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STATUS OF BY-LAWS IN GHANA

DENNISLAW GHANA RESEARCH DESK

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Executive Summary

The research was organized by Dennislaw in partnership with Corporate Secretarial and Training Services (CSTS). It sought to examine the level of compliance, among the Metropolitan, Municipal and District Assemblies (MMDAs), with the provision of section 182(4) of the Local Governance Act, 2016 (Act 936). The provision in question requires all enacted by-laws to be published or gazetted in order to be declared valid.

The research, collated data primarily from the Ghana Publishing Company Limited (Assembly Press) as the institution with the sole responsibility to gazette laws in the country. It also examined newspaper publications relating to publication of by-laws. The study also sought the support of a number of MMDAs for validation of the data collected.

The study found that a total of 108 sets of by-laws operated by 109 MMDAs have so far been validated as being in compliance with the publication requirement. This is because, of the number of validated sets of by-laws, one set has been made applicable in two different districts. Again, while 108 sets of by-laws representing 109 MMDAs were found to be gazetted, 3 sets have lost their validity and fallen into desuetude since their geographical areas of jurisdiction have been re-demarcated and ceased to exist in their original form. Thus, only 105 sets of by-laws at the various levels of local governance have been validly passed and are of effective application. By this finding, the study concludes that a total of 154 out of 260 MMDAs representing 59% of the various assemblies in Ghana are operating without legitimate and valid by-laws.

The overall importance of by-laws to the decentralization and local governance of the country calls for a convergence of efforts by the Ministry of Local Governance and Rural Development, MMDAs, Assembly Press and other relevant agencies to secure defaulting assemblies' compliance with the publication requirement.

Foreword

The DennisLaw Research Team collects information to answer legal questions. The team assists researchers find better ways to present discovered legal information addressing legal issues and more. The research team is a body of recognised researchers in the legal landscape, practising legal practitioners and legal students. All research is regulated or governed by these 3 core values:

- **Teamwork:** Team members work together to follow a detailed plan for every study, called a protocol.
- **Integrity:** Sourcing of data involves credible and recognised resources; thus, maintaining the integrity of data shared or communicated. Fostering integrity in legal research is our focus.
- **Performance:** We always strive to improve our performance and the performance of our clients as we meet and exceed clients' expectations

The findings of this research we believe will not only enlighten its readers but hopefully challenge the relevant stakeholders to take the necessary steps towards resolving the problem at hand. Decentralization has come to stay and play a vital role to the democratic governance of Ghana. In that regard, it behooves all concerned institutions to take the necessary steps to ensure that its core structures work efficiently. The enactment and use of by-laws form a central part of this structure and is deserving of all necessary attention considering that by-laws provide the major means by which local assemblies can legitimately execute their functions.

Consequently, a study to examine the *Status of By-laws In Ghana* is a great milestone in the process of devising a solution to a fundamental problem affecting the efficiency of local government operations in Ghana.

DennisLaw Research Team

Research Background

Local assemblies assume responsibility for the overall development of their respective districts, including the promotion of local economic development, basic education and public health, environmental protection and sanitation, and the improvement and management of human settlements. A major contributor to this success is the presence of by-laws governing this wide range of activities within the assemblies.

The **Local Governance Act, 2016 (Act 936)** which is the primary statute providing for and directing the administration of local assemblies nationwide enjoins Local assemblies to pass by-laws to govern activities within their respective jurisdictions when necessary. However, **the Act requires that local assemblies publish and gazette their various by-laws in order to gain validity**. Thus, pursuant to section 182(4) of Act 936, a BY-LAW shall remain ineffective even when approved by the Regional Coordinating Council unless and until it has been:

- a. posted on the premises of the District Assembly concerned and in at least one other public place within the district, and
- b. published in a daily newspaper of national circulation or in the Gazette.

Per this provision, a by-law does not acquire the force of a law if it has not been published or gazette. Attempts to compel compliance with, or secure enforcement of the provisions of a non-gazetted or published by-law will be tainted with illegality. Of the two modes of validation of by-laws, the research finds that invariably, Local Assemblies resort to gazetting rather than publication in daily newspapers to validate their by-laws.

Given the stringent requirements of the Local Governance Act and the importance of by-laws to the administration of the local assemblies, **DennisLaw Research Team** partnered with Corporate Secretarial and Training Services (CSTS) to embark on the present study to ascertain the rate of compliance by MMDAs with the statutory publication of by-laws. In addition, Dennislaw sought to identify the number of districts within the newly created regions of Ghana, which have so far complied with the by-laws publication requirement after almost 3 years of their establishment. The joint efforts of Dennislaw and CSTS made it possible to undertake this research project which for the first time consolidates all by-laws in force in the country, and statistics of the number of MMDAs with gazetted by-laws and those without valid by-laws.

Statement of the Applicable Law

The measure of legitimacy and validity of any by-law adopted by a local assembly is as carefully outlined in section 182 of the Local Government Act, 2016 (Act 936). As earlier pointed out, the law imposes a strict procedural regime for the adoption of by-laws in the country. It provides:

(1) Every by-law made by a District Assembly shall be submitted to the Regional Co-ordinating Council.

(2) The Regional Co-ordinating Council shall ensure that the by-law is consistent with this Act or any other enactment.

(3) Where the Regional Co-ordinating Council

(a) rejects the by-law, the Regional Co-ordinating Council shall notify the District Assembly giving reasons for the rejection; or

(b) approves the by-law, the Regional Co-ordinating Council shall cause the by-law to be published.

(4) A by-law shall not have effect until the by-law has been

(a) posted on the premises of the District Assembly concerned and in at least one other public place within the district, and

(b) published in a daily newspaper of national circulation or in the Gazette.¹

It is this procedural requirement for the substantive validity of the by-laws that provided the rationale for undertaking this research.

¹ See section 182 of the Local Governance Act, 2016 (Act 936)

Research methodology

To effectively achieve the project goal, the study adopted both fieldwork and desk review approaches. The fieldwork was undertaken for purpose of collection and collation of by-laws from the various MMDAs, and the Ghana publishing company limited (Assembly press). Thus, agents were appointed to visit the offices of the various MMDAs in all 16 Regions to either acquire copies of their by-laws or verify their availability as permitted by Act 936.²

The information gathered by the MMDAs were then subjected to critical analysis in order to develop a comprehensive and up-to-date inventory of valid (gazette or published) by-laws in the country devoid of repealed and invalid by-laws. Additionally, the desk review process helped to identify the number of MMDAs using draft by-laws to govern local assemblies. Although they were not considered as valid by-laws they were carefully studied to identify their applicable areas.

The study again adopted a validation strategy to verify the information obtained from the various MMDAs. It relied largely on documentary records provided by Assembly Press (in the discharge of its obligation as the state institution responsible for the publication of gazettes, particularly the Local Governance Bulletins in Ghana) to ascertain the status of by-laws in operation in the various MMDAs.

² See section 182 subsection 5 of the Local Governance Act, 2016 (Act 936)

Research findings

The study shows that 108 sets of by-laws have been gazetted in respect of 109 MMDAs. Three sets of by-laws, particularly those of **Kintampo**, **Assin Fosu Municipal** and **Mamprusi** could not be considered valid because their areas of jurisdiction have been redefined. As a result, no MMDAs currently exist under such names. Consequently, only **105** gazetted by-laws were identified and deemed to be valid, representing **106** MMDAs (**one** of the by-laws was found to be applicable in two MMDAs).

The research findings are presented in tables and visual synthesis such as graphs and figures to provide an in-depth understanding of the data. The details of the research findings have been expounded below:

NATIONAL SUMMARY OF RESEARCH RESULTS

The table below summarizes the total number of MMDAs from 16 regions. It highlights the number of MMDAs with gazette or published by-laws, and MMDAs without valid by-laws.

Table 1 - National Summary of MMDAs in all 16 regions with and without By-laws

Region	Total Number of MMDAS	MMDAs with Gazetted By-laws	MMDAs Without By-laws
Ahafo Region	6	3	3
Ashanti Region	43	17	26
Bono Region	12	4	8
Bono East Region	11	1	10
Central Region	22	7	15
Eastern Region	33	15	18
Greater Accra Region	29	14	15
Northern Region	16	11	5
North East Region	6	1	5
Oti Region	9	3	6
Savannah Region	7	5	2
Upper East Region	15	2	13
Upper West Region	11	3	8
Volta Region	18	9	9
Western Region	14	6	9
Western North Region	9	5	4
TOTAL	261	106	155

PIE CHART REPRESENTATION OF MMDAS WITH GAZETTED BY-LAWS, AND THOSE WITHOUT BY-LAWS

Figure 1 – Pie Chart of MMDAs with and without Gazetted By-laws

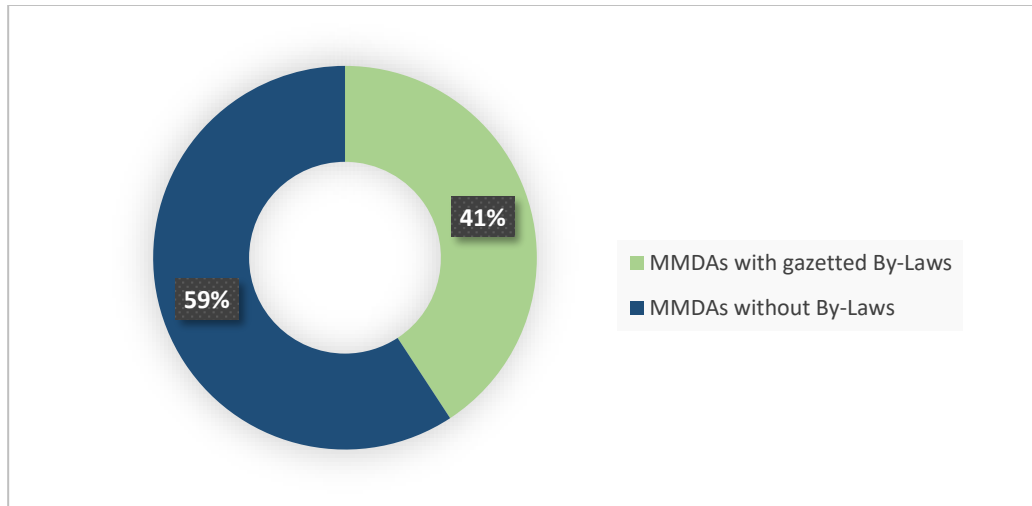
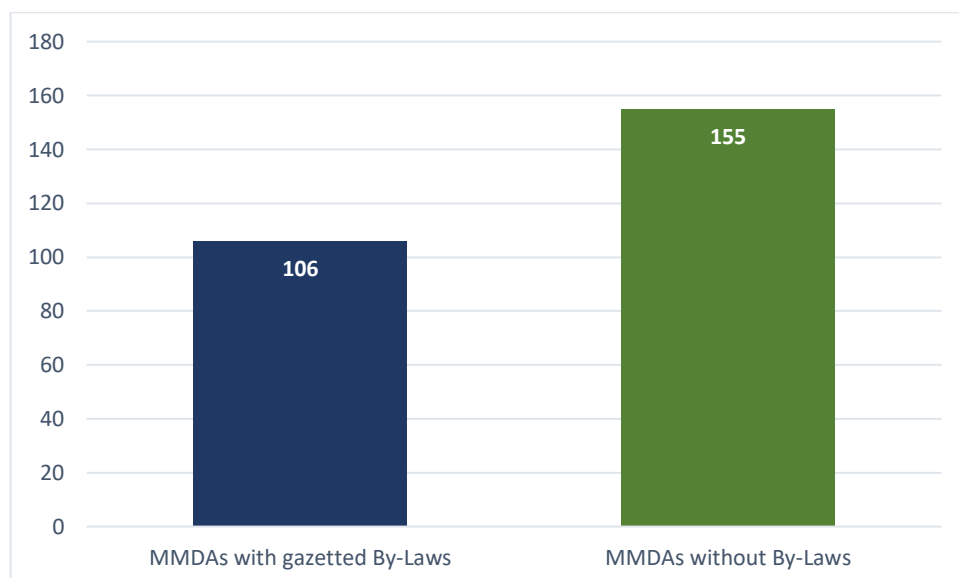


Figure 1 shows that **106 MMDAs representing 41% had by-laws that have been gazetted whereas 155 MMDAs representing 59% were operating without any by-laws.** Considering the importance of by-laws, the table undoubtedly shows that there is a serious gap in the effective administration of local government which way inures to the detriment of the nation.

COMPARATIVE ANALYSIS OF NATIONAL SUMMARY; BAR CHARTS OF MMDAS WITH GAZETTED BY-LAWS, AND THOSE WITHOUT BY-LAW

Figure 2 - Bar Charts of MMDAs with and without By-laws



SUMMARY OF METROPOLITAN ASSEMBLIES WITH BY-LAWS

Region	Total Number Of Metropolitan Assemblies	Metropolitan Assemblies with Gazetted ByLaws	Metropolitan Assemblies Without ByLaws
Ashanti Region	1	1	0
Central Region	1	1	0
Greater Accra Region	2	2	0
Northern Region	1	1	0
Western Region	1	1	0
TOTAL	6	6	0

SUMMARY OF MUNICIPAL ASSEMBLIES

Region	Total Number Of Municipal Assemblies	Municipal Assemblies with Gazetted ByLaws	Municipal Assemblies Without ByLaws
Ahafo Region	3	2	1
Ashanti Region	19	7	12
Bono Region	5	3	2
Bono East Region	4	1	3
Central Region	7	3	4
Eastern Region	13	6	7
Greater Accra Region	23	11	12
Northern Region	5	4	1
North East Region	2	0	2
Oti Region	2	1	1
Savannah Region	2	2	0
Upper East Region	4	0	4
Upper West Region	5	1	4
Volta Region	6	3	3
Western Region	8	3	5
Western North Region	3	1	2
TOTAL	111	48	63

SUMMARY OF DISTRICT ASSEMBLIES

Region	Total Number Of District Assemblies	District Assemblies with Gazetted By-laws	District Assemblies Without By-laws
Ahafo Region	3	1	2
Ashanti Region	23	10	13
Bono Region	7	1	6
Bono East Region	7	0	7
Central Region	14	3	11
Eastern Region	20	9	11
Greater Accra Region	4	1	3
Northern Region	10	6	4
North East Region	4	1	3
Oti Region	7	3	4
Savannah Region	5	3	2
Upper East Region	11	1	10
Upper West Region	6	2	4
Volta Region	12	6	6
Western Region	5	2	3
Western North Region	6	4	2
TOTAL	144	53	91

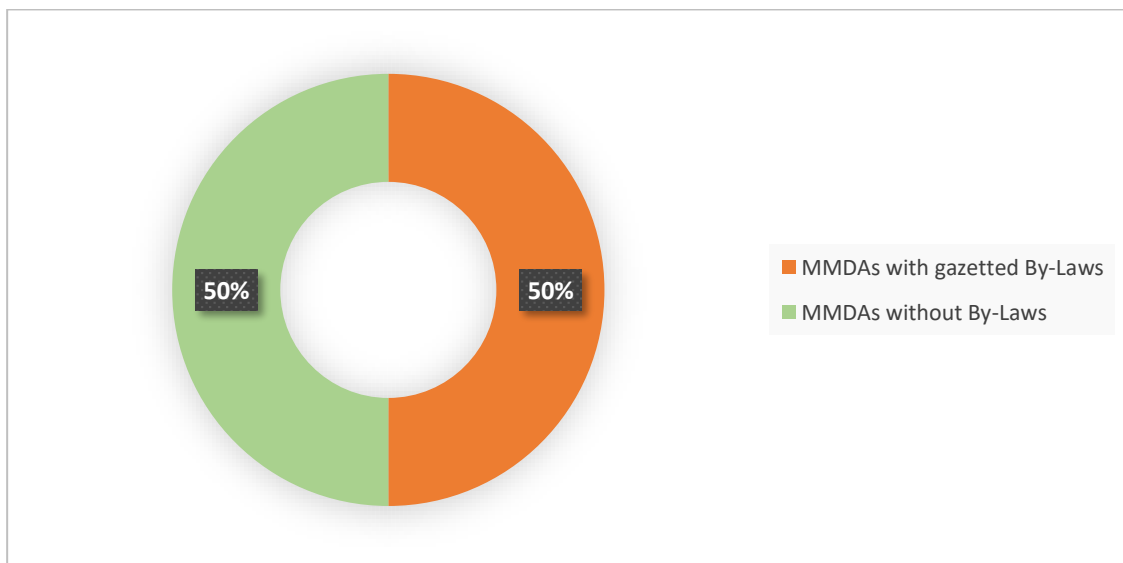
REGIONAL DEMARCATION

The tables and charts below show the total number of MMDA's within the regions and how many of these MMDAs operating with validly gazetted by-laws and those without by-laws in all 16 Regions .

A. Table showing MMDAs in the AHAFO region with by-laws that have been gazetted and those without by-laws.

TOTAL NUMBER OF MMDAS	MMDAs WITH GAZETTED BY-LAWS	MMDAs WITHOUT BY-LAWS
6	1. Asutifi South	1. Asunafo South
	2. Tano North	2. Asutifi North
	3. Asunafo North	3. Tano South
TOTAL	3	3

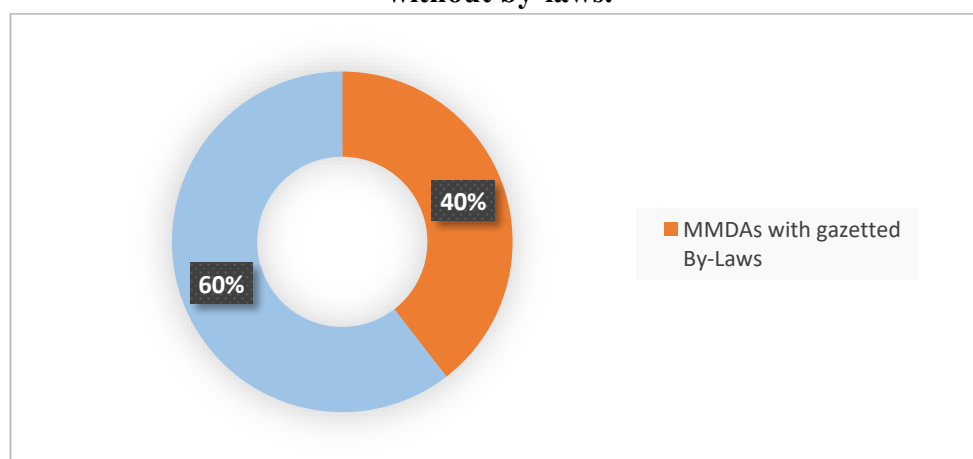
Pie chart showing MMDAs in the AHAFO region with gazetted by-laws and those without by-laws.



B. Table showing MMDAs in the ASHANTI region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY- LAWS	MMDAS WITHOUT BY- LAWS
43	1. Akrofuom	1. Adansi Asokwa
	2. Asante- Akim Central	2. Afigya-Kwabre North
	3. Asante- Akim North	3. Afigya-Kwabre South
	4. Asokore Mampong	4. Ahafo-Ano North Municipal
	5. Bosomtwe	5. Ahafo-Ano South East
	6. Ejisu	6. Ahafo-Ano South West
	7. Kumasi Metro	7. Amansie South
	8. Obuasi East	8. Asokwa Municipal
	9. Offinso North	9. Atwima-Nwabiagya North
	10. Oforikrom	10. Bekwai Municipal
	11. Atwima-Kwanwoma	11. Bosome Freho
	12. Atwima-Nwabiagya Municipal	12. Juaben Municipal
	13. Amansie West	13. Kwabre East
	14. Amansie Central	14. Kwadaso Municipal
	15. Sekyere Afram Plains	15. Obuasi Municipal
	16. Sekyere Kumawu	16. Old Tafo
	17. Mampong Municipal	17. Sekyere Central
		18. Sekyere East
		19. Sekyere South
		20. Adansi North
		21. Adansi South
		22. Afigya-Kwabre
		23. Asante-Akim Central
		24. Ejura/Sekyedumase
		25. Offinso Municipal
		26. Suame
TOTAL	17	26

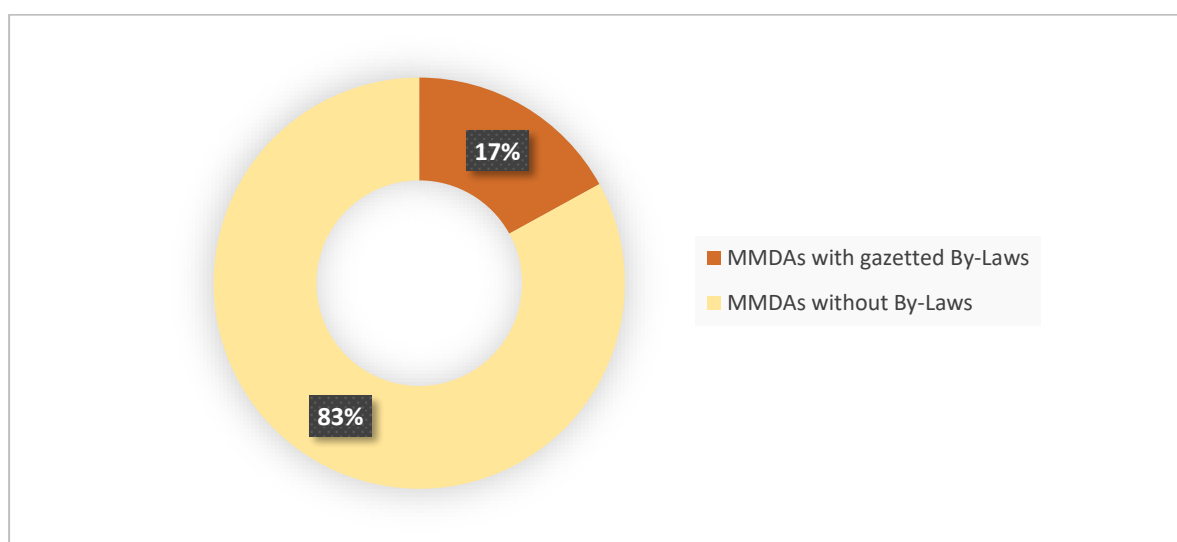
Pie chart showing MMDAs in the ASHANTI region with gazetted by-laws and those without by-laws.



C. Table showing MMDAs in the BONO region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY- LAWS	MMDAS WITHOUT BY- LAWS
12	1. Dormaa Central	1. Banda
	2. Sunyani West	2. Berekum West
	3. Sunyani Municipal	3. Dormaa East
	4. Berekum East	4. Dormaa West
		5. Jaman South
		6. Tain
		7. Wenchi
		8. Jaman North
Total	4	8

Pie chart showing MMDAs in the BONO region with gazetted by-laws and those without by-laws.

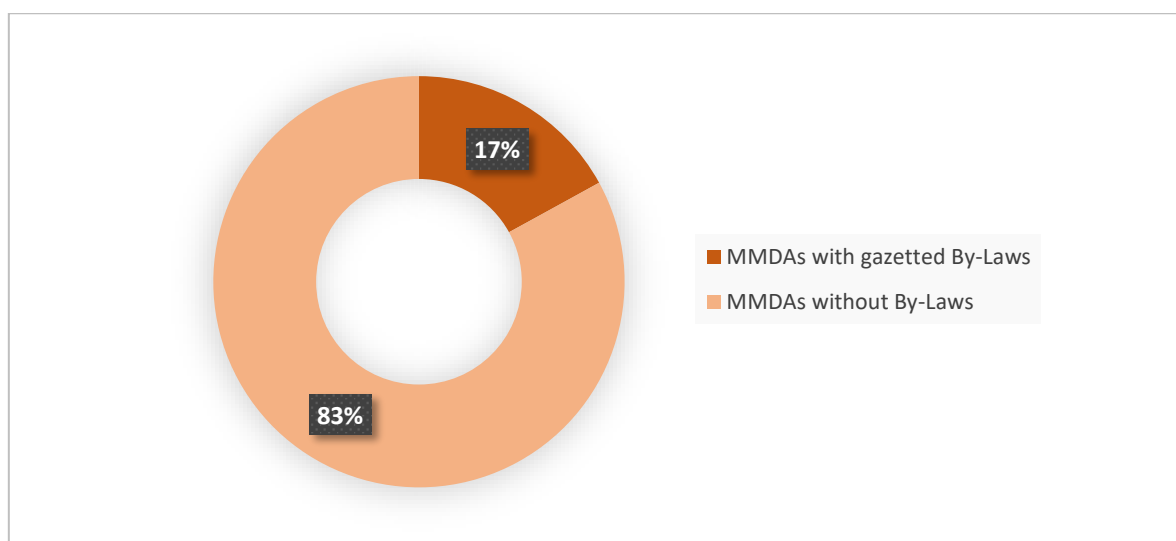


4 See section 235(2) of the Local Governance Act, 2016 (Act 936)

D. Table showing MMDAs in the BONO EAST region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
11	1. Nkoranza South	1. Atebubu-Amantin
	Kintampo (not applicable to any MMDA)	2. Kintampo North
		3. Kintampo South
		4. Nkoranza North
		5. Pru East
		6. Pru West
		7. Sene East
		8. Sene West
		9. Techiman Municipal
		10. Techiman North
TOTAL	1	10

Pie chart showing MMDAs in the BONO region with gazetted by-laws and those without by-laws.

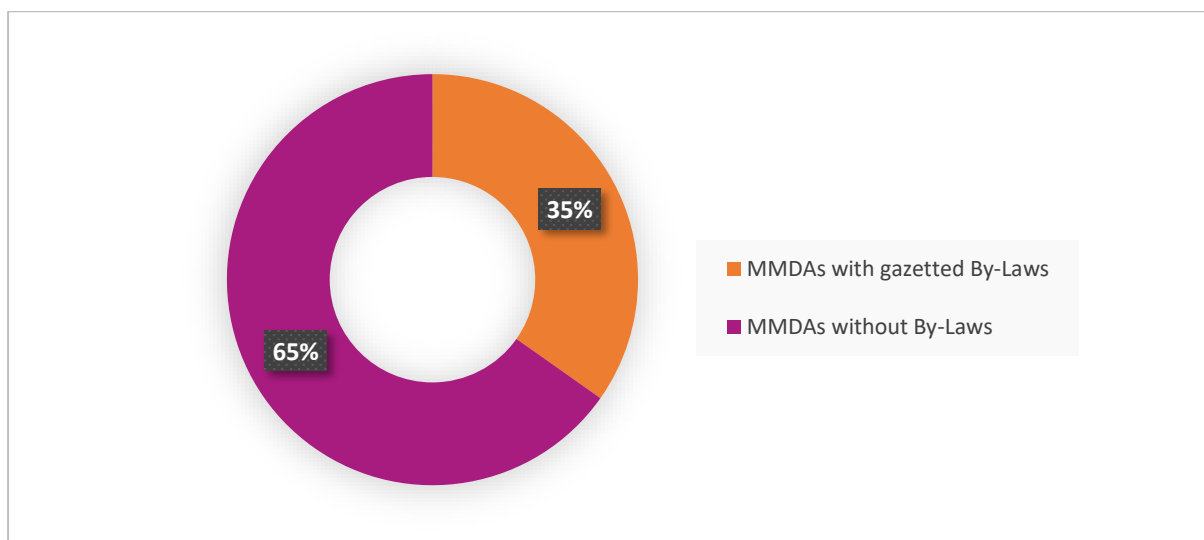


NB: The data above shows that 1 of the 2 gazetted by-laws in the Bono Region has been flagged as not applicable. This is because the by-law does not indicate whether it should be applied in either Kintampo North or Kintampo South. This affects the validity of the by-law as it is not consistent with the current requirement of Act 936, hence both MMDAs were considered to be operating without any valid by-law.

E. Table showing MMDAs in the CENTRAL region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
22	1. Agona West	1. Abura/Asebu/Kwamankese District
	2. Awutu Senya East	2. Agona East
	3. Gomoa Central	3. Ajumako/Enyan/Essiam District
	4. Gomoa East	4. Assin Central Municipal
	5. Cape Coast Metropolitan	5. Assin North
	6. Effutu	6. Assin South
	7. Asikuma Odoben Brakwa District	7. Awutu Senya West
	Assin Fosu Municipal (not applicable to any MMDA)	8. Ekumfi
		9. Gomoa West
		10. Komenda/Edina/Eguafo/Abirem Municipal
		11. Mfantiman
		12. Twifo Atti Morkwa
		13. Twifo/Hemang/Lower Denkyira District
		14. Upper Denkyira East
		15. Upper Denkyira West
Total	7	15

Pie chart showing MMDAs in the CENTRAL region with gazetted by-laws and those without by-laws.

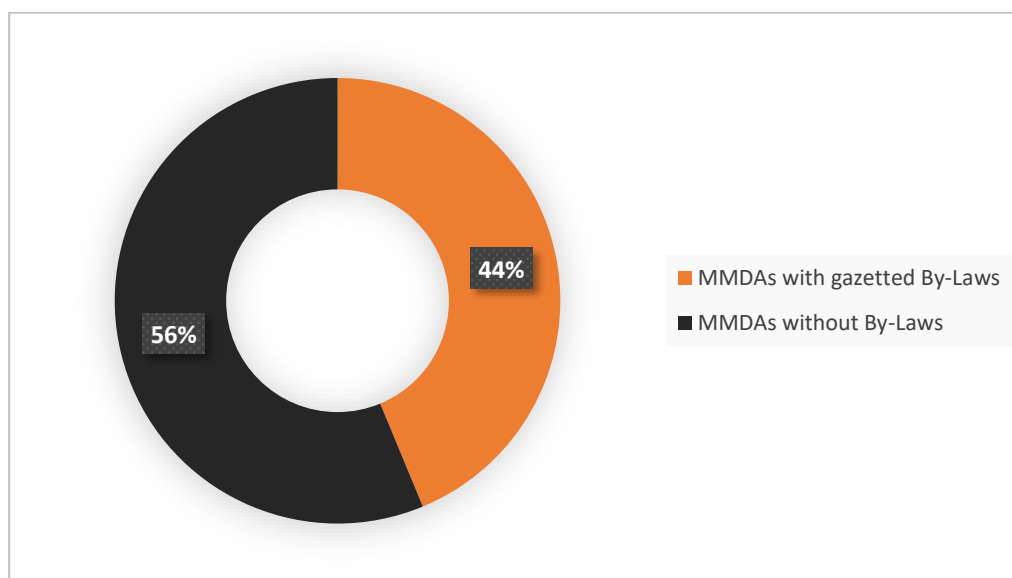


NB: Out of 8 by-laws found to be gazetted in the Central Region, The Assin Fosu Municipal by-law is considered not applicable to any MMDA as there exists no MMDA by name Assin Fosu. Thus, the by-law has no area of jurisdiction for its application.

F. Table showing MMDAs in the EASTERN region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
33	1. Abuakwa North	1. Achiase
	2. Asene Manso Akroso	2. Akuapim North
	3. Asuogyaman	3. Akuapim South
	4. Birim Central	4. Atiwa East
	5. Denkyembour	5. Birim North
	6. Kwaebibirem	6. Birim South
	7. Kwahu South	7. Kwahu Afram Plains North
	8. Kwahu West	8. Kwahu East
	9. New Juabeng South	9. New Juaben North
	10. Fanteakwa District	10. Nsawam Adoagyire
	11. Ayensuano	11. Okere
	12. Kwahu Afram Plains South	12. Suhum
	13. Atiwa West	13. Upper Manya Krobo
	14. Lower Manya Krobo Municipal	14. Upper West Akim
	15. West Akim	
	16. Yilo-Krobo	
	17. Abuakwa South	
	18. Upper West Akim	
TOTAL	14	18

Pie chart showing MMDAs in the EASTERN region with gazetted by-laws and those without by-laws.

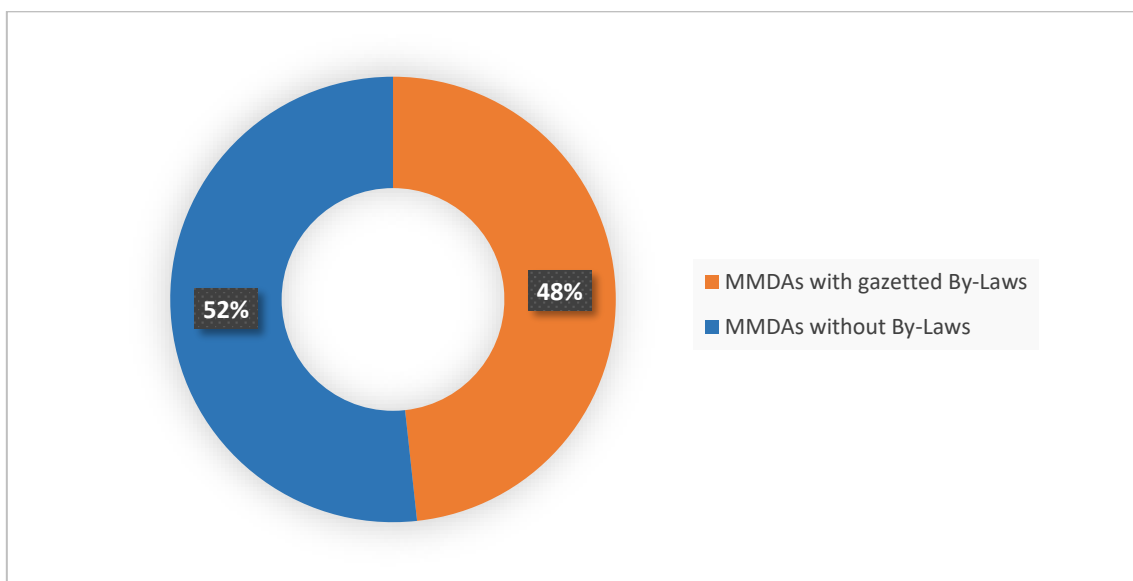


The data above shows that 1 of the 2 gazetted by-laws in the Bono Region has been flagged as not applicable. This is because the by-law does not indicate whether it should be applied in either Kintampo North or Kintampo South. This affects the validity of the by-laws as it is not consistent with the current requirement of Act 936, hence both MMDAs were considered to be operating without any valid by-laws.

G. Table showing MMDAs in the GREATER ACCRA region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
29	1. Tema Metro	1. Tema West
	2. La Nkwatanang	2. Okaikwei North
	3. Kpone Katamanso	3. Korle-Klottey
	4. Ga East	4. Ayawaso West
	5. Ga North	5. Ayawaso North
	6. Ga South	6. Ayawaso East
	7. Ashaiman	7. Ayawaso Central
	8. Adentan	8. Ada East
	9. Ada West	9. Ablekuma North
	10. Accra Metro	10. Ablekuma Central
	11. La-Dade-Kotopon	11. Ablekuma West
	12. Ga Central	12. Ledzokuku
	13. Ga West	13. Krowor
	14. Weija Gbawe	14. Ningo-Prampram
	15. Shai-Osudoku	
TOTAL	14	15

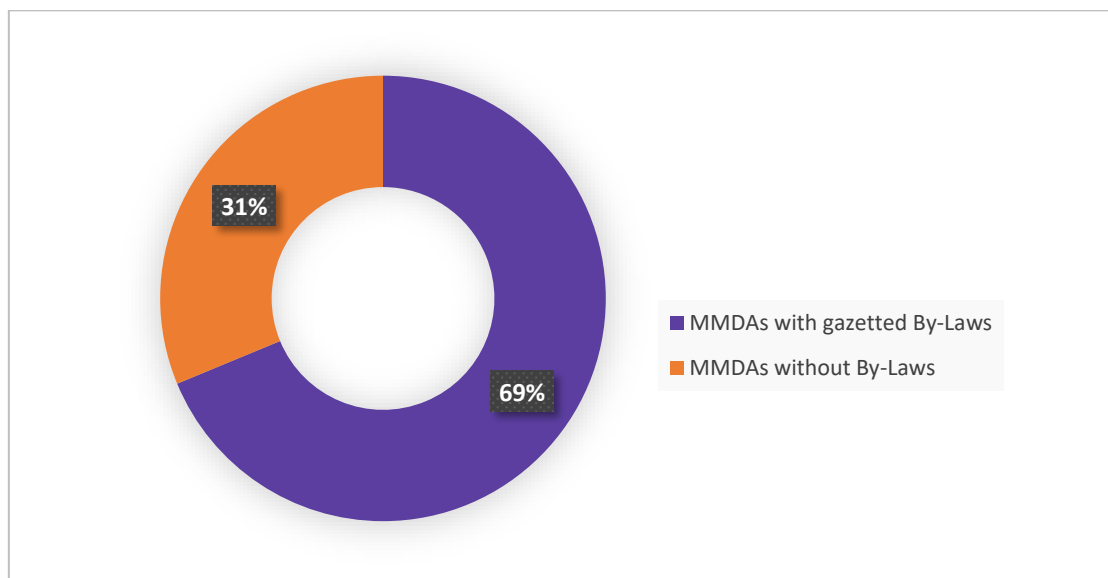
Pie chart showing MMDAs in the GREATER ACCRA region with gazetted by-laws and those without by-laws.



H. Table showing MMDAs in the NORTHERN region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
16	1. Karaga	1. Kumbungu
	2. Kpandai	2. Nanton
	3. Mion	3. Saboba
	4. Nanumba North	4. Savelugu Municipal
	5. Nanumba South	5. Zabzugu
	6. Sagnarigu	
	7. Tamale Metro	
	8. Tatale	
	9. Tolon	
	10. Yendi	
	11. Gushegu	
Total	11	5

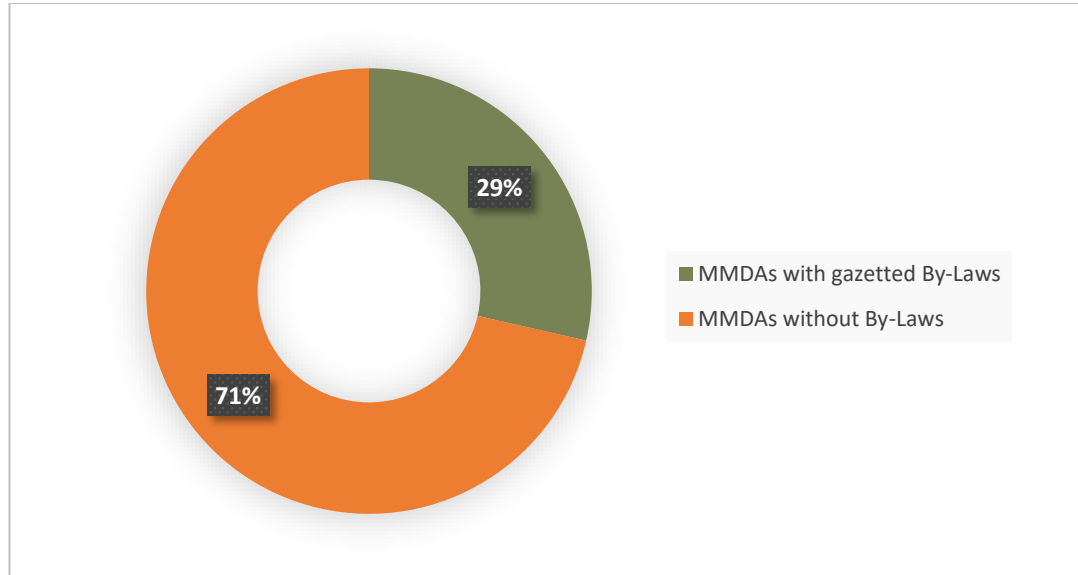
Pie chart showing MMDAs in the NORTHERN region with gazetted by-laws and those without by-laws.



I. Table showing MMDAs in the NORTHEAST region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
6	1. Mamprugu Moagduri	1. Bunkpurugu Nyankpanduri
	Mamprusi (not applicable to any MMDA)	2. Chereponi
		3. East Mamprusi
		4. West Mamprusi
		5. Yunyoo-Nasuan
Total	1	5

Pie chart showing MMDAs in the NORTHEAST region with gazetted by-laws and those without by-laws.

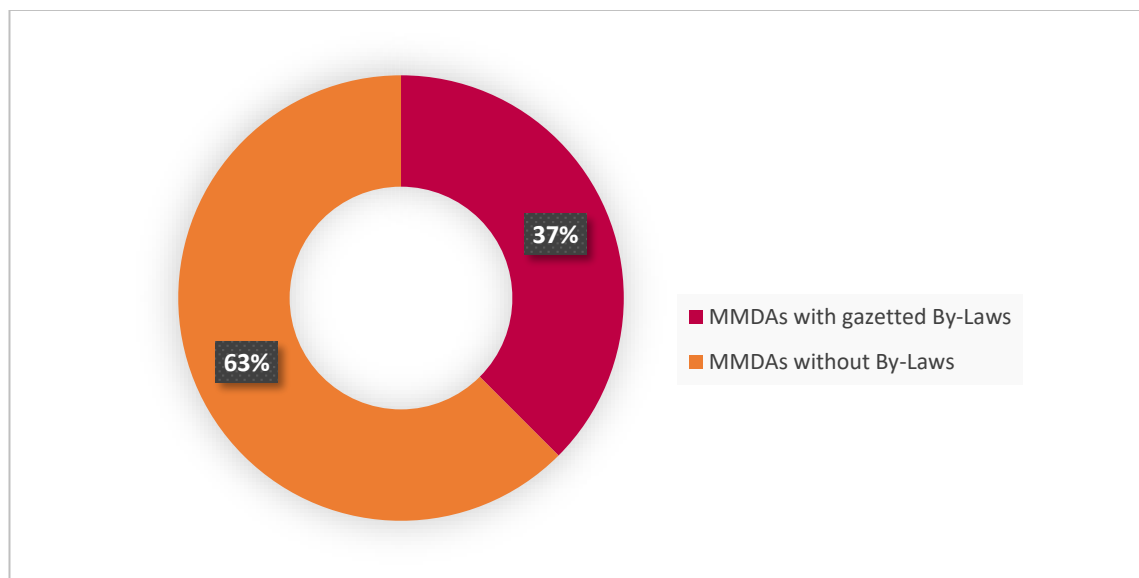


NB: In the northeast region, the Mamprusi by-law was identified although the by-law had been gazetted the current MMDAs did not have any bearing the name of the by-law hence the Mamprusi was deemed not applicable in any local assembly.

J. Table showing MMDAs in the OTI region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
9	1. Krachi East	1. Krachi Nchumuru
	2. Biakoye	2. Nkwanta North
	3. Krachi West	3. Jasikan
		4. Kadjebi
		5. Nkwanta South
		6. Guan
Total	3	6

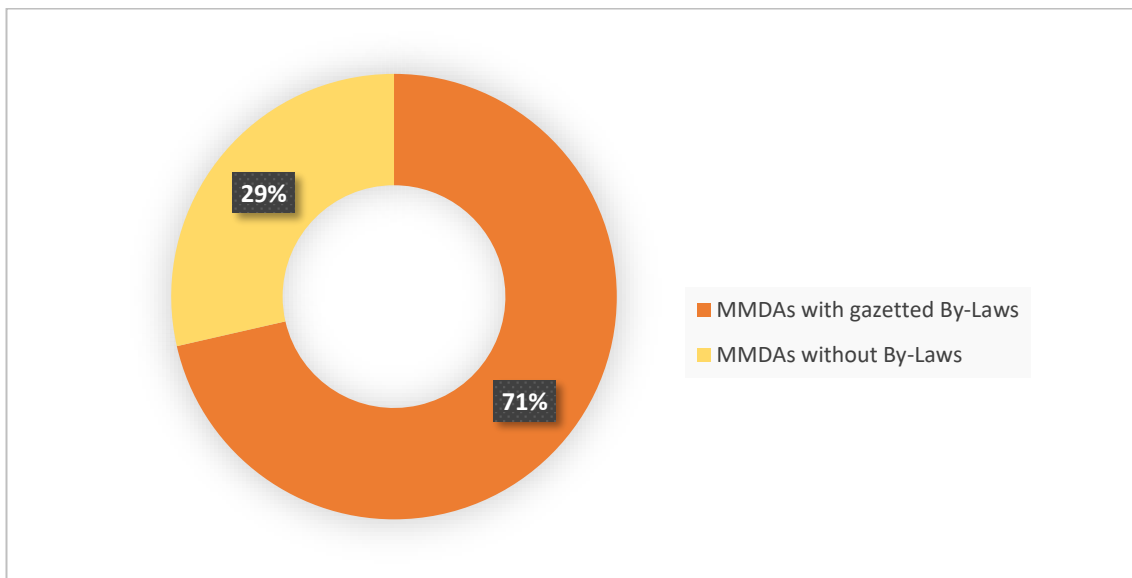
Pie chart showing MMDAs in the OTI region with gazetted by-laws and those without by-laws.



K. Table showing MMDAs in the SAVANNAH region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
7	1. Bole	1. Central Gonja
	2. East Gonja	2. North East Gonja
	3. West Gonja	
	4. North Gonja	
	5. Sawla Tuna- Kalba	
Total	5	2

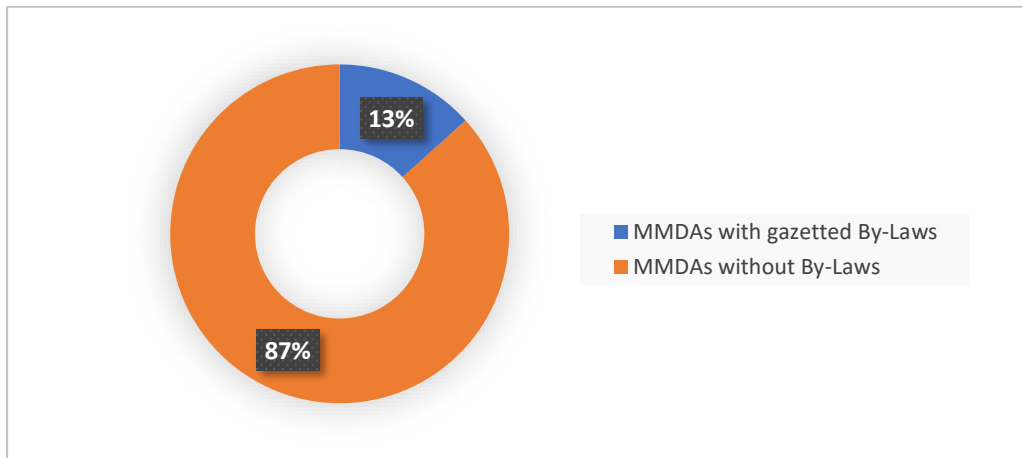
Pie chart showing MMDAs in the SAVANNAH region with gazetted by-laws and those without by-laws.



L. Table showing MMDAs in the UPPER EAST region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
15	1. Builsa South	1. Bawku Municipal
	2. Nabdam	2. Bawku West
		3. Binduri
		4. Bolgatanga East
		5. Bolgatanga Municipal
		6. Bongo
		7. Builsa North
		8. Garu
		9. Kassena-Nankana Municipal
		10. Kassena-Nankana West
		11. Pusiga
		12. Talensi
		13. Tempene
Total	2	13

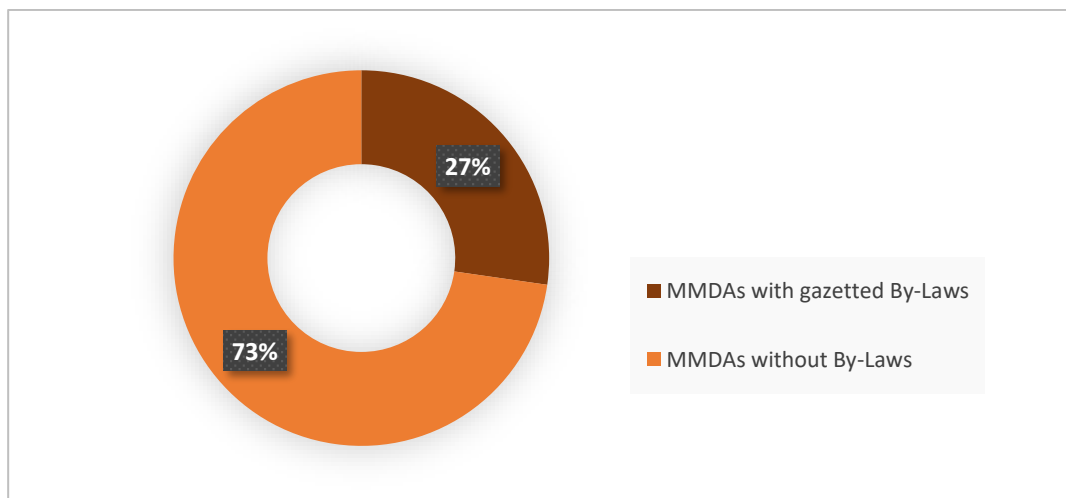
Pie chart showing MMDAs in the UPPER EAST region with gazetted by-laws and those without by-laws.



M. Table showing MMDAs in the UPPER WEST region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
11	1. Sissala East	1. Daffiama Bussie Issa
	2. Wa East	2. Jirapa Municipal
	3. Nadowli-Kaleo	3. Lawra Municipal
		4. Nandom Municipal
		5. Sissala West
		6. Wa West
		7. Lambussie Kani
		8. Wa Municipal
Total	3	8

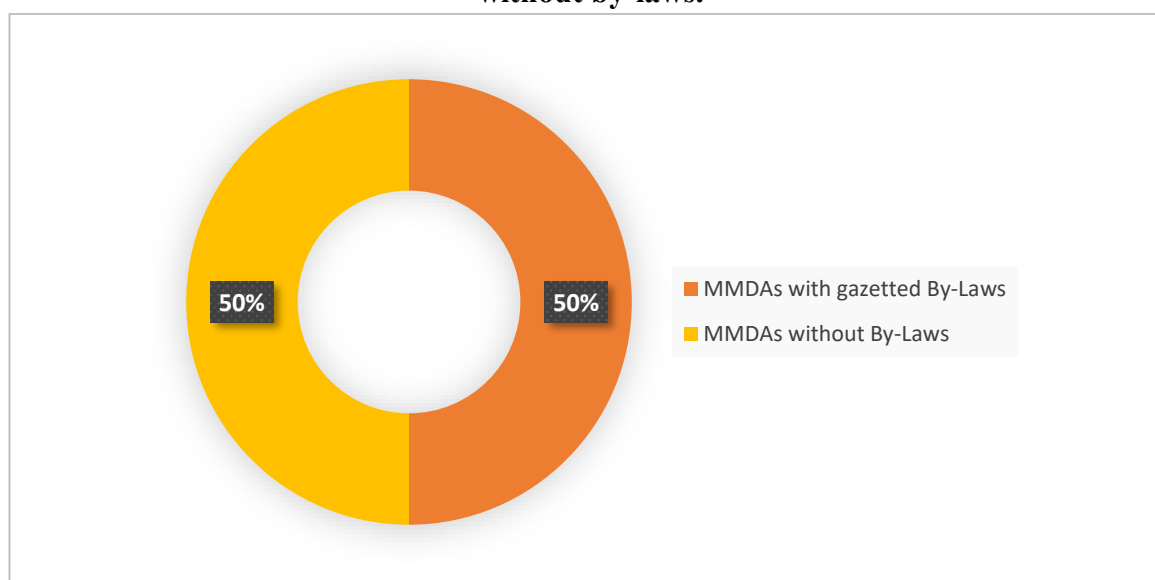
Pie chart showing MMDAs in the UPPER WEST region with gazetted by-laws and those without by-laws.



N. Table showing MMDAs in the VOLTA region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
18	1. Adaklu	1. Anloga
	2. South Tongu	2. Central Tongu
	3. Ho Municipal	3. Keta Municipal
	4. Hohoe	4. Ketu South
	5. Ho West	5. North Dayi
	6. South Dayi	6. North Tongu
	7. Afadzato South	7. Agotime Ziope
	8. Akatsi North	8. Akatsi South
	9. Kpando	9. Ketu North Municipal
Total	9	9

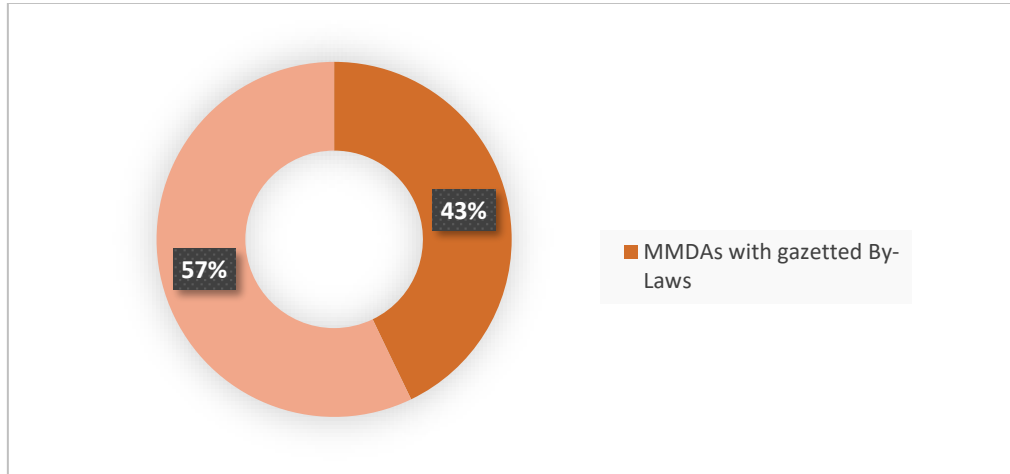
Pie chart showing MMDAs in the VOLTA region with gazetted by-laws and those without by-laws.



O. Table showing MMDAs in the WESTERN region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
14	1. Sekondi - Takoradi Metropolitan	1. Amenfi Central
	2. Wassa Amenfi East	2. Jomoro
	3. Effia Kwesimintim	3. Shama
	4. Ellembelle	4. Wassa West
	5. Mpohor	5. Amenfi West
	6. Tarkwa-Nsuaem	6. Ahanta West
Total	6	8

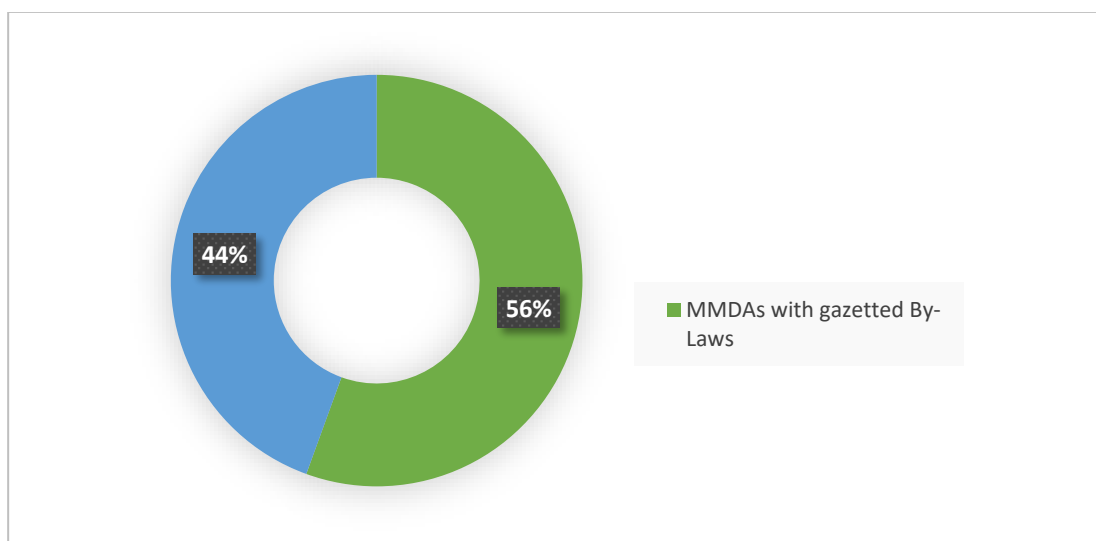
Pie chart showing MMDAs in the WESTERN NORTH region with gazetted by-laws and those without by-laws



P. Table showing MMDAs in the WESTERN NORTH region with gazetted by-laws and those without by-laws

TOTAL NUMBER OF MMDAS	MMDAS WITH GAZETTED BY-LAWS	MMDAS WITHOUT BY-LAWS
9	1. Aowin	1. Bia East
	2. Bia West	2. Bibiani Anhwiaso Bekwai Municipal
	3. Sefwi Akontonbra	3. Bodi
	4. Juaboso	4. Sefwi-Wiawso
	5. Suaman	
Total	5	4

Pie chart showing MMDAs in the WESTERN NORTH region with gazetted by-laws and those without by-laws.



BY-LAWS WITHOUT ASSEMBLIES

The table below outlines by-laws that have been gazetted but cannot be deemed valid because their area of jurisdiction or local assemblies are no longer in existence, and their current descriptions and names do not link them up to any existing assembly.

NO.	REGIONS	BY-LAWS
1.	BONO EAST	KINTAMPO
2.	CENTRAL	ASSIN FOSU
3.	NORTHEAST	MAMPRUSI

Draft By-laws

Use Of Draft By-laws by Some MMDAS In The Various Regions

As earlier stated, the study did not consider MMDAs working with draft by-laws to have valid by-laws. For clarity, a table has been created, setting in clear terms the scope of MMDAs operating with draft by-laws. Draft by-laws are by-laws that have been accepted by the local assemblies and which have received approval from the Regional Coordinating Council but are yet to be gazette or published. While the Act does not give a time frame within which to gazette draft by-laws, the terms of section 182(4) imply a sense of urgency for the purpose of kicking into effect, adopted by-laws.

Despite this, several MMDAs presented draft by-laws as their working by-laws. Some of these by-laws have been left as a draft for years.

In all, **27 MMDAs were identified from 8 Regions and caught in this practice.**

Table outlines MMDAS in the various regions Using Draft By-laws

NO.	REGION	MMDAS WITH DRAFT BY-LAWS
1.	Ashanti Region	1. Adansi North
		2. Adansi South
		3. Afigya-Kwabre
		4. Asante-Akim Central
		5. Ejura/Sekyedumase
		6. Offinso Municipal
		7. Suame
2.	Bono Region	1. Jaman North
3.	Eastern Region	1. Abuakwa South
		2. Upper West Akim
4.	Greater Accra Region	1. Ablekuma West
		2. Tema West
		3. Ledzokuku
		4. Krowor
		5. Ningo-Prampram
		6. Shai-Osudoku
5.	Oti Region	1. Jasikan
		2. Kadjebi
		3. Nkwanta South
6.	Upper West Region	1. Lambussie Karni
		2. Wa Municipal
7.	Volta Region	1. Agotime Ziope
		2. Akatsi South
		3. Akatsi North
8.	Western Region	1. Ahanta West
		2. Nzema East
		3. Prestea-Huni Valley
TOTAL	8	27

Recommendation

The findings of this study expose serious lapses in the practices of certain MMDAs, particularly, as regards the development and operationalization of their working by-laws. The remedial strategy requires a consolidation of efforts from various stakeholders and agencies. In that regard, the study makes the following suggestions to address the problem from its underlying roots:

- **Role of Regional Coordinating Council (RRC)**

The duties of the Regional Coordinating Council as prescribed in section 188 of Act 936 is to ensure the proper functioning and administration of all local assemblies within the Region. Regarding the enactment of by-laws, the Regional Coordinating Council has the singular role of guaranteeing their validity by ensuring that they are consistent with the Local Government Act through publication in the gazette. It is in any case justifiable to lay the blame at the doorsteps of the RRCs for their lack of supervision and failure to monitor and evaluate the activities of the MMDAs within their jurisdiction. It is therefore recommended that each Regional Coordinating Council plays a firmer supervisory role over the activities of MMDAs whilst coordinating with them to see to the enactment of valid by-laws to regulate affairs within the assemblies.

Additionally, it is recommended that the RRCs and MMDAs employ the services of experts in drafting of by-laws to ensure their legitimacy and compliance with existing constitutional and statutory laws and principles.

- **Role of Regional Minister**

The role of the Regional Minister is salient to the success of the Regional Coordinating Council and local assemblies vis-à-vis the performance of their duties. As the chairperson of the RRC, the Regional minister is responsible for coordinating the affairs of the RRC. It is therefore recommended that the Regional Minister takes the necessary steps and makes the required orders to ensure that all players under his or her authority perform their duties in due compliance with the requirements of the law.

It is also important to emphasise that the Regional minister serves as the supervisor of the District Chief Executive (DCE) who is the head of the local assembly. It is suggested that Regional Ministers assume the duty to monitor and evaluate District Chief Executives in their respective Regions in the performance of their functions.

More so, it will not be out of the order for the Regional Minister to partner with legal experts to aid local assemblies to compile and produce their draft by-laws. This will ensure that the adopted by-laws are consistent with all higher laws.

- Role of the Ministry of Local Government and Rural Development

The Ministry of Local Government and Rural Development exists to deepen decentralised governance and improve access to services at the sub-national level through diverse means such as the formulation of policies, programmes, and projects and monitoring and evaluation and among others. Key to the success of the MLGDRD is the proper administration of the local assemblies since they form the basis for the decentralization of government. As such, it is recommended that the MLGDRD provides the necessary mechanism which allows for the quick development of by-laws.

Furthermore, the MLGDRD can coordinate with the Assembly Press to ensure that draft by-laws sent to the Assembly Press are published within a shorter timeframe.

- Model By-law

Model by-laws are by-laws made by the Minister of Local Government through a legislative instrument when the Minister is of the opinion that a uniform provision may reasonably be made and apply in respect of certain common matters in the various or a number of assemblies, either at the regional or national level. Models by-laws are not made by the local assemblies. Nonetheless, it is recommended that in instances where existing by-laws in MMDAs address the same issue, local assemblies must look at implementing the model by-laws.

Conclusion

The statistics above pinpoint the urgency in addressing the shortcomings associated with the validity of by-laws. It must be noted that although the majority of MMDAs are without by-laws, a common practice emerges from this default position that seeks to legitimize this unlawful lapse which has far reaching consequences. As defaulting MMDAs grant permits, issues fees, and charges, penalties, and among others, a pertinent issue observation is made, which raises the question of legality of these acts and activities of the MMDAs. Dennislaw wishes to entreat the Ministry of Local Governance and Rural Development, the Regional Coordinating Council, the Regional Minister and more importantly the MMDAs to take the necessary steps to address this lacuna and legitimize the by-laws adoption process.

Ultimately, decentralization is key to the progressive development of this country, and it must be preserved at all cost.

Appendix

By-Laws published by Ghana Publishers Company Limited BY-LAWS PUBLISHED IN THE LOCAL GOVERNMENT BULLETING AS AT DECEMBER 2021

NO.	LGB NO.	DISTRICT ASSEMBLY	REGION
2014			
1.	35	ASIKUMA-ODOBEN-BRAKWA	CENTRAL
2.	39	AYENSUANO	CENTRAL
3.	41	GA CENTRAL	GREATER ACCRA
4.	43	BOSOMTWE/ BOSOME FREHO	ASHANTI
5.	44	GA SOUTH	GREATER ACCRA
2015			
1.	15	TARKWA NSUAEM	WESTERN
2.	22	EAST AKIM	EASTERN
3.	35	HO MUNICIPAL	VOLTA
4.	38	EFUTU	CENTRAL
5.	41	ATWIMA NWABIAGYA	ASHANTI
6.	46	AMANSIE WEST	ASHANTI
7.	48	AFIGYA KWABRE	ASHANTI
8.	49	LA-DADE - KOTOPON	GREATER ACCRA
9.	50	SAWLA-TUNE-KALBA	SAVANNAH
2016			
1.	5	NABDAM	
2.	6	GA WEST	GREATER ACCRA
3.	15	AMASIE CENTRAL	ASHANTI
4.	22	NADOWLI KALEO	
5.	30	AKATSI NORTH	VOLTA
6.	32	KRACHI WEST	OTI
7.	42	SISSALA WEST/KASSENA NANKANA	UPPER EAST
8.	44	KPANDO	VOLTA
9.	46	ASUNAFO NORTH	ASHANTI
10.	48	KWAHU AFFRAM PLAINS	EASTERN
11.	52	SEKYERE AFFRAM PLAINS	EASTERN
12.	53	HO WEST	VOLTA
13.	56	SEKYERE KUMAWU	ASHANTI
14.	59	OFFINSO NORTH	ASHANTI
15.	60	SAGNARIGU	NORTHERN
16.	62	SUAMAN	WESTERN NORTH
2017			
1.	8	GUSHEIGU	
2.	12	BULSA SOUTH/ MOADUGURI	NORTH EAST
3.	20	SAVELUGU-NATON	NORTHERN
4.	28	MAMPONG	EASTERN
5.	45	ATWIMA KWANWOMA	ASHANTI
2018			
1.	32	KPONE KATAMANSO MUNICIPAL ASSEMBLY	GREATER ACCRA
2.	45	TAMALE METRO	NORTHERN

3.	51	ASUTIFI NORTH	AHAFO
4.	57	SEKONDI TAKORADI	WESTERN
5.	58	AGONA WEST	CENTRAL
6.	59	HO WEST	VOLTA
7.	63	DORMAA CENTRAL MUNICIPAL	BONO
8.	64	ASOKORE MAMPONG MUNICIPAL	ASHANTI
9.	66	ASHAIMAN MUNICIPAL	GREATER ACCRA
10.	67	TANO NORTH	AHAFO
2019			
1.	3	ACCRA METRO	GREATER ACCRA
2.	10	AOWIN/ BIA WEST/ SEFWI AKONTOMBRA	WESTERN
3.	12	EFFUTU	CENTRAL
4.	14	MPOHOR	WESTERN
5.	20	ADAKLU	VOLTA
6.	26	WASSA EAST	WESTERN
7.	50	AWUTU SENYA EAST	CENTRAL
8.	54	ASUOGYAMAN	EASTERN
9.	56	SOUTH DAYI	VOLTA
10.	58	BOSOMTWE	ASHANTI
11.	67	ADA WEST	GREATER ACCRA
12.	69	KWAHU AFFRAM PLAINS SOUTH	EASTERN
13.	71	ABUAKWA NORTH	EASTERN
14.	72	ASANTE AKIM CENTRAL	ASHANTI
15.	73	HOHOE	VOLTA
16.	75	WA EAST	UPPER EAST
17.	76	KARAGA DISTRICT	NORTHERN
18.	77	KPANDAI	NORTHERN
19.	78	NANUMBA NORTH	NORTHERN
20.	79	NANUMBA SOUTH	NORTHERN
21.	80	BOLE	SAVANNAH
22.	82	MION	NORTHERN
23.	84	SOUTH TONGU	VOLTA
2020			
1.	3	ADENTAN	GREATER ACCRA
2.	4	EJISU MUNICIPAL	ASHANTI
3.	6	LA NKWANTANG MADINA	GREATER ACCRA
4.	8	TOLON	NORTHERN
5.	9	YENDI MUNICIPAL	NORTHERN
6.	10	WEST GONJA	SAVANNAH
7.	11	TATALE	NORTHERN
8.	17	ASENE MANSO AKROSO	EASTERN
9.	19	KWAHU WEST	EASTERN
10.	21	NEW JUABENG SOUTH	EASTERN
11.	23	AKROFUOM	ASHANTI
12.	28	TEMA METRO	GREATER ACCRA
13.	29	GA EAST	GREATER ACCRA
14.	34	GA SOUTH	GREATER ACCRA
15.	46	SAWLA-TUNE-KALBA/ NORTH GONJA/ WEST GONJA	SAVANNAH
16.	60	ELLEMELLE	WESTERN
17.	77	HO MUNICIPAL	VOLTA
18.	90	KUMASI METRO	ASHANTI

19.	94	SUNYANI WEST	BONO
20.	96	EAST GONJA	SAVANNAH
21.	97	VRA AKOSOMBO	EASTERN
22.	98	ASANTE AKIM NORTH	ASHANTI
23.	99	OFORIKROM	ASHANTI
2021			
1.	12	GOMOA CENTRAL	CENTRAL
2.	13	KRACHI EAST	OTI
3.	32	NKORANZA SOUTH	BONO EAST
4.	35	BIRIM CENTRAL	EASTERN
5.	40	KWAEBIBIREM MUNICIPAL	EASTERN
6.	43	EFFIA- KWESIMINTSIM	WESTERN
7.	47	ASANTE AKIM CENTRAL	ASHANTI
8.	51	WASSA AMENFI EAST	WESTERN
9.	60	DENKYEMBOUR	EASTERN
10.	63	ATIWA WEST	EASTERN
11.	67	OBUASI EAST	ASHANTI
12.	74	KINTAMPO MUNICIPAL	BONO EAST
13.	75	ASSIN FOSU MUNICIPAL	CENTRAL
14.	90	LOWER MANYA KROBO	EASTERN
15.	94	KWAHU SOUTH	EASTERN
16.	97	BEREKUM EAST	BONO
17.	99	WEIJA/GBAWE	GREATER ACCRA
18.	100	BIRIM NORTH	EASTERN
19.	102	GA NORTH	GREATER ACCRA

