

## **C.A. 4**

# **INTERPRETATION ACT, 1960**

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**C.A. 4**  
**INTERPRETATION ACT, 1960(1)**

**AN ACT to provide for the interpretation of enactments.**

**1. Application**

Except in so far as a contrary intention appears in an enactment, each provision of this Act applies to every enactment being

- (a) an Act including this Act, an Act of the Constituent Assembly and of the Parliament<sup>2(2)</sup> of the Republic,
- (b) the existing law within the meaning of article 11 of the Constitution,
- (c) a legislative measure continued in force by the Constitution, and
- (d) an instrument made, directly or indirectly, under any other enactment.

*Operation of Enactments*

**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.

**3. Punctuation**

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

**4. Heading and marginal notes**

An arrangement of sections or of similar divisions of an enactment placed in front of an enactment, titles placed at the head or beginning of a subdivision of an enactment and notes and references placed before the beginning of a provision are intended for convenience of reference only and do not form part of the enactment.<sup>3(3)</sup>

## **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.

## **6. Amended, substituted and applied enactments**

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

(2) Where an enactment is repealed or revoked and another enactment is substituted, by way of amendment, revision or consolidation, a reference to the repealed or revoked enactment shall be construed as a reference to the substituted enactment.

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enactment applies another enactment, whether with or without modification, and the applied enactment is subsequently repealed or revoked, it shall continue to apply according to the terms of the enactment which applies it, despite the repeal or revocation.

### **6A. Authorisation of reprinting**

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

(2) Where an enactment is reprinted under the authority granted under subsection (1), 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 the reprinting is printed on the copy, and
- (b) the copy purports to be printed by the Government Printer.<sup>4(4)</sup>

## **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, despite the repeal or revocation.

## **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;
- (b) affect the previous operation of the enactment or anything duly done or suffered under that enactment;
- (c) affect a right, privilege, an obligation or a liability acquired, accrued, or incurred under that enactment;

- (d) effect a penalty, forfeiture or punishment incurred in respect of an offence committed under that enactment;
- (e) effect an investigation, a legal proceeding or a remedy in respect of a right, privilege, an obligation, a liability, penalty, forfeiture or punishment,

and the investigation, legal proceeding or remedy may be instituted, continued or enforced, and the 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.

## **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) the 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;5(5)
- (b) a bond and security given by a person appointed under the repealed or revoked enactment shall remain in force and the books, papers and things used under it shall continue to be used so far as is consistent with the substituted enactment; and
- (c) proceedings taken under the repealed or revoked enactment shall be prosecuted and continued under and in conformity and consistently with the substituted enactment.

### *Construction of Powers and Duties*

## **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 an act or a thing, the powers that are reasonably necessary to enable that act or thing to be done or are incidental to the doing of that act or thing shall be deemed to be also given.6(6)

## **11. Power to grant licences, authorisations and permits**

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

## **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 that person, and
- (b) power, exercisable in the manner and subject to the limitations and conditions applicable to the power to appoint,
  - (i) to reappoint or reinstate that person;

- (ii) to appoint a person to act in that office, generally or in regard to specified functions, during the time that 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 that office as respects the functions of the office generally or the functions in regard to which the appointment is made.<sup>7(7)</sup>

### *Procedure and Practice*

#### **13. Service of documents**

(1) Where an enactment authorises or requires a document to be served on a person without directing it to be served in a particular manner, the service of the document may be effected

- (a) by personal service, or
- (b) by post in accordance with subsection (2), or
- (c) by leaving the document with a person apparently over the age of sixteen at the usual or last known place of abode or business of that person, or
- (d) in the case of a body corporate or an unincorporated body of persons, by delivering the document to the secretary or clerk of the body at the registered or principal office of the body or serving the document by post in accordance with subsection (2) on the secretary or clerk at that office, or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of, or a person having a particular estate or interest in, premises on whom the document should be served, by addressing the document 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 the document to a person apparently over the age of sixteen on the premises or, if a person on the premises to whom it can be delivered cannot be found, by affixing it, or a copy of it, to a 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 that person’s 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.

#### **14. Rules of Court**

Where an enactment confers jurisdiction on a Court or any 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 the Rules that are necessary or expedient for regulating the practice and procedure of the Court or tribunal in the exercise of the jurisdiction.<sup>8(8)</sup>

#### **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 on oath or take an affidavit or statutory declaration.<sup>9(9)</sup>

## **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<sup>10(10)</sup> and Customary Law*

## **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 the customary law included in the common law under an enactment providing for the assimilation of the rules of the customary law as are suitable for general application.

(2) In the case of inconsistency, an assimilated rule shall prevail over any other rule, and a rule of equity shall prevail over a rule other than an assimilated rule.

(3) While a statute of general application continues to apply by virtue of the Courts Act, 1993 (Act 459) it shall be treated as if it formed part of the common law, as defined in subsection (1), prevailing over a rule of the common law other than an assimilated rule.

(4) In deciding on the existence or content of a rule of the common law, as so defined, the Court may consider an exposition of that rule by a court exercising jurisdiction in any country.

(5) A reference in an enactment to the common law shall be construed as a reference to it as affected by an enactment for the time being in force.

## **18. Customary law**

(1) The customary law, as comprised in the laws of Ghana, consists of rules of law which by custom are applicable to particular communities in Ghana, not being rules included in the common law under an enactment providing for the assimilation of the rules of the customary law as are suitable for general application.

(2) A reference in an enactment to a customary law shall be construed as a reference to it as affected by an enactment for the time being in force.<sup>11(11)</sup>

### *Interpretation of Enactments*

## **19. Use of textbooks and other publications for construction**

(1) 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 consider a textbook or any other work of reference, the report of a commission of inquiry into the state of the law, a memorandum published by authority in reference to the enactment or to the Bill for the enactment and to the papers laid before the Parliament in reference to it, but not to the debates in the Assembly.<sup>12(12)</sup>

(2) The aids to construction referred to in this section are in addition to any other accepted aid.

## **20. Republic when bound**

The Republic is not bound by an enactment except by express terms or by necessary implication.

## **21. Construction of statutory instrument**

A statutory instrument shall be construed as one with the Act under which it is made.

## **22. Time**

(1) References in an enactment to time are to Greenwich Mean Time.

(2) Where in an enactment a period of time is expressed to begin on a particular day, that day shall be included in the period.

(3) Where in an enactment a period of time is expressed to be reckoned from, or after, a particular day, that day shall not be included in the period.

(4) Where in an enactment a period of time is expressed to end on, or be reckoned to a particular day, that day shall be included in the period.

(5) Where the time limited by an enactment for the doing of a thing expires on a Sunday or a public holiday, the time so limited shall extend to, and the thing may be done on, the first following day that is not a Sunday or a public holiday.

(6) Subsections (2) to (5) apply in relation to a period expressed in days whether or not the number of days is expressed to be clear days.

(7) Where in an enactment a thing is required to be done on a particular day, then, if that day falls on a Sunday or public holiday, the thing shall be considered as duly done if it is done on the first following day that is not a Sunday or a public holiday.

## **23. Reckoning of periods of time by the calendar: month and year**

(1) In an enactment “**month**” means a calendar month, that is to say, a month reckoned according to the calendar.

(2) Where the period indicated in an enactment begins on a date other than the first day of any of the twelve months of the calendar, that period shall be reckoned from the date on which it is to begin to the date in the next month numerically corresponding, less one, or, if there is no corresponding date, to the last day of that month.

For example: a month beginning on 15th January ends on 14th February; a month beginning on 31st January ends on 28th February, or 29th February in a leap year.

(3) Where the indicated period is one of two, three or more months, that period is to be reckoned from the date on which it is to begin to the date numerically corresponding, less one, in the second, third or other successive month thereafter or, if there is no numerically corresponding date, to the last day of the latter month.

For example: a period of six months beginning on 15th August, ends on 14th February; a period of six months beginning on 30th or 31st August, ends on 28th February or 29th February in a leap year.

(4)13(13)

## **24. Distance**

In the measurement of distance for the purposes of an enactment, the distance shall be measured in a

straight line on a horizontal plane and may be determined by reference to the most recent edition of a Government survey map available at the time of determination unless that distance is proved incorrect as to the particular distance which is to be determined.

## **25. Age**

For the purposes of an enactment a person shall be regarded as having attained a given age at the beginning of the day on which the anniversary of the birth occurs and not on the previous day.

## **26. Gender and number**

(1) In an enactment, words importing the male sex include females and words importing the female sex include males.<sup>14(14)</sup>

(2) Where an enactment employs the term “person” or “party”, the use of a pronoun importing the masculine gender shall not itself be construed as limiting the term to a natural person.

(3) In an enactment,

(a) words in the singular include the plural, and

(b) words in the plural include the singular.

## **27. “Shall” and “may”**

In an enactment made after the passing of this Act, “**shall**” shall be construed as imperative and “**may**” as permissive and empowering.

## **28. Corresponding parts of speech**

Where a word is defined in an enactment, other parts of speech and grammatical variations of that word or its cognate expressions have corresponding meanings.

## **29. Reference to series of provisions**

Where a consecutive series of provisions of an enactment is described by reference to the first and last in the series, the description shall be read as including the first and last provisions.

## **30. Names commonly used**

In an enactment, a name commonly applied to a country, place, public department, body, corporation, society, authority, officer, functionary, or any other person or thing means that to whom or to which the name is commonly applied, although it is not the formal name or that it is abbreviated.

## **31. Country**

A reference in an enactment to a country includes reference to a territory for whose international relations that country is responsible.

## **32. Interpretation**

(1) In an enactment,

“**Act**” or “**Act of Parliament**” means an Act of the Constituent Assembly or of Parliament, or a

legislative measure of an authority formerly exercising power to make laws for the territory or a part of the territory comprised in the Republic, but does not include a statute of general application, continuing to apply by virtue of section 119 of the Courts Act, 1993 (Act 459);15(15)

**“act”** includes an omission and references to the doing of an act shall be construed accordingly;

**“affidavit”**, in the case of persons allowed by law to make an affirmation or declaration instead of an oath, includes that affirmation or declaration;

**“bank holiday”** means a day which is by law to be kept as a close holiday in all banks;

**“commencement”**, in reference to an enactment, means the time at which the enactment comes into force, as provided for in clause (11) of article 106 of the Constitution;

**“common law”** shall be construed in accordance with section 17;16(16)

**“Commonwealth country”** means any of the members of the Commonwealth, other than Ghana, comprising the United Kingdom, Canada, Australia, New Zealand, South Africa, India, Pakistan, Sri Lanka, the Federation of Malaya and any other country for the time being recognised as a member;

**“consular officer”** means consul-general, consul, vice-consul, consular agent, or a person for the time being authorised to discharge the duties of consul-general, consul or vice-consul;

**“contravention”**, in reference to an enactment, includes a failure to comply with it;

**“costs”** includes fees, charges, disbursements, expenses and remuneration;

**“country”** has the meaning given to it by section 31;

**“Court”** means a court of competent jurisdiction;

**“Crown Agents”** means the Crown Agents for Overseas Governments and Administrations for the time being;

**“customary law”** shall be construed in accordance with section 18;17(17)

**“enactment”** means an act or statutory instrument or a provision of an Act or a statutory instrument;

**“export”** means to take or cause to be taken out of Ghana by any means;

**“financial year”** means a period of twelve months ending on the 31st day of December;18(18)

**“functions”** includes powers and duties;

**“Gazette”** includes an ordinary or an extraordinary issue of the *Gazette* and a Supplement;

**“goods”** means all kinds of movable property;

**“Government”** includes an authority by which the executive power of the Republic is duly exercised in a particular case;19(19)

**“Government Printer”** means the printer authorised to print enactments;

**“Government survey map”** means a map made under an enactment providing for the survey of land on behalf of the Government;

**“immovable property”** means land;

**“import”** means to bring or cause to be brought into Ghana by any means;

**“individual”** means a natural person and does not include a corporation;

**“infant”** means a person who has not attained the age of twenty-one years;20(20)

**“land”** includes land covered by water, a house, building or structure, and an estate, interest or a right in, to or over land or water;

**“local authority”** includes a District Assembly, a Metropolitan Assembly, a Municipal Assembly and any other local authority;21(21)

**“master”**, in reference to a ship, means a person, except a pilot or harbour master, having for the time being control or charge of the ship;

**“midnight”**, in reference to a day, means the point of time at which that day ends;

**“Minister”**, in relation to a Ministry the portfolio of which is held by the President, means the President;

**“month”** has the meaning given to it by section 23;

**“movable property”** means property of every description, including growing crops;

**“oath”**, in the case of a person allowed by law to make an affirmation or declaration instead of an oath, includes the affirmation or declaration;

**“person”** includes a body corporate whether a corporation aggregate or a corporation sole and an unincorporated body of persons as well as an individual;

**“public holiday”** means a day which is by law to be observed as a public holiday;

**“public officer”** means a member of any of the Public Services, specified in clause (1) of article 190 of the Constitution, any other services as may, pursuant to Article 190 of the Constitution, be constituted by Act of Parliament as Public Services and any other person declared by an enactment to be a public officer;22(22)

**“registered dentist”** means a person registered as a dentist under the law for the regulation of the dental profession;

**“registered medical practitioner”** means a person registered as a medical practitioner under the law for the regulation of the medical profession;

**“ship”** includes every description of vessel used in navigation not exclusively propelled by oars or paddles;

**“signature”** includes a mark and a thumbprint;

**“statutory corporation”** has the meaning assigned to it by article 295 of the Constitution;23(23)

**“statutory declaration”** means a declaration made in accordance with the Statutory Declarations Act, 1971 (Act 389);

**“vessel”** includes floating craft of every description;

**“will”** includes a codicil;

**“writing”** and expressions referring to writing include printing, lithography, typewriting, photography and any other mode of representing or reproducing words or figures in visible form;

**“week”** means the period between midnight on a Saturday and midnight on the next following Saturday;

**“week-day”** means a day which is not a Saturday or a Sunday;

**“year”** means a period of twelve months.

(2) In an enactment continued in force by the Constitution,

**“Act”** or **“Act of Parliament”** includes an Ordinance, Order in Council, order, proclamation, rule, regulation or by-law;

**“Ordinance”** includes an Act.

### **33. Commencement**

*Spent.24(24)*

### **34. Repeals**

*Spent.25(25)*

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was assented to on 29th June, 1960.

The Preamble reads:

“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](#).”

### 2 (Popup - Footnote)

2. The reference to [the Constitution](#) in this paragraph has been omitted. The Constitution is the supreme law.

### 3 (Popup - Footnote)

3. Amended by section 1 of the Interpretation (Amendment) Act, 1961 (Act 92).

### 4 (Popup - Footnote)

4. Inserted by section 1 of the Interpretation (Amendment) (No. 2) Act, 1962 (Act 145). [Section 2](#) of that Act provided that,

#### “2. 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.”

### 5 (Popup - Footnote)

5. Amended by section 2 of the Interpretation (Amendment) Act, 1961 (Act 92).

### 6 (Popup - Footnote)

6. Amended by section 3 of the Interpretation (Amendment) Act, 1961 (Act 92). But *see* [articles 296](#) and [297](#) of [the Constitution](#).

### 7 (Popup - Footnote)

7. But *see* [article 297](#) of [the Constitution](#).

### 8 (Popup - Footnote)

8. *See* [article 157](#) of [the Constitution](#).

### 9 (Popup - Footnote)

9. Substituted by section 4 of the Interpretation (Amendment) Act, 1961 (Act 92).

### 10 (Popup - Footnote)

10. *See* Chapter Four of [the Constitution](#).

### 11 (Popup - Footnote)

11. *See* Chapter Four of [the Constitution](#).

### 12 (Popup - Footnote)

12. By virtue of, (1993) 1 All E.R. 42 references can be made to the debates in Parliament. But that is only of persuasive authority.

### 13 (Popup - Footnote)

13. The subsection which provided that a year means a period of twelve months has been incorporated in [section 32](#).

### 14 (Popup - Footnote)

14. The trend is to move away from this provision and use gender-free words or expressions.

### 15 (Popup - Footnote)

15. *See* note 2.

### 16 (Popup - Footnote)

16. [Clauses \(2\)](#) and [\(3\)](#) of [article 11](#) of [the Constitution](#) now govern the meaning of the expression, “common law”.

**17 (Popup - Footnote)**

17. See note 17.

**18 (Popup - Footnote)**

18. Amended by section 1 of the Interpretation Act (Amendment) Law, 1982 (P.N.D.C.L. 12). That Law provided in [section 2](#) that,

**“2. Extension of 1981-82 financial year**

Notwithstanding anything to the contrary, and for the purposes of Government financial transactions the period commencing on the 1st day of July, 1982 and ending on the 31st day of December, 1982 shall be deemed to be part of the 1981-82 financial year.”

**19 (Popup - Footnote)**

19. See [article 295](#) of [the Constitution](#).

**20 (Popup - Footnote)**

20. But see the Children’s Act, 1998 ([Act 560](#)).

**21 (Popup - Footnote)**

21. Amended by section 5 of the Interpretation (Amendment) Act, 1961 (Act 92) and revised in relation to [article 295](#) of [the Constitution](#).

**22 (Popup - Footnote)**

22. See also [article 295](#) of [the Constitution](#).

**23 (Popup - Footnote)**

23. The amendment made by paragraph (b) of section 5 of the Interpretation (Amendment) Act, 1961 (Act 92) has been superseded by the definition in [the Constitution](#).

**24 (Popup - Footnote)**

24. The section provided that the Act “shall come into operation at the same time as the 1960 Constitution”.

**25 (Popup - Footnote)**

25. This section provided for the repeal of the Interpretation Act, 1957 (No. 29); and [section 14 \(2\)](#) of the Statutory Instruments Act, [1959 \(No. 52\)](#).