

*In case of reply the number and date of this letter should be quoted.*



OFFICE OF THE JUDICIAL SECRETARY

P. O. Box 119

Accra, Ghana

12<sup>th</sup> July 2024

My Ref. No. .... **SCR 9** .....

Your Ref. No. ....

Tel. No. 0302-663952 - Ext. 2017(Office)  
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REPUBLIC OF GHANA

**TO ALL REGISTRARS OF COURTS AND BAILIFFS**

**CIRCULAR**

**ENFORCEMENT OF ARTICLES 117 AND 118 OF THE CONSTITUTION – IMMUNITY FROM SERVICE OF PROCESS AND ARREST**

The Honourable Lady Chief Justice's attention has been drawn by the Rt. Hon. Speaker of Parliament, to potential breaches by actions of some officers or some persons acting on behalf of the Judicial Service, of Articles 117 and 118 of the 1992 Constitution.

Articles 117 and 118 of the Constitution provides that:

*117 "Civil or criminal process coming from any court or place out of Parliament shall not be served on, or executed in relation to, the Speaker or a member or the Clerk to Parliament while he is on his way to, attending at or returning from, any proceedings of Parliament.*

*118 (1) Neither the Speaker, nor a member of, nor the Clerk to Parliament shall be compelled, while attending Parliament to appear as a witness in any court or place out of Parliament.*

*(2) The certificate of the Speaker that a member or the Clerk is attending the proceedings of Parliament is conclusive evidence of attendance at Parliament."*

These provisions ensure that the office holders listed above may not be served any process of court or compelled to appear as a witness in court, unless Parliament is not in session or the Speaker so certifies that the office holder in question is not on his way to, attending or returning from any proceedings of Parliament.

Attention has also been drawn to a circular issued on 22<sup>nd</sup> February 2021.

The Honourable Lady Chief Justice is informed that there have been attempts to serve court processes on Members of Parliament, the Clerk to Parliament and the Speaker of Parliament while these office holders are attending to the business of Parliament.



In view of foregoing, the Honourable Lady Chief Justice has therefore directed that, in serving processes to the above-mentioned officials, the following should be adhered to henceforth.

No.	Personality/Institution to be served	How Service should be effected	Acceptable times of service	Remarks
1.	Rt. Hon. Speaker of Parliament	All Court processes should be served on the Legal Department of the Parliamentary Service.	<ul style="list-style-type: none"> <li>• Mondays</li> <li>• During working Hours</li> </ul>	
2.	The Clerk to Parliament	All Processes should be served on the Clerk to Parliament.	<ul style="list-style-type: none"> <li>• Mondays</li> <li>• Other weekdays (Tuesday-Friday) between 7:00a.m. and 8:00a.m.</li> <li>• When Parliament is on recess</li> </ul>	The Clerk of Parliament to advise the Judiciary of recess times of Parliament
3.	Members of Parliament	All Processes should be served on the Members of Parliament	<ul style="list-style-type: none"> <li>• Mondays</li> <li>• Other weekdays (Tuesday-Friday) between 7:00a.m. and 8:00a.m.</li> <li>• When Parliament is on recess</li> </ul>	

Kindly take note for compliance.



**JUSTICE CYRA PAMELA C. A. KORANTENG (JA)**  
**JUDICIAL SECRETARY**

CC: The Honourable Lady Chief Justice

