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Registrar
SUPREME COURT OF GHANA

IN THE SUPREME COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA - A.D. 2026

SUIT NO: J11/10/2026

TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT
UNDER ARTICLES 2(1), 17, 23, 36, 174, and 296 OF THE 1992 CONSTITUTION
AND UNDER
RULE 45 OF THE SUPREME COURT RULES, 1996, (CI 16)

BETWEEN

MARIAM ALHASSAN
2nd Dwomor Avenue, Techiman, Bono East (P O Box 2) **PLAINTIFF**

AND

1. **THE MINISTRY OF THE INTERIOR**
Starlets 91 Road, Accra **1st DEFENDANT**
2. **THE NARCOTICS CONTROL COMMISSION (NACOC)**
6 Ghana Airways Ave, Accra **2nd DEFENDANT**
3. **THE MINISTRY OF FOOD AND AGRICULTURE**
Kinbu Road, Accra **3rd DEFENDANT**
4. **THE ATTORNEY-GENERAL**
Law House, Ministries, Accra **4th DEFENDANT**

IN THE NAME OF THE REPUBLIC OF GHANA, you are hereby commanded within fourteen days after the service on you of the statement of the Plaintiff's case inclusive of the day of service, that you are to file or cause to be filed for you a statement of the defendants case in an action at the Suit of

MARIAM ALHASSAN
2nd Dwomor Avenue, Techiman, Bono East (P O Box 2) **PLAINTIFF**

THE NATURE OF THE RELIEF SOUGHT

The Plaintiff claims against the Defendants the following reliefs:

- (i) A declaration that the industrial hemp licensing framework established pursuant to section 43 of the Narcotics Control Commission Act, 2020 (Act 1019), as amended by the Narcotics Control Commission (Amendment) Act, 2023 (Act 1100), and operationalised through the Narcotics Control Commission (Cultivation and Management of Cannabis) Regulations, 2023 (L.I. 2475), is inconsistent with and in contravention of Articles 17, 23, 36 and 296 of the 1992 Constitution, by reason of its irrational design, exclusionary economic effect, and disproportionate exercise of administrative discretion including by reason of its extreme disproportionality when measured against objective regional and international regulatory benchmarks.
- (ii) A declaration that the magnitude, structure, and cumulative operation of the impugned licence fees — including cultivation fees of up to USD 45,000 per hectare, mandatory annual regulatory levies, and percentage-based charges — constitute, in substance, the imposition of de facto taxes through subordinate legislative architecture and/or administrative fee schedules, in violation of Article 174 of the 1992 Constitution, which vests taxing power exclusively in Parliament.
- (iii) A declaration that the imposition of narcotics-style transport permits, armed security escort requirements, and related truck-movement and security fees on industrial hemp containing not more than 0.3% THC is irrational, arbitrary, and constitutionally impermissible, having regard to the crop's legally recognised non-narcotic and non-psychoactive character.
- (iv) An order directed primarily at the 2nd Defendant (Narcotics Control Commission – NACOC), in consultation with the 1st Defendant (Ministry of the Interior) and the 3rd Defendant (Ministry of Food and Agriculture) and any other relevant State agencies, and under the general responsibility of the State represented by the 4th Defendant (Attorney-General), to reconsider, redesign, and where applicable re-lay the industrial hemp licensing framework on a constitutionally compliant basis, including:
 - (a) the adoption of tiered, scaled, and risk-based licence fees calibrated to acreage, capacity, and actual regulatory cost;
 - (b) the elimination of narcotics-style escort and transport controls for industrial hemp unless objectively justified by demonstrable risk;
 - (c) the removal of unscaled, cumulative, and USD-denominated fee structures that render lawful participation practically inaccessible to ordinary Ghanaian citizens; and
 - (d) compliance with Articles 17, 23, 36, 296, and 174 of the 1992 Constitution in the design of any revised framework.
- (v) An interim order restraining, pending compliance with the declaratory and supervisory directions of this Honourable Court, the enforcement of the impugned cultivation fees, annual regulatory levies, transport permit requirements, and escort obligations insofar as they apply to industrial hemp containing not more than 0.3% THC, or such aspects thereof as the Court considers just.

(vi) Such further or other orders, directions, or consequential reliefs as this Honourable Court may deem fit to give full effect to the Constitution and to safeguard inclusive economic participation, administrative justice, and the rule of law.

The capacity in which the Plaintiff is bringing this action is as follows:-

The Plaintiff is a Ghanaian citizen and farmer engaged in agricultural activities within Ghana and interested in participating lawfully in the industrial hemp value chain established under section 43 of the Narcotics Control Commission Act, 2020 (Act 1019) as amended. The Plaintiff brings this action in her capacity as a citizen directly affected by the design and operation of the impugned regulatory framework and in the public interest pursuant to Article 2(1)(a) of the 1992 Constitution.

The address for service of the Plaintiff is:

MARIAM ALHASSAN

2nd Dwomor Avenue, Techiman, Bono East (P O Box 2)

PLAINTIFF

The address for service of Counsel for the Plaintiff is as follows:

Amanda Akuokor Clinton
Clinton Consulting Partners
9th Floor, Emporium Building,
Movenpick Ambassador,
Independence Avenue
Ridge, Accra

The names and addresses of persons affected by this writ are as follows

THE MINISTRY OF THE INTERIOR

Starlets 91 Road, Accra

1st DEFENDANT

THE NARCOTICS CONTROL COMMISSION (NACOC)

6 Ghana Airways Ave, Accra

2nd DEFENDANT

THE MINISTRY OF FOOD AND AGRICULTURE

Kinbu Road, Accra

3rd DEFENDANT

THE ATTORNEY-GENERAL

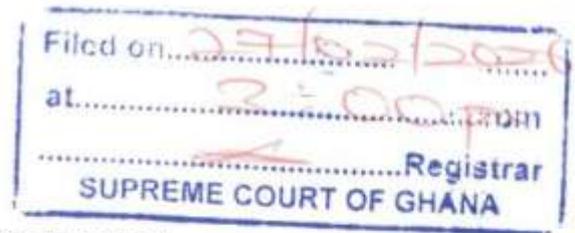
Law House, Ministries, Accra

4th DEFENDANT

DATED AT CLINTON CONSULTING PARTNERS, 9TH FLOOR, EMPORIUM BUILDING, MOVENPICK AMBASSADOR, INDEPENDENCE AVENUE, RIDGE, ACCRA, THIS 27th February, 2026

[REDACTED]

AMANDA AKUOKOR CLINTON
Clinton Consulting Partners
Chambers Registration No. [REDACTED]
Solicitors License No. GA [REDACTED]
Tel. +233 [REDACTED]
Email [REDACTED]



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Kinbu Road, Accra

3rd DEFENDANT

4. THE ATTORNEY-GENERAL

4th DEFENDANT

THE PLAINTIFF'S STATEMENT OF CASE
(Rule 46, CI. 16)

If it pleases Your Lordships, this Statement of Case is made on behalf of the Plaintiff:

1. INTRODUCTION AND JURISDICTION

1.1 This action is brought pursuant to Article 2(1)(a) of the 1992 Constitution for the enforcement and interpretation of the Constitution. The Plaintiff invokes the exclusive original jurisdiction of this Honourable Court to determine whether an enactment of Parliament and subordinate legislation made thereunder are inconsistent with, or in contravention of, the Constitution.

1.2 The Plaintiff specifically alleges that an Act of Parliament and a Legislative Instrument made pursuant to it, in their cumulative design, structure, and practical operation, violate constitutional provisions governing equality before the law, administrative justice, economic governance, the control of discretionary power, and the separation of powers. The constitutional provisions implicated include Articles 17, 23, 36, 174, and 296 of the Constitution.

1.3 The statutory framework giving rise to this constitutional inquiry is the Narcotics Control Commission Act, 2020 (Act 1019), as amended by the Narcotics Control Commission (Amendment) Act, 2023 (Act 1100). By Act 1100, Parliament re-enacted section 43 of Act 1019, empowering the licensing of cannabis containing not more than 0.3% tetrahydrocannabinol (THC) for industrial and medicinal purposes, thereby expressly recognising industrial hemp as a distinct, lawful, non-narcotic agricultural commodity within the statutory threshold.

1.4 Pursuant to section 43 of Act 1019 (as amended), the regulatory framework is operationalised through the Narcotics Control Commission (Cultivation and Management of Cannabis) Regulations, 2023 (L.I. 2475). L.I. 2475 prescribes the licensing procedures, fee structures, transport permit requirements, security escort obligations, and ancillary regulatory controls governing industrial hemp cultivation and related activities. It is the constitutional consistency of this framework, and its cumulative operational effect, that is challenged in this action.

1.5 The Plaintiff does not challenge Parliament's legislative competence to enact Act 1019 or Act 1100, nor the State's general authority to regulate industrial hemp or cannabis-related activities. Rather, the Plaintiff challenges whether the manner in which section 43 of Act 1019 has been operationalised through L.I. 2475 produces outcomes that are irrational, exclusionary, discriminatory in effect, disproportionate, ultra vires constitutional limits on discretion, or otherwise inconsistent with constitutional limits imposed by Articles 17, 23, 36, 174, and 296.

1.6 Under settled authority, including *Tuffuor v Attorney-General* [1980] GLR 637 and *Centre for Public Interest Law v Attorney-General* [2012] SCGLR, any citizen of Ghana has standing to invoke the enforcement jurisdiction of this Honourable Court under Article 2(1) without demonstrating personal injury, proprietary interest, or individual rights infringement. The Plaintiff brings this action as a Ghanaian citizen acting in the public interest to protect the constitutional order governing economic regulation.

1.7 This action raises pure questions of constitutional interpretation and consistency between the Constitution, an Act of Parliament, and a Legislative Instrument made thereunder. It does not seek damages, compensation, or personal relief, nor does it seek the enforcement of individual fundamental human rights under Article 33. Accordingly, it does not fall within the original jurisdiction of the High Court.

1.8 In substance and form, the issues presented concern the limits of regulatory discretion, equality before the law, economic governance, and the separation of powers under the Constitution. These are matters which lie squarely within the exclusive original jurisdiction of this Honourable Court under Articles 2(1) and 130(1) of the Constitution.

1.9 For the avoidance of doubt, the Plaintiff's constitutional complaint is directed specifically at the following aspects of the Narcotics Control Commission (Cultivation and Management of Cannabis) Regulations, 2023 (L.I. 2475), and any administrative instruments or fee schedules issued pursuant thereto:

- (i) the Fees and Charges Schedule to L.I. 2475 (and any administrative fee schedule issued thereunder) prescribing cultivation licence fees, annual regulatory levies, and percentage-based charges;
- (ii) the provisions of L.I. 2475 regulating transport permits for the movement of industrial hemp within Ghana;
- (iii) the provisions requiring security escorts or escort supervision for the transport of industrial hemp; and
- (iv) the provisions imposing security bonds and related compliance costs as conditions for licensing and operation.

2. PARTICULARS OF THE PARTIES AND THEIR ROLES

2.1 The Plaintiff, **MARIAM ALHASSAN**, is a Ghanaian citizen and farmer engaged in agricultural activities within Ghana and interested in participating lawfully in the industrial hemp value chain established under section 43 of the Narcotics Control Commission Act, 2020 (Act 1019) as amended. The Plaintiff brings this action in her capacity as a citizen directly affected by the design and operation of the impugned regulatory framework and in the public interest pursuant to Article 2(1)(a) of the 1992 Constitution.

2.2 The **1st Defendant**, the Ministry of the Interior, bears responsibility for internal security policy and the institutional posture within which security-linked controls and enforcement mechanisms affecting regulated commodities are conceived, coordinated, and applied.

2.3 The **2nd Defendant**, the Narcotics Control Commission (NACOC), is the statutory authority responsible for the **implementation and enforcement** of the impugned regulatory framework, including the licensing posture, compliance demands, and operational requirements imposed under the industrial hemp regime.

2.4 The **3rd Defendant**, the Ministry of Food and Agriculture, bears responsibility for agricultural development, rural livelihoods, and the advancement of lawful agricultural value chains, including those capable of supporting smallholder and SME participation.

2.5 The **4th Defendant**, the Attorney-General, is sued pursuant to Article 88 of the Constitution as the principal legal adviser to Government and the proper representative of the State in proceedings involving constitutional interpretation and the validity of legislation and subsidiary legislation.

3. FACTUAL FOUNDATION AND MATERIALS RELIED UPON

3.1 The Plaintiff's case is brought under Article 2(1)(a) on the basis of the legal design, structure, and cumulative operation of the impugned statutory and regulatory framework, namely section 43 of Act 1019 (as amended by Act 1100) and the provisions and schedules of L.I. 2475 identified in paragraph 1.9 above.

3.2 The Plaintiff emphasises that the principal constitutional questions raised are questions of constitutional consistency, interpretation, and permissible limits on public power. They arise from the face of the legislation and subordinate legislation, and from the necessary operational consequences of the framework as designed.

3.3 The Plaintiff will, to the extent the Honourable Court considers it necessary for the proper determination of the constitutional questions, rely on such additional factual clarification, agreed facts, affidavits, or documentary materials as may be permitted or invited by the Court under its supervisory and procedural powers.

3.4 For the avoidance of doubt, nothing in this Statement of Case is intended to convert this action into an enforcement claim under Article 33. The Plaintiff's complaint remains a structural constitutional challenge properly brought under Article 2(1) within the exclusive original jurisdiction of this Honourable Court.

3.5 The Plaintiff further relies on the officially published licensing tariff framework and Schedule of Fees issued pursuant to and in implementation of L.I. 2475, whether by the 2nd Defendant and/or any competent State agency acting under the impugned framework, confirming the cultivation licence fees, annual regulatory levies, transport permit requirements, security escort obligations, and security bond and related compliance costs forming part of the impugned regulatory architecture. The Plaintiff will, if required, place the said materials before this Honourable Court by affidavit, agreed documentary record, or such procedural direction as the Court may deem appropriate.

4. PRELIMINARY CONTEXT AND PUBLIC INTEREST

4.1 Industrial Hemp Explained

4.1.1 Industrial hemp refers to specific varieties of *Cannabis sativa L.* which contain not more than **0.3% THC** by dry weight. At or below this threshold, hemp is incapable of producing psychoactive or intoxicating effects. It cannot cause a "high", cannot be used for recreational drug consumption, and cannot reasonably be diverted into narcotic use.

4.1.2 The scientific distinction between industrial hemp and narcotic cannabis is globally settled and forms the basis upon which jurisdictions differentiate hemp from controlled drugs. Ghana has expressly adopted this distinction through section 43 of Act 1019 as amended by Act 1100, which recognises cannabis containing not more than 0.3% THC as eligible for industrial and medicinal licensing.

4.1.3 Industrial hemp is therefore, by law and science, an agricultural and industrial crop, not a narcotic substance. The Plaintiff places this point at the threshold because the constitutionality of regulation must be assessed against accurate scientific and legal classification.

4.2 Addressing Public and Institutional Misconceptions

4.2.1 In public discourse, and sometimes in regulatory intuition, "hemp" is frequently conflated with smokable or recreational cannabis. This conflation is scientifically inaccurate and legally untenable.

4.2.2 The subject of this action is not recreational cannabis, and the Plaintiff does not seek to legitimise or expand drug use. Rather, this action concerns industrial hemp alone—regulated under differentiated regimes precisely because it does not present narcotics-level risks.

4.2.3 The Plaintiff brings this clarification deliberately at the threshold because constitutional adjudication must proceed on accurate factual and scientific premises. Regulatory measures premised on misconception or misclassification risk degenerating into arbitrariness, which the Constitution does not permit.

4.3 Economic and Industrial Significance of Industrial Hemp

4.3.1 Industrial hemp underpins a rapidly expanding global value chain spanning textiles, fibre composites, construction materials (including hempcrete), food and seed products, cosmetics, pharmaceuticals, industrial oils, biodegradable plastics, and climate-positive materials.

4.3.2 Hemp is widely deployed as a developmental crop. Many jurisdictions deliberately structure hemp regulation to support smallholder farmers, cooperative enterprises, rural communities, and SMEs, recognising hemp's low environmental footprint, resilience, and suitability for inclusive agricultural participation.

4.3.3 In comparative African contexts, hemp has been positioned as a vehicle for rural livelihoods, job creation, export diversification, and value-addition rather than elite capital concentration. This economic context is central because the Constitution itself sets economic governance objectives, including inclusive participation and support for indigenous enterprise.

4.3.4 In jurisdictions where hemp has been deliberately positioned as a development crop, regulation is typically differentiated from narcotics control and is structured to encourage lawful entry by smallholder farmers and SMEs, while maintaining traceability and compliance through proportionate controls rather than high-threat security protocols.

4.3.5 This comparative regulatory context is relevant not as an external legal standard, but as objective evidence of international regulatory consensus on the low-risk character of industrial hemp within the $\leq 0.3\%$ THC threshold, and as a benchmark for assessing proportionality, rationality, and non-arbitrariness under Articles 23 and 296 of the 1992 Constitution.

4.4 Public-Interest Character of the Constitutional Challenge

4.4.1 This suit raises a structural constitutional grievance, not a private commercial dispute. The Plaintiff does not complain merely that regulation is burdensome or that fees are high.

4.4.2 Rather, the Plaintiff contends that the design and cumulative operation of the impugned licensing framework transforms regulation into exclusion—such that a lawful economic activity is rendered practically inaccessible to ordinary Ghanaian citizens.

4.4.3 A framework which renders lawful participation practically inaccessible to ordinary citizens—while simultaneously permitting the importation and retail sale of hemp-derived products—risks converting a statutorily recognised agricultural opportunity into a sector effectively reserved for capital-intensive or foreign-backed actors.

4.4.4 Such an outcome directly implicates the Constitution's commitments to equality before the law, inclusive economic participation, balanced development, and administrative rationality.

4.4.5 The Plaintiff therefore brings this action in the public interest to invite this Honourable Court to examine whether the State's regulatory response to industrial hemp accords with constitutional norms, or whether it has crossed the constitutional boundary separating legitimate regulation from irrational, exclusionary, and structurally unconstitutional governance.

4.5 Nexus Between Context and Constitutional Questions

4.5.1 Against this factual, scientific, and public-interest background, the Plaintiff's challenge crystallises into a narrow but profound constitutional inquiry.

4.5.2 The issue before this Honourable Court is not whether industrial hemp should be regulated, but whether the manner, intensity, and cumulative structure of the regulation adopted by the Defendants accords with constitutional limits imposed on public power.

4.5.3 The matters set out above give rise directly to questions including: whether a legally non-narcotic agricultural crop may rationally be subjected to narcotics-style controls; whether regulatory fees may be structured so as to exclude citizens from participation in lawful economic activity; whether such exclusion is compatible with the economic objectives of the Constitution; and whether the administrative process by which the framework was imposed satisfies constitutional standards of fairness.

5. ISSUES FOR DETERMINATION

5.1 The Plaintiff respectfully invites this Honourable Court, in the exercise of its exclusive original jurisdiction under Articles 2(1) and 130(1), to determine the following constitutional issues arising from the design, structure, and cumulative operation of the industrial hemp licensing framework

established under section 43 of Act 1019 as amended by Act 1100 and operationalised through L.I. 2475:

A. Rationality and Control of Discretion (Articles 23 and 296)

5.2 Whether subjecting industrial hemp—expressly recognised by Parliament as non-narcotic when containing not more than 0.3% THC—to narcotics-style regulatory controls, including mandatory transport permits, armed security escorts, and fees for truck movement and security services, constitutes an irrational, unreasonable, and arbitrary exercise of administrative and regulatory discretion contrary to Articles 23 and 296.

5.3 In particular, whether the absence of any coherent security rationale for guarding the transport of a non-psychoactive agricultural commodity renders the escort and transport regime constitutionally unsustainable under the rationality standard articulated by this Honourable Court.

B. Indirect Discrimination Based on Economic Status (Article 17(2))

5.4 Whether the unscaled and cumulative fee architecture established under the impugned framework—including cultivation licence fees of up to **USD 45,000 per hectare**, mandatory annual regulatory charges calculated as percentages of licence fees, and multiple ancillary licence, permit, and escort fees—operates, in its practical effect, as wealth-based gatekeeping that indirectly discriminates against ordinary Ghanaian farmers, cooperatives, and SMEs on the basis of social and economic status contrary to Article 17(2).

5.5 In determining this issue, whether objective regional and international benchmarks demonstrating that Ghana's fee architecture is an extreme and irrational outlier—particularly within comparable African jurisdictions with similar development profiles—reinforce the conclusion that the impugned framework is constitutionally disproportionate, exclusionary in effect, and inconsistent with Articles 17, 23, and 296. Further, the comparative evidence demonstrates that Ghana's licensing tariffs are not merely high but constitute an extreme outlier relative to peer African jurisdictions with comparable enforcement constraints, thereby reinforcing the pleaded disproportionality and exclusionary effect.

5.5A The officially issued February 2026 fee schedule confirms that the impugned tariffs are applied uniformly across broad acreage categories without calibration to risk or production capacity, reinforcing the pleaded exclusionary effect.

C. Economic Objectives of the Constitution (Article 36)

5.6 Whether a regulatory framework which, by its cumulative financial and operational burdens, renders lawful participation in an emerging agricultural value chain practically inaccessible to ordinary citizens frustrates the economic objectives of the State under Article 36, including: the promotion of inclusive economic participation; balanced national development; encouragement of small-scale and indigenous enterprises; and maximisation of the welfare of the people.

5.7 And whether, interpreted in light of this Honourable Court's jurisprudence on the Directive Principles of State Policy, such a framework is constitutionally inconsistent with Ghana's economic governance obligations.

D. Administrative Fairness and Legitimate Expectation (Article 23)

5.8 Whether, having regard to stakeholder consultations, parliamentary correspondence, and formal warnings advocating proportionate, tiered, and risk-based regulation, the Defendants acted unfairly and in breach of legitimate expectation by imposing materially higher, unscaled, and cumulative fees without reasonable accommodation of the consultative process, thereby violating the requirements of administrative justice and fair treatment guaranteed under Article 23.

E. Separation of Powers and Fiscal Authority (Article 174)

5.9 Whether the magnitude, structure, and cumulative operation of the impugned licence fees—which bear no discernible relationship to the cost of regulation and function in substance as revenue-raising measures—amount to the imposition of de facto taxes through subordinate legislation and administrative fee schedules, contrary to Article 174 which vests taxing power exclusively in Parliament.

6. THE IMPUGNED FRAMEWORK AND ITS CUMULATIVE FEES

6.1 The Defendants have prescribed, implemented, and defended a licensing framework governing the cultivation, processing, transport, storage, export, distribution, research, and other related activities concerning industrial hemp in Ghana pursuant to section 43 of Act 1019 (as amended) and L.I. 2475.

6.2 The framework is structured as a multi-layered regulatory architecture under which an applicant is required to obtain multiple licences, permits, approvals, and security clearances across different stages of the value chain, each attracting separate application fees, licence fees, and recurring annual regulatory charges.

6.3 All principal fees under the framework are quoted in United States Dollars and payable in Ghana Cedis at prevailing exchange rates, thereby exposing Ghanaian farmers, cooperatives, and SMEs to currency volatility wholly unrelated to regulatory risk, public safety, or the cost of administration.

6.4 The officially published Schedule of Fees dated February 2026 confirms that the regulatory architecture includes cumulative licensing layers comprising application fees, acreage-based cultivation fees reaching USD 45,000 per hectare, annual regulatory charges fixed at 20% of licence value, transport licensing fees, escort charges calculated per kilometer, and mandatory security bonds. The Plaintiff relies on this Schedule as objective confirmation of the cumulative and unscaled nature of the impugned framework.

Cultivation Licence Fees

6.5 The framework prescribes cultivation licence fees structured in acreage-based tiers, including application fees, base cultivation licence fees, and mandatory annual regulatory levies calculated as percentages of the applicable licence cost. The official fee schedule establishes progressively increasing charges as acreage expands, culminating in large-scale cultivation categories attracting fees of up to USD 45,000 per hectare.

6.6 For small-scale or community applicants operating within restricted acreage limits, cultivation licence fees are imposed at levels which, in practical economic terms, substantially exceed typical entry capacity for ordinary farmers and cooperatives.

6.7 For medium-scale applicants, escalating per-acre fees apply across successive acreage bands without demonstrated calibration to production yield, operational capacity, or differentiated regulatory risk.

6.8 For large-scale cultivation categories, licence fees reaching up to USD 45,000 per hectare are imposed notwithstanding the legally recognised non-narcotic character of industrial hemp and without apparent adjustment for geographic location, cultivation method, or objectively assessed risk profile.

6.9 The Plaintiff contends that the magnitude and cumulative structure of these cultivation licence fees, particularly when combined with annual regulatory levies and ancillary licensing requirements, are extreme by regional and international standards, uncalibrated to regulatory risk, and bear no rational relationship to the actual cost of supervision or administration.

Annual Regulatory Charges

6.10 In addition to the initial cultivation licence fee, the framework imposes mandatory annual regulatory charges calculated as a percentage of the applicable licence fee and payable each year throughout the licence period.

6.11 These annual charges apply irrespective of production volume, profitability, market conditions, or operational stage, thereby compounding the financial burden even where cultivation has not commenced, has failed due to climatic conditions, or has not yet generated revenue.

Ancillary Licences and Parallel Fees

6.12 The framework requires separate licences, permits, or approvals for processing/extraction, transport/haulage, storage/warehousing, export, distribution/sale, research/development, advertising/branding, laboratories/testing, and importation of seed/equipment/inputs.

6.13 Each attracts additional application fees, licence fees, and recurring annual regulatory charges, many percentage-based, multiplying exposure across the value chain and converting the regime into cumulative financial layering rather than proportionate regulation.

Transport Permits and Escort Requirements

6.14 The framework requires transport permits for the movement of industrial hemp, including harvested stalks, fibre, seeds, and intermediate products, within Ghana.

6.15 The framework further mandates security escort arrangements, including armed escort services, for the transport of industrial hemp by road.

6.16 These escort and transport controls attract additional charges, including per-truck fees, distance-based fees, and ancillary security-related costs.

6.17 The Plaintiff contends that these transport and escort requirements are identical in character to those applied to narcotic substances, notwithstanding that industrial hemp at or below 0.3% THC is legally and scientifically non-narcotic.

Cumulative Effect

6.18 When viewed in isolation, each individual licence, permit, or charge is presented as regulatory.

6.19 When viewed cumulatively, the combined effect is to create a prohibitive economic barrier rendering lawful participation practically impossible for ordinary Ghanaian farmers, cooperatives, and SMEs.

6.20 The Plaintiff contends that the Constitution requires this Honourable Court to assess the constitutional consistency of the framework as a whole, rather than isolated components, because it is the cumulative burden that produces exclusion and constitutional harm.

6.21 The Plaintiff further avers that even where particular fee schedules may be defended as "pending" or "administrative", the constitutional complaint does not depend upon conjecture as to minor numerical variation. Any regime that maintains flat, unscaled, cumulative, USD-denominated fees combined with mandatory annual levies and narcotics-style escort requirements for a legally non-narcotic crop is constitutionally infirm under Articles 17, 23, 36, and 296, and further engages Article 174.

7. CONSTITUTIONAL INCONSISTENCIES

A. Articles 23 and 296 — Rationality, Reasonableness, and Control of Discretion

7.1 Articles 23 and 296 impose substantive limits on administrative and regulatory discretion. Discretionary power must be exercised fairly, reasonably, candidly, and not arbitrarily, capriciously, or disproportionately.

7.2 Industrial hemp containing not more than 0.3% THC is, by law and science, non-psychoactive and non-narcotic. Notwithstanding this settled classification, the impugned framework subjects industrial hemp to narcotics-style controls, including transport permits, armed escorts, and related truck movement and security fees.

7.2A The $\leq 0.3\%$ THC threshold is not a rhetorical assertion but a widely recognised scientific and regulatory demarcation used internationally to distinguish industrial hemp from narcotic cannabis, precisely because hemp within that threshold is non-intoxicating and does not present narcotics-level diversion risk.

7.3 The Plaintiff contends that this constitutes a fundamental category error—namely, regulating an agricultural commodity as though it were a controlled narcotic substance—thereby undermining the rational basis of regulation.

7.4 The Plaintiff further avers that the imposition of armed escorts and transport permits is not merely costly but logically incapable of justification. Industrial hemp within the statutory threshold cannot intoxicate, cannot be used recreationally as a narcotic, and cannot reasonably be associated with narcotics-level diversion risk.

7.5 In these circumstances, the framework's failure to articulate a coherent security rationale for guarding the transport of agricultural fibre, seed, or stalks exposes the escort requirement as a regulatory non-sequitur disconnected from the crop's properties.

7.6 The Plaintiff contends that measures imposed in the absence of a rational connection to a legitimate objective fail constitutional scrutiny. In *Asare v Attorney-General* [2003–2004] SCGLR 823, this Honourable Court affirmed that State action must bear a rational connection to legitimate governmental purpose.

7.7 The Plaintiff further relies on this Honourable Court's jurisprudence that statutory authority does not immunise unreasonable or disproportionate exercises of discretion from judicial review, including *Republic v Public Services Commission; Ex parte Baffoe-Bonnie* [2010] SCGLR and *Ransford France v Electoral Commission* [2012] SCGLR.

7.8 The Plaintiff contends that applying narcotics-style escort and transport controls to non-narcotic industrial hemp is irrational and disproportionate, and constitutes an arbitrary exercise of regulatory discretion contrary to Articles 23 and 296.

B. Article 17 — Indirect Discrimination Based on Economic Status

7.9 Article 17(2) prohibits discrimination on grounds including social and economic status. Discrimination may arise not only by express classification but through facially neutral measures whose practical effect is exclusionary.

7.10 The impugned framework imposes cultivation licence fees reaching up to USD 45,000 per hectare, together with cumulative annual regulatory levies and multiple ancillary licensing costs, without meaningful scaling by risk, capacity, or proportional regulatory cost, thereby creating entry conditions that are practically unattainable for ordinary Ghanaian farmers seeking lawful participation in the industrial hemp regime.

7.11 In its practical operation, the fee architecture functions as wealth-based gatekeeping, confining lawful participation to capital-intensive actors while excluding ordinary Ghanaian farmers, cooperatives, and small- and medium-scale enterprises from meaningful access to the licensed activity.

7.12 Licensing regimes may not operate as de facto mechanisms of exclusion. The Plaintiff will rely on the principle articulated in decisions of this Honourable Court, including *Ghana Lotto Operators Association v National Lottery Authority* [2007–2008] SCGLR 1088, that regulatory schemes must not operate as disguised exclusionary tools under colour of licensing.

7.13 The Plaintiff further contends that the discriminatory effect is aggravated by the regime's USD-denominated architecture, which imports exchange-rate volatility into licensing access and imposes burdens unrelated to regulatory risk, thereby rendering lawful participation practically inaccessible to Ghanaian participants whose economic activity is conducted primarily in local currency.

7.14 The Plaintiff further pleads regulatory asymmetry: while domestic cultivation and movement are burdened by multiple licences, high fees, transport permits, and armed escort obligations, hemp-derived products manufactured abroad are lawfully imported, distributed, and sold in Ghana without comparable controls. The practical effect is to disadvantage domestic cultivation and local value addition while comparatively favouring foreign producers and importers within the Ghanaian market.

7.14A The Plaintiff contends that this asymmetry has the practical effect of favouring imported hemp-derived finished goods over Ghanaian cultivation and local value addition, thereby deepening the exclusionary impact of the impugned framework on domestic farmers and SMEs.

7.15 The Plaintiff contends that a regime that permits importation and retail sale while pricing citizens out of lawful domestic cultivation operates as indirect discrimination under Article 17(2) and undermines constitutional commitments to indigenous participation and equality before the law.

C. Article 36 — Economic Objectives of the Constitution

7.16 Article 36 obliges the State to promote inclusive economic participation, balanced national development, and the welfare of the people, including support for small-scale and indigenous enterprises and the rational organisation of the economy.

7.17 Industrial hemp is internationally recognised as a value chain capable of supporting rural livelihoods, cooperative production, SME participation, export diversification, and value-addition. It is precisely the kind of emerging productive opportunity capable of broadening Ghana's agricultural and industrial base.

7.17A Comparative experience further indicates that where States treat industrial hemp as an ordinary agricultural commodity subject to proportionate regulation, the sector supports SME entry, rural livelihoods, and value addition; conversely, where regulation imports narcotics-style controls and confiscatory fees, the sector becomes structurally inaccessible to domestic participants—an outcome inconsistent with Article 36 objectives.

7.18 The Plaintiff contends that a regulatory framework that renders lawful participation practically inaccessible to ordinary citizens frustrates Article 36 in both design and effect, because it converts an emerging domestic value chain into a sector accessible only to capital-intensive or foreign-backed entities.

7.19 The Plaintiff further contends that such frustration is constitutionally cognisable. In *New Patriotic Party v Attorney-General (CIBA Case)* [1996–97] SCGLR 729, this Honourable Court

affirmed that the Directive Principles of State Policy are not mere political aspirations but serve as mandatory guides to constitutional interpretation where questions of governance, rights, and public administration arise.

7.20 Interpreted through this lens, the Plaintiff contends that the impugned framework is inconsistent with Article 36 because it undermines inclusive participation, discourages indigenous enterprise, and weakens local value addition in favour of foreign supply.

D. Article 23 — Legitimate Expectation and Administrative Fairness

7.21 Article 23 guarantees administrative justice. Administrative bodies must act fairly, reasonably, and in accordance with standards of procedural propriety.

7.22 The Plaintiff and its members participated in stakeholder engagements, consultations, and policy submissions advocating proportionate, tiered, and risk-based regulation. The Plaintiff contends that these engagements created legitimate expectations that regulation would be structured to enable lawful, inclusive participation rather than exclusion.

7.23 The subsequent imposition of materially higher, unscaled, cumulative and USD-denominated fees—together with narcotics-style escort requirements—without reasonable accommodation of the consultative process defeats legitimate expectation and constitutes unfair administrative conduct contrary to Article 23.

7.24 The Plaintiff further contends that administrative fairness includes reasoned decision-making and proportional response. Where a body retains stakeholder engagement but adopts a framework that is radically disproportionate to the risk and inconsistent with the consultative record, the resulting scheme is constitutionally suspect.

E. Article 174 — Separation of Powers and Fiscal Authority

7.25 Article 174 vests the imposition of taxation exclusively in Parliament. This protects constitutional separation of powers and fiscal accountability.

7.26 The Plaintiff contends that where a charge imposed under the guise of licensing or regulation bears no discernible relationship to regulatory cost, is confiscatory in magnitude, or is structured to raise substantial public revenue, it assumes the constitutional character of a tax regardless of nomenclature.

7.27 On the Plaintiff's case, the magnitude, structure, and cumulative operation of the impugned licence fees—together with annual percentage-based levies and ancillary charges—disclose a revenue-raising character that is not rationally referable to regulatory cost recovery.

7.27A The February 2026 Schedule further confirms that annual regulatory fees fixed at 20% of licence value apply irrespective of regulatory activity undertaken or cost incurred, reinforcing the Plaintiff's contention that the impugned charges assume the functional character of revenue-raising measures rather than cost-recovery fees.

7.28 The Plaintiff therefore contends that the impugned fees constitute de facto taxation implemented through subordinate legislative architecture and administrative schedules in circumvention of Article 174, rendering the regime constitutionally infirm.

8. DOMESTIC COMPARATOR — GHANA SHIPPING ACT, 2003 (ACT 645)

8.1 The Plaintiff relies on the Ghana Shipping Act, 2003 (Act 645) as a domestic comparator demonstrating Parliament's established legislative practice of adopting scaled, proportionate, and risk-based licensing regimes in sectors presenting genuine public safety and security risk.

8.2 The maritime sector involves high-risk operations, large capital assets, environmental hazards, and international movement. Yet Parliament adopted differentiated and graduated fee structures calibrated by objective criteria such as tonnage, type, capacity, and risk profile.

8.3 The Plaintiff contends that this legislative practice exemplifies the constitutional discipline demanded by Article 296: discretionary regulatory power must be guided by reason and objective justification, not arbitrary blanket burdens.

8.4 By contrast, the impugned industrial hemp regime imposes uniform and cumulative fees — including cultivation charges reaching up to USD 45,000 per hectare as reflected in the officially published licensing tariffs issued pursuant to L.I. 2475 — without calibration to acreage, operational capacity, or risk profile, notwithstanding that industrial hemp containing not more than 0.3% THC is legally recognised as non-narcotic.

8.5 The Plaintiff contends that this contrast reinforces the conclusion that the impugned hemp framework is not an inevitable feature of regulation, but a discretionary design choice which attracts heightened constitutional scrutiny under Articles 17, 23, 36, and 296, and further engages Article 174.

8.6 This comparator is relied upon in particular support of Issue B (indirect discrimination) and Issue A (rationality/control of discretion), because it illustrates that Ghana's own legislative tradition recognises tiered, risk-based regulation as practicable and constitutionally disciplined even in genuinely high-risk industries.

9. RELIEFS

Having regard to the constitutional violations pleaded herein, the Plaintiff respectfully prays this Honourable Court for the following reliefs:

(a) Declaration of Constitutional Inconsistency

A declaration that the industrial hemp licensing framework established pursuant to section 43 of Act 1019 (as amended by Act 1100) and operationalised through L.I. 2475 is inconsistent with and in contravention of Articles 17, 23, 36, and 296 of the Constitution, by reason of its irrational design, exclusionary economic effect, and disproportionate exercise of administrative discretion including by reason of its extreme disproportionality as confirmed by the officially published February 2026 Schedule of Fees.

(b) Declaration on Separation of Powers and Fiscal Authority (Article 174)

A declaration that the magnitude, structure, and cumulative operation of the impugned licence fees—including cultivation fees of up to USD 45,000 per hectare, mandatory annual regulatory levies, and percentage-based charges—constitute, in substance, the imposition of de facto taxes through subordinate legislative architecture and administrative fee schedules, in violation of Article 174 of the Constitution.

(c) Declaration on Category Error and Irrational Security Controls

A declaration that the imposition of narcotics-style transport permits, armed security escort requirements, and related truck-movement and security fees on industrial hemp containing not more than 0.3% THC is irrational, arbitrary, and constitutionally impermissible.

(d) Supervisory Order for Proportionate Redesign (Correct Defendant Alignment)

An order directed primarily at the **2nd Defendant (NACOC)**, in consultation with the 1st and 3rd Defendants and any other relevant State agencies, and under the general responsibility of the State represented by the 4th Defendant, to reconsider, redesign, and where applicable re-lay the industrial hemp licensing framework on a constitutionally compliant basis, including:

1. adoption of tiered, scaled, and risk-based licence fees calibrated to acreage, capacity, and actual regulatory cost;
2. elimination of narcotics-style escort and transport controls for industrial hemp unless objectively justified by demonstrable risk;
3. removal of unscaled, cumulative, and USD-denominated fee structures that render lawful participation practically inaccessible to ordinary Ghanaian citizens; and
4. compliance with Articles 17, 23, 36, 296, and 174 in any revised framework.

(e) Interim and Protective Relief

An interim order restraining, pending compliance with the declaratory and supervisory directions of this Honourable Court, the enforcement of the impugned cultivation fees, annual regulatory levies, transport permit requirements, and escort obligations insofar as they apply to industrial hemp containing not more than 0.3% THC, or such aspects thereof as the Court considers just.

(f) Further or Other Orders

Such further or other orders, directions, or consequential reliefs as this Honourable Court may deem fit to give full effect to the Constitution and to safeguard inclusive economic participation, administrative justice, and the rule of law.

DATED AT CLINTON CONSULTING PARTNERS, 9TH FLOOR, EMPORIUM BUILDING, MOVENPICK AMBASSADOR, INDEPENDENCE AVENUE, RIDGE, ACCRA, THIS 2ND MARCH, 2026

Filed on... 27/02/2026
at... Techiman
Registrar
SUPREME COURT OF GHANA

**IN THE SUPREME COURT OF JUDICATURE
IN THE SUPREME COURT OF GHANA
ACCRA – A.D. 2026**

SUIT NO:

**TO INVOKE THE ORIGINAL JURISDICTION OF THE SUPREME COURT
UNDER ARTICLES 2(1), 17, 23, 36, 174, and 296 OF THE 1992 CONSTITUTION
AND UNDER
RULE 45 OF THE SUPREME COURT RULES, 1996, (CI 16)**

BETWEEN

MARIAM ALHASSAN **PLAINTIFF**
2nd Dwomor Avenue, Techiman, Bono East (P O Box 2)

AND

- | | |
|--|---------------------------------|
| 1. THE MINISTRY OF THE INTERIOR
Starlets 91 Road, Accra | 1st DEFENDANT |
| 2. THE NARCOTICS CONTROL COMMISSION (NACOC)
6 Ghana Airways Ave, Accra | 2nd DEFENDANT |
| 3. THE MINISTRY OF FOOD AND AGRICULTURE
Kinbu Road, Accra | 3rd DEFENDANT |
| 4. THE ATTORNEY-GENERAL | 4th DEFENDANT |

**AFFIDAVIT
VERIFYING FACTS RELIED UPON BY THE PLAINTIFF
(Rule 46(1) of C.I. 16)**

I, **MARIAM ALHASSAN**, of No. *2nd Dwomor Avenue, Techiman, (P O Box 2)* in the Bono East Region of the Republic of Ghana, make oath and say as follows:

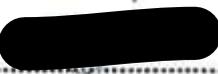
1. I am the Plaintiff in this action and the Deponent herein, and I swear this affidavit in support of the Writ and the Plaintiff's Statement of Case filed to invoke the original jurisdiction of this Honourable Court under Article 2(1)(a) of the 1992 Constitution.

2. Unless otherwise stated, the facts deposed to are within my personal knowledge. Where any matter is based on information or belief, I have disclosed the source thereof and verily believe the same to be true.
3. I am a Ghanaian citizen and a commercial farmer engaged in agricultural activities within Ghana. I have a genuine and bona fide intention to participate lawfully in the industrial hemp value chain contemplated under section 43 of the Narcotics Control Commission Act, 2020 (Act 1019), as amended by the Narcotics Control Commission (Amendment) Act, 2023 (Act 1100).
4. In furtherance of this intention, I have taken steps to acquaint myself with the legal and regulatory requirements governing industrial hemp licensing and compliance, including reviewing the relevant statutory instruments and the officially published licensing tariff materials issued for the implementation of the Narcotics Control Commission (Cultivation and Management of Cannabis) Regulations, 2023 (L.I. 2475).
5. I have read the Plaintiff's Statement of Case filed on my behalf, and I verify that the factual assertions contained therein are true and accurate to the best of my knowledge, information, and belief, particularly insofar as they relate to:
 - (a) the existence and content of Act 1019 as amended by Act 1100;
 - (b) the existence and content of L.I. 2475; and
 - (c) the officially published fees, tariffs, and compliance requirements issued pursuant to and for the operational implementation of L.I. 2475.
6. I verily say that L.I. 2475 establishes a regulatory and licensing framework governing, among other matters, cultivation licensing, application fees, annual regulatory levies, transport permits for the movement of cannabis or industrial hemp materials, escort or security arrangements, and security bond requirements attached to licensing and operational approval.
7. I further verily say that the officially published licensing tariff framework and Schedule of Fees issued pursuant to L.I. 2475 and publicly released in or about February 2026 confirm, among other matters, that:
 - (a) cultivation licence fees are structured according to acreage or operational categories; and
 - (b) the published cultivation licence fees include a category reaching **United States Dollars Forty-Five Thousand (US\$45,000) per hectare** for large-scale cultivation.
8. The same official fee materials further confirm that the framework includes additional charges and compliance requirements, including:
 - (a) application and processing fees;
 - (b) an annual regulatory levy stated as twenty percent (20%) of the applicable licence fee; and
 - (c) security bonds and related compliance costs imposed as conditions attached to licensing and/or continued operations.

9. I further verify that the licensing framework implemented under L.I. 2475 includes requirements connected to the movement and transport of industrial hemp, including:
 - (a) transport permits for the movement of regulated cannabis or hemp materials; and
 - (b) escort-related requirements and/or escort supervision arrangements applicable to transport operations, as reflected in the official regulatory materials.
10. As a Ghanaian farmer seeking lawful entry into the industrial hemp sector, I say that the cumulative effect of the published fees and compliance layers — including cultivation licence fees, annual regulatory levies, application fees, and security bond and compliance obligations — presents a substantial practical barrier to lawful participation for myself and other ordinary Ghanaian farmers and small-to-medium scale agricultural actors.
11. I am advised by my Counsel, **Amanda Akuokor Clinton**, and I verily believe the same advice to be true, that this Honourable Court, in proceedings brought under Article 2(1)(a) of the Constitution, is concerned with determining whether legislation and subordinate legislation are consistent with constitutional requirements, including those relating to rationality, administrative justice, equality before the law, and the constitutional allocation of fiscal authority.
12. I swear this affidavit in order to place before this Honourable Court evidence establishing:
 - (a) my standing and genuine interest as a Ghanaian citizen and farmer affected by the impugned regulatory framework; and
 - (b) the existence, official character, and operational effect of the statutory and regulatory instruments and tariff materials relied upon in the Statement of Case.
13. Attached and marked as **Exhibit "MA-1"** is a true copy of the officially published NACOC licensing tariff framework / Schedule of Fees publicly released in or about February 2026, showing the cultivation licence fees and related tariff requirements relied upon in this action.
14. Attached and marked as **Exhibit "MA-2"** is a true copy of section 43 of Act 1019 as amended by Act 1100, which provides for licensing of cannabis containing not more than 0.3% THC for industrial and medicinal purposes and establishes the statutory threshold relevant to these proceedings.
15. I swear this affidavit conscientiously believing the contents herein to be true and correct.

WHEREFORE I depose to this affidavit in support of the Plaintiff's Writ and Statement of Case.

SWORN AT ACCRA)

THIS ^{27th} DAY OF FEBRUARY, 2026) 

) DEPONENT

BEFORE ME:)
MERCY BOAKYE BOATENG
 COMMISSIONER OF OATHS
 P. O. BOX NO. 727
 NII BOIMAN, LAPAZ
 TEL: 0561246121 / 024 8522303

COMMISSIONER FOR OATHS

EXHIBIT "MA-1"

SCHEDULE OF FEES FOR LICENSES / PERMITS- CANNABIS REGULATIONS

NO.	ITEM / LICENSE FEES	(USD \$)
1	APPLICATION FEES (NON REFUNDABLE)	
	a. Community	1,000.00
	b. Company/Business	5,000.00
2	CULTIVATION LICENCE FEE	
	Category 1: (Less than five hectares)	
	a. Tier 1 - cultivate up to 1 acre (0.4 Hectare) of land.	9,000.00
	b. Tier 2 - Cultivate more than 1 and up to 3 acres (1.2 Hectares) of land	11,500.00 per acre
	c. Tier 3- Cultivate maximum 5 acres (2 Hectares) of land	13,500.00 per acre
	Category 2: (Five hectares to twenty hectares)	45,000.00 per Hectare
	Category 3: (twenty hectares to one hundred hectares)	45,000.00 per Hectare
	Category 4: (one hundred hectares to six hundred hectares)	45,000.00 per Hectare
	Category 5: (six hundred hectares to one thousand five hundred hectares)	45,000.00 per Hectare
	Category 6: (one thousand five hundred hectares to five thousand hectares)	45,000.00 per Hectare
	Category 7: (five thousand hectares to fifteen thousand hectares)	45,000.00 per Hectare
	Category 8: (More than fifteen thousand hectares) (1 acre = 0.4 Hectare)	45,000.00 per Hectare
	Cultivation Annual Regulatory Fee	20 % of license fee
	Cultivation Licence Duration	3-Years
	BREEDING OF CULTIVAR LICENCE	3,000.00
	Breeding of Cultivar Licence Renewal (Section 55 (1 and 2))	3,000.00
3	PROCESSING LICENCE	
	a. Tier 1 - Process cannabis into fibre and other derivatives in a space of up to 200 square metres.	5,000.00
	b. Tier 2 - Process cannabis into fibre and other derivatives in a space of over 200 square metres.	20,000.00
	Processing Annual Regulatory Fees	20% of License Fees
4	EXPORT LICENCE FEE	10,000.00
	Export Licence Annual Regulatory Fees	20% of License Fee

THIS IS THE EXHIBIT
 MARKED: MA-1
 REFERRED TO THIS
 AFFIDAVIT SWORN AT ACCRA
 THIS 21 DAY OF SEP 20 21
 BEFORE ME

 COMMISSION FOR OATHS

5	LABORATORY LICENCE FEE	
	Laboratory Licence Annual Regulatory Fees	3,000.00 20% of License Fees
6	IMPORT LICENCE FEE	
	Import Licence Annual Regulatory Fees	5,000.00 20% of License Fees
7	TRANSPORT LICENCE FEE	
	1 st Vehicle	
	Add 1 Vehicle	5,000.00
	Transport Licence Annual Regulatory Fees	1,000.00 20% of License Fees
8	STORAGE LICENCE FEE	
	Storage Licence Annual Regulatory Fees	10,000.00 20% of License Fees
9	DISTRIBUTION & SALE LICENCE FEE	
	a. Wholesale	
	b. Retail	10,000.00
	Distribution & Sale Licence Annual Regulatory Fees	5,000.00 20% of License Fees
10	ADVERTISING & PROMOTION LICENCE FEE	
	Advertising & Promotion Licence Annual Regulatory Fees	1,000.00 20% of License Fees
11	RESEARCH LICENCE FEE	
	a. Experimental Licence fee (Undertakes all activities involved in the assessment, study, research, development and testing of products derived from all or any part of the cannabis plant, including the analytical services for own use)	5,000.00
	b. Analytical Services Licence fee (Provide commercial services exclusively for the determination of any or all of the constituents, characteristics, quality or safety parameters of cannabis or cannabis products by accepted and/or accredited methods.)	5,000.00
	Research Licence Annual Regulatory Fees	20% of License Fees
12	VARIATION / AMENDMENT OF LICENCE	2,500
13	SECURITY BONDS	
	1. Cultivator's licence	
	a. Tier 1	1,000.00

	b. Tier 2	2,000.00
	c. Tier 3	3,000.00
	d. Category 2 to category 8	10,000.00
	2. Processing	3,000.00
	3. Research and development	2,000.00
	4. Import and Export	5,000.00
14	EXPORT SEAL	300.00
15	PERMITS REGIMES	
	a. Permit per Every Cultivation	500.00 per hectare
	b. Permit per Every Import/ Export.	500.00
	c. Permit per Every Transport	100.00
	d. Permit for Advertising Type	500.00
	e. Permit for Breeding	500.00
	f. Escort Fees	\$2/kilometre per truck
	g. Default Fee	2,500.00

NB:

1. Community applying for Cultivation License is limited to maximum 5 acres of land
2. The Fees which are all quoted in US dollars are payable in Ghana Cedis at the prevailing rates.
3. All licenses are valid for 3 years except the Breeder licence which is valid for 1 year.
4. Cannabis surety bonds; it is to ensure the principal (cannabis business) covers the cost of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.

EXHIBIT "MA-2"

NARCOTICS CONTROL COMMISSION ACT, 2020 (ACT 1019)

ARRANGEMENT OF SECTIONS

Section

Establishment of the Commission

1. Establishment of the Narcotics Control Commission
2. Objects of the Commission
3. Functions of the Commission
4. Governing body of the Commission
5. Secretary to the Board
6. Functions of the Board
7. Tenure of office of members
8. Meetings of the Board
9. Disclosure of interest
10. Establishment of committees
11. Allowances
12. Regional and district offices of the Commission
13. Independence of the Commission
14. Policy directives

Administration

15. Appointment of Director-General
16. Functions of Director-General
17. Appointment of Deputy Directors-General
18. Appointment of other staff
19. Terms and conditions of service
20. Funds of the Commission
21. Bank account for the Commission
22. Substance Use Disorder Rehabilitation Fund
23. Object of the Fund
24. Source of money for the Fund
25. Bank account for the Fund



26. Management of the Fund
27. Disbursement of moneys for the Fund
28. Report on management and use of moneys for the Fund
29. Accounts and audit
30. Annual report and other reports

Powers of the Commission

31. Authorised officers to exercise powers of Police
32. Power to use firearms
33. Duties and powers of an authorised officer
34. Power to monitor activities in respect of precursors and controlled equipment
35. Oath of Secrecy

Narcotic Drug Offences

36. Importation and exportation of narcotic drugs
37. Unlawful possession or control of narcotic drugs
38. Prohibited business relating to narcotic drugs
39. Cultivation of plants for narcotic purposes
40. Importation or exportation of narcotic plants
41. Unlawful possession or control of narcotic plants
42. Prohibited business relating to narcotic plants
43. Special provision relating to cannabis
44. Administration of narcotic drugs prohibited
45. Offence of purchase of narcotic drugs or plants
46. Special mitigating factors
47. Special plea bargain
48. Use of property for narcotic offences
49. Interference with arrest and seizure
50. Life imprisonment on third conviction
51. Penalty for offence committed by authorised officer
52. Original jurisdiction of the Court
53. Possession or ownership of property obtained by trafficking in narcotic drugs

Arrest, Investigation and Seizure

54. Power of entry, search, arrest and seizure
55. Search of person
56. Obstruction of inspection and search
57. Power of investigation
58. Release of property seized
59. Power to prosecute
60. Declaration of income and property
61. Inaccurate declaration of income and property
62. Protection of third parties
63. Seizure of movable property
64. Seizure of immovable property
65. Transactions in seized property after seizure to be void
66. Realisation of property
67. Utilisation of proceeds of realisable property
68. Non application of Insolvency Act, 2006 (Act 708)
69. Winding up of company holding realisable property
70. Laundering proceeds from narcotic offence
71. Power to intercept communication
72. Seizure of currency
73. Freezing of property
74. Application for freezing order
75. Issue of freezing order
76. Effect of freezing order
77. Duration of freezing order
78. Review of freezing order
79. Extension of freezing order

Confiscation and Forfeiture of Property of Liable Persons

80. Power to apply to Court for confiscation order
81. Application for confiscation or pecuniary penalty order

82. Presumption of acquisition of property or income
 83. Orders on application for confiscation or pecuniary penalty
 84. Quashing of conviction not to discharge confiscation or pecuniary penalty order
 85. Persons liable to be proceeded against
 86. Notice to show cause against forfeiture
 87. Application to the Court for forfeiture
 88. Forfeiture of property in certain circumstances
 89. Forfeiture of certain types of properties
 90. Void transactions
 91. Forfeiture of property in the absence of claim
 92. Proceedings not to abate upon death of a person affected
- Miscellaneous matters
93. Enforcement of foreign law
 94. Request for and authority to render assistance
 95. Information of a person, body or place
 96. Service of process or document
 97. Transmission of copies of statements, records or results of investigation
 98. Examination of witness by an authorised officer of the Commission
 99. Examination of witness by Court
 100. Transmission of property or an article
 101. Offence by body of persons
 102. Lifting the veil
 103. Notice or order not to be invalid for error in description
 104. Report or document by an expert or analyst
 105. Property tracing
 106. Suspicion of unlawful activity
 107. Designated forensic laboratory
 108. Disposal and storage of seized narcotics, controlled equipment and precursors
 109. Attempt, abetment and conspiracy
 110. General penalty and evidence

111. Controlled delivery

112. Regulations

113. Interpretation

114. Repeal and savings

115. Consequential amendment

116. Transitional provisions

SCHEDULES

FIRST SCHEDULE

Equivalencies in Rank

SECOND SCHEDULE

Table of Offences and Penalties

THIRD SCHEDULE

Controlled Equipment

FOURTH SCHEDULE

Oath of Secrecy

FIFTH SCHEDULE

Opium, Coca and Amphetamine

SIXTH SCHEDULE

Narcotic Drug-Cannabis

SEVENTH SCHEDULE

Psychotropic Substances

EIGHTH SCHEDULE

Chemical Precursors

(2) The person convicted under subsection (1) shall serve the term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

(3) The Minister, in consultation with the Minister responsible for Agriculture may grant a licence for the importation, exportation or re-exportation of a narcotic plant if satisfied that the licence can be granted and an application has been made in the prescribed form.

(4) The licence shall be granted subject to the conditions specified in the licence.

Section 41 Unlawful possession or control of narcotic plants

(1) A person who without lawful authority, proof of which lies on that person, has possession or control of a narcotic plant for use or for trafficking commits an offence.

(2) A person who commits an offence of unlawful possession or control of a narcotic plant

(a) for use is liable on summary conviction to a fine imposed in accordance with the penalty specified in the Second Schedule or a term of imprisonment specified in the Schedule if the fine is not paid; or

(b) for trafficking is liable on summary conviction to the fine and imprisonment specified in the Second Schedule and an additional term of imprisonment specified in that Schedule if the fine is not paid.

Section 42 Prohibited business relating to narcotic plants

(1) A person who without lawful authority, manufactures, processes, produces or distributes narcotic plants commits an offence.

(2) A person who without lawful authority undertakes an activity for the purpose of establishing or promoting an enterprise relating to narcotic plants commits an offence.

(3) A person who, without lawful authority, has possession or control of a machine, equipment, a tool, utensil or any other material or article for the manufacture, processing, production, distribution, sale, administration or use of a narcotic plant commits an offence.

(4) A person shall not with or without lawful authority, import, export or re-export a plant listed in the Fifth, Sixth and Seventh Schedules with the intention of diverting the plant for use or production as narcotic drug.

(5) A person shall not use any plant for the processing or extraction of a synthetic or semi-synthetic drug without lawful authority.

(6) A person who commits an offence under this section is liable on summary conviction to the fine or term of imprisonment specified in the Second Schedule and an additional term of imprisonment specified in the fifth column of that Schedule if the fine is not paid.

Section 43 Special provision relating to cannabis

(1) Despite sections 39 to 42, the Minister, on the recommendation of the Commission, may grant a licence for the cultivation of cannabis which has not more than 0.3% THC content on a dry weight basis for industrial purposes for obtaining fibre or seed or for medicinal purposes.

(2) For the avoidance of doubt, a licence granted under subsection (1) shall not be for the cultivation of cannabis for recreational use.

Section 44—Administration of narcotic drugs prohibited

(1) A person commits an offence if the person, without lawful authority, proof of which lies on that person, administers a narcotic drug to another person.

(2) A person who commits an offence under subsection (1) is liable on summary conviction to a fine or a term of imprisonment as specified in the Second Schedule.

(3) The person shall serve the additional term of imprisonment specified in the Second Schedule if the fine is not paid.

Section 45—Offence of purchase of narcotic drugs or plants

(1) A person who, without lawful authority, proof of which lies on that person, purchases a narcotic drug or plant with the intention to sell or supply the narcotic drug commits an offence.

(2) A person who, without lawful authority, purchases a narcotic drug or plant for personal use, commits an offence.

(3) A person who commits an offence under subsection (1) or subsection (2) is liable on summary conviction to a fine or a term of imprisonment as specified in the Second Schedule.

(4) The person shall serve the additional term of imprisonment specified in the fifth column of the Second Schedule if the fine is not paid.

(5) Without prejudice to subsections (3) and (4), a Court that convicts a person for an offence committed under subsection (2) may make an order directing the person to seek treatment and rehabilitation at a facility approved by the Commission in consultation with the Minister for Health.

Section 46—Special mitigating factors

(1) A Court, having regard to the nature and special circumstances of an offence committed under section 44, may sentence an accused person to a lesser term than the minimum penalty specified in the Second Schedule.

(2) The lesser term that the Court may impose where there are special mitigating circumstances, is a term not less than two years imprisonment in addition to a fine of not less than seven hundred and fifty penalty units and not more than one thousand five hundred penalty units.

Section 47—Special plea bargain

A person arrested and charged with the offence of possession of a narcotic drug or plant for trafficking who is only a courier for a principal may plead guilty to the offence during the trial proceedings and have the sentence reduced by at least half of the sentence if that person cooperates fully with officers of the Commission and the principal is arrested and charged after investigations.

Section 48—Use of property for narcotic offences

(1) A person who directly or indirectly uses property within or outside the country—