

**THE JUDICIAL SERVICE OF GHANA; WHEN A CIRCUIT COURT JUDGE SECONDS AS A  
SUPREME COURT REGISTRAR- AN ALIEN JURISPRUDENCE AND INEFFICIENCIES OF SUCH  
JURISPRUDENCE – M.B YEBOAH**

The term “judicial officer” is a generic term. *It comprises of the registrar*, the magistrates grades I and II, judges, etc. - **REPUBLIC V. DIRECTOR OF PRISONS AND ANOTHER; EX PARTE SHACKLEFORD (1980) JELR 67778 (HC)** (Emphases mine)

The incontrovertible notorious battle horse of Ghana’s procedural law in the person of Thaddeus Sory Esq. “Thaddeus” has made his disagreements known to the general public concerning the appointment of a circuit court judge by the Chief Justice to second as a registrar of the Supreme Court of Ghana.

The disagreement of Thaddeus stems from the fact that an appointed Circuit Court judge cannot serve in two or more offices and such actions will cause inefficiencies in the execution of the judicial duties of the Circuit Court judge.

To begin with, Section 15(1) of the **Judicial Service Act, 2020 (ACT 1057)** gives the Chief Justice the authority to make all other appointments in the judicial service except those appointments as expressly provided for under the Constitution.

It is trite learning that the registrar of the Supreme Court is a “judicial officer” and part of the judicial service machinery. Under Section 15(1) of (ACT 1057), the Chief Justice is within the remits of the law to appoint any person to occupy the position of a Supreme Court Registrar as she deems fit.

Despite the action of the Chief Justice meeting the legal threshold, the question is whether her appointment of a Circuit Court judge to second as a Supreme Court registrar will boost the efficiency of the Judicial Service.

The obvious answer is a NO! Indeed, one does not need John Smeaton of blessed memory to calculate the efficiency of a judge who sits at the Circuit and seconds as a Supreme Court Registrar. The efficiency of a judge who plays such a *janus* role will be lacking in one way or the other as cleverly opined by Thaddeus.

The practice of the Chief Justice appointing a Circuit Court Judge to second as a registrar of the Supreme Court is indeed alien to our jurisprudence and cripples the efficiency of the judicial machinery. However, from a legal perspective, her appointment is within the remits of the law as state *supra*.

It is worth noting that at common law, spanning from the United Kingdom, Nigeria, India, etc, the best practices have always been to simply appoint a lawyer to occupy the office of a Supreme Court Registrar due to the sensitive nature and demand of their job.

In ending this piece, I would like to take a lesson from an epistle of the Biblical Apostle Paul to the Corinthians where he states in 1 Corinthians 10:23 that;

**“All things are lawful but not all things are expedient. All things are lawful for me, but all things do not edify.”**

The dawn has indeed come for Ghana to emulate best practices at common law by simply appointing full-time lawyers to occupy the offices of registrar and deputy registrars of all superior courts rather than appointing Circuit Court judges to second as Supreme Court registrars.

This initiative will boost the efficiency of the judiciary of Ghana and reduce the workload of those judges who second as Supreme Court registrars.

Accra

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