both.



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