

Date:

15th April 2020

Subject: What does Covid 19 crisis mean for victims of Fraud

Country: Ghana

1. THE MOST CRITICAL PHASE OF THE CRISIS

As long as measures to prevent the spread of Covid-19 restrict freedom of movement: What are the effects of the Covid-19 crisis on civil justice?

There has not been any legislation on the effects of the crisis on justice delivery in Ghana. However, since the commencement of the crisis, the Chief Justice of the Republic of Ghana, has been issuing public notices containing instructions to the Registrars of the various divisions of the Court on case management protocols during the pandemic.

In the last Public Notice issued by the Chief Justice, all court hearings (motions and trials alike) have been adjourned to May and June 2018. However, there are designated Courts in each Region which have been scheduled to site on extremely urgent cases during this period.

In normal times, court hearings do sometime take place by video conferences but only if a witness will not be able to be present in court on the hearing date. The means of conducting cases by video conference has not been explored as a measure during this crisis.

Even though the courts are not sitting, the Registries of the court are operating with skeletal staff to ensure that persons are able to file processes to meet any statutory deadlines. That said, the Executive Instrument (EI) which was passed by the President of the Republic to restrict movements of persons may operate to prevent persons from having access to the courts. In effect, even though the registry of the courts have not been closed, persons may have difficulties personally accessing the courts to file processes to meet statutory deadlines.

These challenges apply to the enforcement of judgments which were obtained prior to the crisis.

2. HOW ARE PARTICULARLY URGENT MATTERS HANDLED, IN PARTICULAR REQUESTS FOR INTERIM MEASURES SUCH AS INJUNCTIONS AND FREEZE ORDERS?

With such restraining applications, the registries of the courts are working to enable parties file such applications and to assist in the service of same. Even though no return date may be given for the hearing of the application, the position of the law in Ghana is that once the application for injunction or any other restraining order is served on the Respondent, the status quo is maintained until the application is heard and determined by the court. The service of such application therefore helps to achieve the purpose of the application until the situation normalizes and the court resumes full operation.

3. HOW DO LAWYERS WORK DURING THE CRISIS?

All law firms are officially closed and lawyers and other staff are working remotely.

4. HOW DO BANKS WORK DURING THE CRISIS?

The banks are fully operational save that all communication from the bank are encouraging customers to use the various electronic transaction platforms instead of walking into a branch to conduct business.

5. DOES THE CRISIS HAVE AN EFFECT ON INSOLVENCY LAW?

Save the impracticalities with meeting the statutory deadlines as explained above, there are no direct effects of the crisis on insolvency law.

FORECAST: AFTER THE CRISIS AND LONG-TERM EFFECTS

6. WHICH MEASURES INTRODUCED DURING THE CRISIS WILL BE WITHDRAWN IMMEDIATELY?

The Executive Instruments passed by the President restricting the movements of persons will automatically expire once the Country is declared to have successfully fought off the spread of the virus. The Chief Justice will also issue public notice to direct the registrars of the court to resume the usual case management protocols.



7. WILL THE RATIO OF THIRD PARTY FUNDED MATTER RISE?

Third party funding is still not legally recognized in Ghana.

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