

ACT 75
FOREIGN ENLISTMENT ACT, 1961

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ACT 75
FOREIGN ENLISTMENT ACT, 1961(1)

AN ACT to control the enlistment of citizens and any other persons in possession of Ghanaian passports in the military service of a country other than Ghana and to provide for related matters.

1. Illegal enlistment

(1) A citizen commits a first degree felony who in or outside the Republic accepts or agrees to accept without the prior written consent of the President,

- (a) a commission or an engagement in the military service of any other country, or
- (b) induces any other person, whether a citizen or not, to accept a commission or an engagement in the military service of any other country.

(2) A person who is not a citizen but to whom a Ghanaian passport has been issued shall not, while

- (a) in possession of the passport,
- (b) in possession of a claim to the passport, or
- (c) claiming or enjoying the protection of the Republic because of possession of the passport,

accept or agree to accept without the prior written consent of the President, a commission or an engagement in the military service of any other country or induce any other person, whether a citizen or not, to accept or agree to accept a commission or an engagement in the military service of any other country.

(3) A person who contravenes a provision of subsection (2) commits a first degree felony.

2. Leaving Ghana for enlistment

A person commits a first degree felony if that person

- (a) leaves the Republic or goes on board a vessel, vehicle or an aircraft wherever situated to accept or agree to accept, without the prior written consent of the President, a commission or an engagement in the military service of any other country, or
- (b) induces any other person, whether a citizen or not, to leave the Republic, or to go on board a vessel, vehicle or an aircraft to leave the Republic to accept or agree to accept a commission or an engagement in the military service of any other country.

3. Including enlistment by misrepresentation

A person who induces any other person, whether a citizen or not, to leave the Republic or go on board a vessel, vehicle or an aircraft within the Republic under a misrepresentation or false representation as to which service that person is to be engaged with the intention of that person accepting or agreeing to accept a commission or an engagement in the military services of any other country commits a first degree felony.

4. Taking on board illegally enlisted persons

(1) A person in charge of a vessel, vehicle or an aircraft commits a second degree felony if that person without the prior written consent of the President knowingly takes on board or engages to take on board or has on board a vessel, vehicle or an aircraft while it is within the Republic, an illegally enlisted person such as

- (a) a citizen who, within or without the Republic, has without the prior written consent of the President, accepted or agreed to accept a commission or an engagement in the military service of any other country;
- (b) a citizen who, without the prior written consent of the President, is about to leave the Republic to accept a commission or an engagement in the military service of any other country; or
- (c) a citizen who has been induced to enlist under a misrepresentation or false representation to accept or agree to accept a commission or an engagement in the military service of any other country.

(2) Illegally enlisted persons shall, immediately on discovery of the offence, be taken from the vessel or aircraft and shall not be allowed to return to it.

(3) A vessel, vehicle or an aircraft involved in the commission of an offence under this Act shall be detained until the trial, conviction or acquittal of the person in charge and until the penalties have been paid.

(4) Where the illegally enlisted person is imprisoned, the vessel, vehicle or aircraft shall be released to the person with a lawful claim to it on the payment of a sum of money specified by the Court in sentencing that person.

5. Description of offence

An offence against this Act may be described in an indictment or any other document relating to the

offence as having been committed at the place where it was wholly or partly committed or it may be described as having been committed within the jurisdiction of the Court by which the offence is to be tried.

6. Seizure

A customs officer not below the rank of a collector, a superior police officer not below the rank of Superintendent and a commissioned officer of the Armed Forces may seize and detain a vessel, vehicle or an aircraft liable to be seized or detained under this Act.

7. Regulations

The Minister may, with the prior approval of the President, by legislative instrument make Regulations for the purpose of carrying this Act into effect.

8. Interpretation

In this Act, unless the context otherwise requires,

“**aircraft**” includes every type of flying or airborne craft;

“**citizen**” means a citizen of Ghana;

“**military service**” includes service in the police, army, navy or air force and any other employment in connection with a military operation and an employment in secret service work or in an underground movement or as a secret agent;

“**Minister**” means the Minister responsible for Defence;

“**passport**” includes every form of travel document issued on behalf of the Republic;

“**person in charge**” includes the master, pilot, driver and any other person in command, and the owner of the vessel, vehicle or aircraft.

9. Repeal

Spent.2(2)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 17th August, 1961.

2 (Popup - Footnote)

2. This section repealed the Foreign Enlistment Ordinance, (Cap. 61) and ceased the application of the Foreign Enlistment Act, 1870 in Ghana.