

MATRIMONIAL CAUSES ACT, 1971 (ACT 367)

ARRANGEMENT OF SECTIONS

Section

PART I—DIVORCE

1. Petition for divorce
2. Proof of breakdown of marriage
3. Adultery of respondent
4. Unreasonable behaviour of respondent
5. Desertion of respondent
6. Consent of respondent
7. Failure of parties to live as man and wife
8. Promotion of reconciliation
9. Restriction on petitions within two years of marriage
10. Petitioner's conduct no bar to divorce
11. Respondent entitled to divorce without cross-petition
12. Alleged adulterer may be joined

PART II—OTHER MATRIMONIAL CAUSES

13. Nullity
14. Children of annulled marriages
15. Presumption of death and dissolution of marriage
16. Neglect to maintain spouse or child
17. Unreasonable conduct towards spouse or child

PART III—FINANCIAL PROVISION, CHILD CUSTODY AND OTHER RELIEF

18. General powers
19. Financial provision for spouse
20. Property settlement
21. Conveyance of title
22. Custody and financial provision for children
23. Security for payment

- 24. Payment of costs
- 25. Orders of restraint, etc.
- 26. Orders relating to assets
- 27. Modification of financial provision, custody and support
- 28. Financial provision to cease on re-marriage or death
- 29. Orders terminating on child reaching majority
- 30. Failure to comply with order to make financial provision

PART IV—JURISDICTION

- 31. General matrimonial jurisdiction
- 32. Domicile of married women
- 33. Additional jurisdiction relating to financial provision
- 34. Additional jurisdiction relating to child custody
- 35. Choice of law
- 36. Recognition of foreign decrees

PART V—MISCELLANEOUS AND SUPPLEMENTARY

- 37. Decrees to be final
- 38. Bequest to divorced spouse to be invalid
- 39. Privacy of proceedings
- 40. Transfer of undefended actions
- 41. Application of this Act
- 42. Abolition of right to claim restitution of conjugal rights
- 43. Interpretation
- 44. Enactments ceasing to have effect.

THE THREE HUNDRED AND SIXTY-SEVENTH

ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE MATRIMONIAL CAUSES ACT, 1971

AN ACT to provide for matrimonial causes and for other matters connected therewith.

DATE OF ASSENT: 7th September, 1971

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

PART I—DIVORCE

Section 1—Petition for Divorce.

- (1) A petition for divorce may be presented to the court by either party to a marriage.
- (2) The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation.

Section 2—Proof of Breakdown of Marriage.

- (1) For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one or more of the following facts:—
 - (a) that the respondent has committed adultery and that by reason of such adultery the petitioner finds it intolerable to live with the respondent; or
 - (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent; or
 - (c) that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition; or
 - (d) that the parties to the marriage have not lived as man and wife for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to the grant of a decree of divorce; provided that such consent shall not be unreasonably withheld, and where the Court is satisfied that it has been so withheld, the Court may grant a petition for divorce under this paragraph notwithstanding the refusal; or
 - (e) that the parties to the marriage have not lived as man and wife for a continuous period of at least five years immediately preceding the presentation of the petition; or
 - (f) that the parties to the marriage have, after diligent effort, been unable to reconcile their differences.
- (2) On a petition for divorce it shall be the duty of the court to inquire, so far as is reasonable, into the facts alleged by the petitioner and the respondent.
- (3) Notwithstanding that the court finds the existence of one or more of the facts specified in subsection (1), the court shall not grant a petition for divorce unless it is satisfied, on all the evidence, that the marriage has broken down beyond reconciliation.

Section 3—Adultery of Respondent.

Where with a view to reconciliation the parties to the marriage have lived with each other as man and wife for a period or periods after it became known to the petitioner that the respondent had since the celebration of the marriage, committed adultery, then—

(a) if the length of that period or of those periods together was six months or less, their living with each other as man and wife during that period or those periods shall be disregarded in determining whether for the purposes of section 2 (1) (a) the petitioner finds it intolerable to live with the respondent; but

(b) if the length of that period or those periods together exceeded six months, the petitioner shall not be entitled to rely on that adultery for the purposes of section 2 (1) (a).

Section 4—Unreasonable Behaviour of Respondent.

For the purposes of section 2 (1) (b), in determining whether the petitioner cannot reasonably be expected to live with the respondent, the court shall disregard any period or periods not exceeding six months in the aggregate during which the parties to the marriage lived with each other as man and wife after the date of the occurrence of the final incident relied on by the petitioner and proved to the court in support of his allegation.

Section 5—Desertion of Respondent.

(1) For the purposes of section 2 (1) (c), in determining whether the period for which the respondent has deserted petitioner has been continuous, the court shall disregard any period or periods not exceeding six months in the aggregate during which the parties resumed living as man and wife.

(2) For the purposes of section 2 (1) (c) the court may treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had that party not been so incapable, the court would have inferred that his desertion continued at that time.

Section 6—Consent of Respondent.

(1) For the purposes of section 2 (1) (d) the court must be satisfied that a consent to divorce has been given by the respondent only after the respondent has been given such information as will enable him to understand the consequences of his consent.

(2) Where the only fact specified in section 2 upon which the petitioner relies in support of his petition is that mentioned in section 2 (1) (d), the court may, on application by the respondent at any time before the decree is made, dismiss the proceedings if it is satisfied that the petitioner misled the respondent, intentionally or unintentionally, about any matter which the respondent took into account in deciding to consent to the grant of a decree.

Section 7—Failure of Parties to Live as Man and Wife.

For the purposes of section 2 (1) (d) and (e), in determining whether the period for which the parties to a marriage have not lived as man and wife has been continuous, the court shall disregard any period or periods not exceeding six months in the aggregate during which the parties resumed living as man and wife.

Section 8—Promotion of Reconciliation.

(1) On the hearing of a petition for divorce, the petitioner or his counsel shall inform the court of all efforts made by or on behalf of the petitioner, both before and after the commencement of the proceedings, to effect a reconciliation.

(2) If at any stage of the proceedings for divorce it appears to the court that there is a reasonable possibility of reconciliation, the court may adjourn the proceedings for a reasonable time to enable attempts to be made to effect a reconciliation, and may direct that the parties to the marriage, together with representatives of their families or any conciliator appointed by the court and mutually agreeable to the parties, attempt to effect a reconciliation.

(3) When proceedings are resumed after an adjournment under subsection (2), the conciliator, or if no conciliator has been appointed, counsel for the petitioner, shall make a report to the court of the result of the adjournment, and the report shall be limited to a statement that the parties have been reconciled or have not been reconciled or that more time is needed to effect a reconciliation.

(4) Evidence of statements or other actions of the parties or their representatives in connection with attempts at reconciliation under subsection (2) shall not be admissible in court in the divorce proceedings.

Section 9—Restriction on Petitions Within Two Years of Marriage.

(1) Subject to subsection (2), no petition for divorce shall be presented to the court within two years from the date of the marriage.

(2) The court may, on application, allow the presentation of a petition for divorce within two years from the date of the marriage on the ground of substantial hardship suffered by the petitioner or depravity on the part of the respondent.

(3) In determining the application under subsection (2) the court shall have regard to the interest of any child of the household and to the question whether there is a reasonable possibility of reconciliation between the parties.

(4) If it appears to the court that leave under subsection (2) was obtained by the petitioner by any misrepresentation or concealment of the nature of the case, the court may dismiss the petition, without prejudice to any petition which may be brought after the expiration of the period of two years from the date of that marriage upon the same, or substantially the same, facts as those proved in support of the dismissed petition.

(5) This section shall not be deemed to prohibit the presentation of a petition based upon matters which occurred within two years from the date of the marriage.

Section 10—Petitioner's Conduct No Bar to Divorce.

Without prejudice to any provision of this Act which empowers or requires the court to dismiss a petition for divorce, nothing in any enactment or rule of law shall be taken as empowering or requiring the court to dismiss such a petition on the ground of collusion between the parties in connection with the presentation or prosecution of the petition or on the ground of any conduct on the part of the petitioner.

Section 11—Respondent Entitled to Divorce Without Cross-Petition.

If in any proceedings for divorce the respondent alleges against the petitioner and proves the facts required by sections 1 (2) and 2 (1), the court may in those proceedings give to the respondent the relief to which the respondent would have been entitled if the respondent had presented a separate petition seeking that relief.

Section 12—Alleged Adulterer may be Joined.

On a petition for divorce in which adultery is alleged, the person alleged to have committed adultery with the party to the marriage may be, but need not be, made a party to the proceedings.

PART II—OTHER MATRIMONIAL CAUSES

Section 13—Nullity.

(1) Any person may present a petition to the court for a decree annulling his marriage on the ground that it is by law void or voidable (in this Act referred to as "a decree of nullity").

(2) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall, subject to subsection (3), be voidable on the ground—

(a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it; or

(b) that at the time of the marriage either party to the marriage was of unsound mind or subject to recurrent attacks of insanity; or

(c) that the respondent was at the time of the marriage pregnant by some person other than the petitioner; or

(d) that the respondent was at the time of the marriage suffering from an incurable venereal disease in a communicable form.

(3) The court shall not grant a decree of nullity in a case falling within paragraphs (b), (c) or (d) of subsection (2) unless it is satisfied that—

(a) the petitioner was at the time of the marriage ignorant of the facts making the marriage voidable; and

(b) proceedings were instituted within a year from the date of the marriage; and

(c) marital intercourse with the consent of the petitioner has not taken place since the petitioner discovered the existence of the facts making the marriage voidable.

(4) Nothing in this section shall be construed as validating a marriage which is by law void but with respect to which a decree of nullity has not been granted.

Section 14—Children of Annulled Marriages.

Where a decree of nullity is granted, any child of the parties to the decree shall be deemed to have the same status and rights as if the marriage of his parents had been dissolved rather than annulled.

Section 15—Presumption of Death and Dissolution of Marriage.

(1) Any married person may present a petition to the court to have it presumed that the other party to the marriage is dead and to have the marriage dissolved.

(2) The court may, if it is satisfied that reasonable grounds for the application of the presumption exist, make a decree of presumption of death and dissolution of marriage.

(3) In any proceedings under this section, the fact that for a period of seven years or more the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the other party has been living within that time shall be evidence that the other party is dead until the contrary is proved.

Section 16—Neglect to Maintain Spouse or Child.

(1) Either party to a marriage may petition the court for an order for maintenance on the ground that the other party to the marriage has wilfully neglected to provide, or to make a proper contribution towards, reasonable maintenance for the petitioner or any child of the household.

(2) A wife shall not be deemed to have wilfully neglected her husband unless the court is satisfied that, in all the circumstances, it is reasonable to expect the wife to provide or contribute towards maintenance for her husband; and for the purpose of so satisfying itself the court shall consider—

(a) any impairment of the husband's earning capacity, whether through age, illness, disability or otherwise; and

(b) any resources of the husband; and

(c) the earning capacity and any resources of the wife; and

(d) any other circumstances relating to the financial position of the parties.

(3) A respondent shall not be deemed to have wilfully neglected a child of the household where that child is not the natural or adopted child of the respondent unless the court is satisfied in all the circumstances that it is reasonable to expect the respondent to provide or contribute towards maintenance for that child of the household; and for the purpose of so satisfying itself, the court shall consider—

(a) whether the respondent had assumed any responsibility for the child's maintenance, and if so, the extent, duration and basis of that assumed responsibility; and

(b) whether any person other than the respondent is responsible for the maintenance of the child, and if so, the extent to which that party is maintaining, or might be able to maintain, the child; and

(c) any other circumstances relating to the relationship between the respondent and the child.

Section 17—Unreasonable Conduct Towards Spouse or Child.

Either party to a marriage may petition the Court for a child custody order on the ground that the other party to the marriage has persistently behaved in an unreasonable manner towards either the petitioner or any child of the household.

PART III—FINANCIAL PROVISION, CHILD CUSTODY AND OTHER RELIEF.

Section 18—General Powers.

In any proceedings under this Act, the court may exercise any of the powers specified in this Part.

Section 19—Financial Provision for Spouse.

The court may, whenever it thinks just and equitable, award maintenance pending suit or financial provision to either party to the marriage, but no order for maintenance pending suit or financial provision shall be made until the court has considered the standard of living of the parties and their circumstances.

Section 20—Property Settlement.

- (1) The court may order either party to the marriage to pay to the other party such sum of money or convey to the other party such movable or immovable property as settlement of property rights or in lieu thereof or as part of financial provision as the court thinks just and equitable.
- (2) Payments and conveyances under this section may be ordered to be made in gross or by instalments.

Section 21—Conveyance of Title.

- (1) When a decree of divorce or nullity is granted, if the court is satisfied that either party to the marriage holds title to movable or immovable property part or all of which rightfully belongs to the other, the court shall order transfer or conveyance of the interest to the party entitled to it upon such terms as the court thinks just and equitable.
- (2) When a transfer or conveyance of movable or immovable property is ordered by the court and the party ordered to make the transfer or conveyance is either unable or unwilling to do so, the court may order the registrar of the court to execute the appropriate transfer or conveyance on the part of that party.

Section 22—Custody and Financial Provision for Children.

- (1) In all proceedings under this Act, it shall be the duty of the court to inquire whether there are any children of the household.
- (2) The court may, either on its own initiative or on application by a party to any proceedings under this Act, make any order concerning any child of the household which it thinks reasonable and for the benefit of the child.
- (3) Without prejudice to the generality of subsection (2), an order under that section may—
 - (a) award custody of the child to any person;
 - (b) regulate the right of access of any person to the child;
 - (c) provide for the education and maintenance of the child out of the property or income of either or both of the parties to the marriage.

Section 23—Security for Payment.

Where the court has reason to believe that a party ordered to make a payment or payments may be unwilling or unlikely to pay, the court may order that party to give reasonable security for any payment or payments ordered.

Section 24—Payment of Costs.

At any time after the commencement of the proceedings, the court may require either party to the marriage to pay to the other party such sum or sums of money as are reasonable to enable that party to maintain or defend the suit.

Section 25—Orders of Restraint, Etc.

(1) The court may by order restrain—

- (a) either party to the marriage from leaving the jurisdiction until the court is satisfied that that party has made adequate provision to satisfy any award the court has made or may make in the proceedings;
- (b) any person from removing any child of the household from the jurisdiction,
- (c) any party to the marriage from imposing any restraint on the personal liberty of, or from harming or interfering with, the other party to the marriage or any child of the household, for as long as it thinks necessary.

(2) The court may order any person to return any child of the household to the jurisdiction.

Section 26—Orders Relating to Assets.

(1) The court may by order restrain either party to the marriage, or any other person, from permitting the disposition of the assets or property of either party to the marriage, and the court may rescind any disposition of such assets or property that has been made with the intention of defeating the financial provision or property settlement of the other party, except that a disposition for value to a purchaser in good faith may not be rescinded.

(2) The court may make any order concerning the property of either party to the marriage or of any child of the household that is appropriate to preserve or maintain that asset or property while the suit is pending before the court.

Section 27—Modification of Financial Provision, Custody and Support.

(1) Subject to subsection (2), the court may from time to time rescind or vary any order in respect of maintenance pending suit and financial provision, or the care, custody and support of any child, as it thinks fit.

(2) No order of financial provision for a party to the marriage may be made subsequent to a decree of divorce or nullity in any case in which—

- (a) the decree contains, an express waiver of financial provision; or
- (b) the decree provides for a money or property settlement in lieu of financial provision and that settlement has been executed; or
- (c) the decree does not grant liberty to apply for financial provision in the future.

Section 28—Financial Provision to Cease on Remarriage or Death.

- (1) A party to the marriage shall not be entitled to financial provision for himself in respect of any period after his remarriage.
- (2) The death of a party for whose benefit an order for financial provision has been made, or the death of the party adversely affected by such order, shall automatically terminate the order.
- (3) The provisions of this section shall be without prejudice to the right of any party ordered to make financial provision to apply to the Court under section 27 (1), at any time subsequent to such order, to rescind or vary such order for any sufficient cause.

Section 29—Orders Terminating on Child Reaching Majority.

An order for care, custody or support of a child shall automatically terminate when the child reaches the age of twenty-one years, unless the order provides otherwise with a view to making reasonable provision for the further education of such a child, or for the care, custody and support of such a child who is so incapacitated that he cannot be expected to care for himself.

Section 30—Failure to Comply with Order to Make Financial Provision.

Failure to comply with an order of the Court to make financial provision under this Act for a spouse or child shall, in addition to any other effect it might have, be deemed to commence a period of desertion by the party to the marriage who has failed to comply with the order.

PART IV—JURISDICTION

Section 31—General Matrimonial Jurisdiction.

The court shall have jurisdiction in any proceedings under this Act where either party to the marriage—

- (a) is a citizen of Ghana; or
- (b) is domiciled in Ghana; or
- (c) has been ordinarily resident in Ghana for at least three years immediately preceding the commencement of the proceedings.

Section 32—Domicile of Married Women.

For the sole purpose of determining jurisdiction under this Act, the domicile of a married woman shall be determined as if the woman was above the age of twenty-one and not married.

Section 33—Additional Jurisdiction Relating to Financial Provision.

In addition to any other jurisdiction conferred by this Act, the court shall have jurisdiction, where a party who may be ordered to make financial provision has assets in Ghana, to order that party to make financial provision not exceeding the value of those assets.

Section 34—Additional Jurisdiction Relating to Child Custody.

In addition to any other jurisdiction conferred by this Act, the court shall have jurisdiction to make child custody arrangements whenever the child whose custody is in question is present in Ghana.

Section 35—Choice of Law.

In any proceedings under this Act, except in proceedings for a decree of nullity of a void marriage, the issues shall be determined as if both parties to the marriage were domiciled in Ghana at the commencement of the proceedings.

Section 36—Recognition of Foreign Decrees.

The court shall recognize as valid a decree of divorce, nullity or presumption of death and dissolution of marriage, obtained by judicial process or otherwise, which is not contrary to natural justice, and which—

(a) has been granted by any tribunal which had a significant and substantial connection with the parties to the marriage; or

(b) is in accordance with the law of the place where both parties to the marriage were ordinarily resident at the time of the action dissolving or annulling the marriage.

PART V—MISCELLANEOUS AND SUPPLEMENTARY

Section 37—Decrees to be Final.

Every decree of divorce, nullity and presumption of death and dissolution of marriage under this Act shall take effect from the date on which the court gave judgment.

Section 38—Bequest to Divorced Spouse to be Invalid.

Any gift to or appointment in favour of one spouse in the will of the other shall be invalidated if the marriage has been terminated under this Act by divorce or annulment, unless the will contains an express provision to the contrary.

Section 39—Privacy of Proceedings.

The court may direct that any proceedings under this Act be heard in private and may exclude all persons except officers of the court, the parties and their witnesses and lawyers where the court is satisfied that the interests of the parties or the children of the household so require.

Section 40—Transfer of Undefended Actions.

The Chief Justice may by writing under his hand transfer any undefended action under this Act from the High Court or a Circuit Court to a District Court, and that court shall have jurisdiction.

Section 41—Application of this Act.

(1) This Act shall apply to all monogamous marriages.

(2) On application by a party to a marriage other than a monogamous marriage, the court shall apply the provisions of this Act to that marriage, and in so doing, subject to the requirements of justice, equity and good conscience, the Court may—

(a) have regard to the peculiar incidents of that marriage in determining appropriate relief, financial provision and child custody arrangements;

(b) grant any form of relief recognised by the personal law of the parties to the proceedings, either in addition to or in substitution for the matrimonial reliefs afforded by this Act.

(3) In the application of section 2 (1) of this Act to a marriage other than a monogamous marriage, the court shall have regard to any facts recognised by the personal law of the parties as sufficient to justify a divorce, including in the case of a customary law marriage (but without prejudice to the foregoing) the following—

(a) wilful neglect to maintain a wife or child;

(b) impotence;

(c) barrenness or sterility;

(d) intercourse prohibited under that personal law on account of consanguinity, affinity or other relationship;

(e) persistent false allegations of infidelity by one spouse against another:

Provided that this subsection shall have effect subject to the requirements of justice, equity and good conscience.

(4) In the application of this Act to any marriage under customary law, the words "child of the household" shall be construed as including any child recognised under customary law as a child of the parties.

Section 42—Abolition of Right to Claim Restitution of Conjugal Rights.

After the commencement of this Act no person may petition the court for restitution of conjugal rights.

Section 43—Interpretation.

In this Act—

"adultery" means the voluntary sexual intercourse of a married person with one of the opposite sex other than his or her spouse;

"child of the household" means any child, whether the natural or adopted child of both or either of the parties, or any other child who is treated by both parties as a permanent member of their household;

"court" means (subject to section 40) the High Court or a Circuit Court;

"financial provision" includes maintenance and all other forms of financial support provided by one spouse to the other or to any child of the household;

"maintenance pending suit" includes all forms of financial support provided by one spouse to the other or to any child of the household from the commencement to the determination of the proceedings;

"marriage" except as otherwise provided in section 41 of this Act means a monogamous marriage;

"monogamous marriage" does not include a potentially polygamous marriage.

Section 44—Enactments Ceasing to have Effect.

(1) Any English statute relating to matrimonial causes which was in force in Ghana immediately before the commencement of this Act shall cease to apply.

(2) This Act shall not apply to any proceedings commenced before the coming into force of this Act, and accordingly notwithstanding subsection (1) of this section, any such proceedings may be continued and determined after the commencement of this Act in accordance with the law in force immediately before such commencement.

HOSPITAL FEES ACT, 1971 (ACT 387)

ARRANGEMENT OF SECTIONS

Section

1. Hospital Fees
2. General exemptions from hospital fees
3. Exemptions for particular services
4. Exemptions for particular classes of persons
5. Increased fees payable in certain cases
6. Persons liable to pay fees
7. Manner of payment of fees
8. Recovery of fees
9. Evidence
10. False representations
11. Regulations
12. Interpretation
13. Repeals
14. Commencement.

THE THREE HUNDRED AND EIGHTY-SEVENTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE HOSPITAL FEES ACT, 1971

AN ACT to regulate the fees payable in respect of hospital services, and for matters connected therewith.

DATE OF ASSENT: 6th October, 1971

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows—

Section 1—Hospital Fees.

(1) Subject to the provisions of this Act, any person who receives services at a hospital shall pay for those services the prescribed basic fees.

(2) Except as provided by this Act and regulations made thereunder, no person shall be liable to pay any fees in respect of services rendered to him in a hospital.

Section 2—General Exemptions from Hospital Fees.

No fees shall be paid in respect of services rendered in a hospital to—

(a) any person certified in writing by a medical officer to be unable to pay those fees on the ground of poverty;

(b) any person suffering from such disease or condition as may be prescribed;

(c) any pupil or student receiving full-time education in a recognised institution;

(d) any prescribed class of persons working or studying within the Health Service;

(e) any person requested by the medical officer concerned to attend or come to a hospital for admission for the purpose of teaching;

(f) any person for the time being in lawful custody;

(g) any certified psychiatric patient;

(h) any other prescribed class of persons.

Section 3—Exemptions for Particular Services.

(1) No fees shall be paid in respect of any medical examination or report required by any department of state, or in connection with the official duties of any employee of a department of state, or in connection with the entry of any person into a department of state or his departure therefrom.

(2) No fees shall be paid by any person receiving medical attention in a hospital in respect of any medical report relating to him.

(3) No fees shall be paid by any person in respect of any prescribed laboratory examination carried out on him during out-patient attendance.

(4) No fees shall be paid by any person in respect of X-ray films taken for the purposes of tuberculosis control.

(5) No fees shall be paid by any person other than a non-resident alien—

- (a) in respect of any casualty treatment given which does not involve admission into hospital; or
- (b) in respect of treatment involving splints or other similar appliances.

Section 4—Exemptions for Particular Classes of Persons.

(1) No fees other than the fees prescribed for accommodation and maintenance shall be paid in respect of services rendered in a hospital to—

- (a) any person who is not gainfully employed and who is under the age of eighteen years or over the age of sixty-five years;
- (b) any person other than a non-resident alien in respect of ante-natal care at a health post, rural health centre or clinic, or any other hospital specified by the Director of Medical Services by notice published in the Gazette;
- (c) any maternity patient who has had four or more child births;
- (d) any maternity patient referred to a hospital from a clinic or health centre;
- (e) any maternity patient referred to a hospital by a registered midwife or registered medical practitioner.

(2) No fees in respect of accommodation or maintenance shall be paid where any person referred to in subsection (1) is exempted from such payment by any provision of section 2.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section where a patient requests for special amenities such patient shall pay such fees as may be prescribed.

Section 5—Increased Fees Payable in Certain Cases.

Where services are rendered in a hospital to any person who is—

- (a) a private patient; or
- (b) a non-resident alien; or
- (c) a member of the diplomatic staff of a country which does not give reciprocal medical coverage to Ghanaian diplomatic staff accredited to that country or Ghanaians resident in that country; or
- (d) the wife or child of a person referred to in paragraph (c),

and such person is liable to pay any fee under the foregoing provisions of this Act, the fee payable shall be not less than such fee as shall be payable by a Ghanaian diplomat accredited to or resident in the country of that person.

Section 6—Persons Liable to Pay Fees.

(1) Subject to the provision of this section, the person liable to pay any fee under this Act shall be the person in respect of whom the service was rendered.

(2) Notwithstanding subsection (1), where it is a term in the conditions of service of any person employed by the Government that such person shall be entitled to receive any free medical attention, such person shall to that extent not be liable for the payment of fees under this Act.

Section 7—Manner of Payment of Fees.

(1) The fees payable under this Act shall be paid to the hospital revenue officer at the hospital where the fees were incurred, upon the issue by that officer of a bill specifying the fees to be paid.

(2) The hospital revenue officer shall issue an official receipt to every person making a payment under this Act.

(3) Any hospital revenue officer who fails, at the time of receiving a payment under this Act, to issue an official receipt to the person making that payment, shall be guilty of an offence and liable on summary conviction to a fine not exceeding two thousand new cedis or to imprisonment not exceeding twelve months or to both.

Section 8—Recovery of Fees.

A hospital revenue officer or any other person appointed by the Minister may sue for the recovery of any fees payable under this Act which are unpaid together with any costs properly incurred.

Section 9—Evidence.

In any proceedings for the recovery of any fees payable under this Act, an account signed by the hospital revenue officer setting out the amount claimed from the defendant in the proceedings shall be admissible in evidence without proof of the signature, and shall be prima facie evidence of the amount due.

Section 10—False Representations.

(1) Any person who by a false representation obtains without payment or at a reduced rate of payment any medicine, surgical appliance, attendance or treatment at a hospital shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred new cedis.

(2) Any person who commits any of the acts referred to in subsection (1) shall, whether or not he is prosecuted, be liable to pay for such medicine, surgical appliance, attendance or treatment at the prescribed rates, and in respect of such payment shall not be entitled to the benefit of any exemption under this Act.

Section 11—Regulations.

The Minister may with the approval of the Cabinet by legislative instrument make regulations prescribing anything that is to be prescribed for the purposes of this Act, granting further exemptions in respect of any class of persons or any form of treatment, or otherwise for giving effect to the provisions and purposes of this Act.

Section 12—Interpretation.

(1) In this Act,—

"department of state" includes the Civil Service, the Judicial Service, the Teaching Service, the Police Service, the Prisons Service, the Armed Forces of Ghana, and any other prescribed service;

"hospital" means any government-controlled hospital, dispensary, health centre, clinic, mental or psychiatric hospital or other government medical institution at which medical treatment is available;

"hospital revenue officer" means the officer responsible for the collection of fees at a hospital;

"medical officer concerned" means a medical officer wholly or partly responsible for the medical care of a patient at a hospital;

"Minister" means the Minister responsible for Health;

"non-resident alien" means an alien who does not have a residence permit entitling him to remain in Ghana for six months or more, or who is not lawfully exempted from having a residence permit;

"prescribed" means prescribed by regulations made under section 11;

"private patient" means a patient who requests and is prepared to pay for special attention and amenities in lieu of the attention and amenities ordinarily appropriate to his case;

"special amenities" means the accommodation and maintenance of a patient in a ward designated by the Director of Medical Services as an amenity ward, in which the patient enjoys personal facilities for washing and toilet and where special diets and other facilities are provided at extra cost.

(2) Where there is any doubt as to whether an institution at which treatment is available is government-controlled so as to be a "hospital" within the meaning of this Act, the Director of Medical Services, after consultation with the Minister, may resolve such doubt by notice published in the Gazette.

Section 13—Repeals.

The Hospital Fees Decree, 1969 (N.L.C.D. 360) and the Hospital Fees Decree, 1969 (Amendment) Act, 1970 (Act 325) are hereby repealed.

Section 14—Commencement.

This Act shall be deemed to come into force on the 1st day