**THE MINISTER AND THE LAW**

*Presented by Daniel Kobla Glymin, Legal Practioner*

* The minister of the Gospel like any citizen of a nation has the responsibility of educating himself on the legal system of the country and how its laws impact on the society he/she is part of. The minister or members of his/her congregation are likely to encounter situations which require a basic knowledge of the law in order to appreciate their rights, obligations and or sanctions as stipulated by the laws that apply to a particular situation. The “maxim” ignorance of the law is no excuse and should always be borne in my mind by the minister.
* DEFINITION OF LAW
  + Law is defined as a body of rules of action or conduct prescribed by controlling authority and having binding legal force.
  + That which must be obeyed and followed by citizens subject to sanctions or legal consequences is law.
  + A principle or order which guides behavior and says how things are to be done.

HOW ARE LAWS MADE?

* + A bill must be introduced in parliament by the executive or sponsored by a member of parliament and must go through all the various readings and deliberations in parliament, and thereafter forwarded to the president for his consent before it becomes operative.
* THE CONSTITUTION
  + This is the supreme law of the land and supersedes any other law in the land. Any law that is in conflict with the constitution is null and void.

**SOME LEGAL ISSUES AFFECTING THE MINISTER**

* CHURCH INCORPORATION
  + Ascertain the relevant laws in your country regarding the setting up of your ministry.
    - In Ghana ministries usually incorporate as a company limited by guarantee. See 10 of the Companies Act 1963 states that a company limited by guarantee may not lawfully be incorporated with the object of carrying out business for the making of profit.
* ENSURING GOOD CORPORATE GOVERNANCE IN YOUR MINISTRY
  + Is there compliance with the ministry’s regulations/articles of incorporation?
  + Is there a board/executive council in place?
  + Are meetings of the Board and members held as required by law, eg. Annual General Meetings
  + Are proper accounts prepared and laid before members of the church at the AGM as required by law?
  + Are there any filings to be done annually?
  + Is there a church constitution?
  + Is there compliance with all the clauses of the constitution?
* LEGAL ISSUES AFFECTING ADMINISTRATION OF THE MINISTRY
  + Do the laws of your country exempt your ministry from paying of taxes?
    - In Ghana even though ministries are tax exempt, they are required to pay taxes on the salaries of employees of the ministry. (Pay as you earn!)
  + Is the ministry contribution towards the employees retirement by paying the deductions stipulated by the social security and national insurance trust law or other laws on employee pensions?
  + Withholding taxes:- are there any taxes the ministry is supposed to withhold by law and pay to the state? eg. for services rendered, contractors, rent tax
* LICENSING REQUIREMENTS
  + Ascertain to laws in your country on licensing requirements for ministers.
  + In Ghana, the various denominations have put in place their procedures for ordination and licensing of their minister to enable them serve.
* CELEBRATION OF MARRIAGES
  + Appointment of marriage officers
    - The marriage ordinance (CAP 127) as amended by L.I 707 provides for the appointment of church ministers as officers to celebrate marriages as required by law.

1. The application shall
   1. Be submitted to the Registrar of Marriages (the Registrar-General); and
   2. State the qualification and date of ordination or consecration of the priest or pastor.
2. Applications from the
   1. Catholic Church
   2. Anglican Church
   3. Methodist Church, and
   4. Presbyterian Church

shall be signed by the Bishop of the relevant Diocese or the chairperson of the relevant Presbytery as the case may be.

1. Applications from churches under the Pentecostal Council of Ghana shall be submitted under the signature of the Head or the Secretary of the Council.
2. Applications from churches under the Charismatic Churches council of Ghana shall be submitted under the signature of the Head or Secretary of the Council.
3. Application from any other church that does not fall within any of the categories stated above shall
   1. Be signed by the Head of the Church; and
   2. Provide proof of a licensed place for celebration of marriage of the applicant.

* LICENSING OF PLACES OF WORSHIP
  + Section 8 of the Marriage Ordinance Cap 127: provides that a principal Registrar of marriages may license any place for the celebration of marriage and may at any time cancel such license.

Celebration of Marriage\*

* Marriage may be celebrated in any licensed place of worship by any recognized minister of the church, denomination, or body to which such a place of worship belongs, and according to the rites or usages of marriage observed in such church, denomination or body, provided that the marriage be celebrated with open doors between the hours of eight o’clock in the forenoon and six o’clock in the afternoon, and in the presence of two or more witnesses besides the officiating minister.
* No minister shall celebrate any marriage if he knows of any just impediment to such marriage, nor shall he celebrate any marriage until the parties deliver to him either:
  + A registrar’s certificate; or
  + Two marriage officer’s certificates, one in respect of each party, or one marriage officer’s certificate; or
  + The Principal Marriage Officer’s License
    - No minister shall celebrate any marriage except in a building which has been duly licensed by the Principal Registrar of Marriages or in such place as the license may direct.
* ACQUISITION OF PROPERTY
  + Many ministries have lost money to fraudsters in their quest to acquire land to build their worship centers.
  + The need to do the necessary background check of a search at the Land Title Registry, The Lands Commission and the Deeds Registry to ascertain whether the seller has title to the land.
  + Ensure there is proper documentation for the sale/lease of the land.
  + Ensure that your title is properly registered.
* COUNSELLING
  + Ministers by their training and calling are usually involved in counseling members of their congregation who have various needs.
  + There is the need to avoid counseling in areas where you do not have the necessary competence. eg. medical problems which require the attention of a trained medical professional.
    - There is a likelihood of a lawsuit where a person suffers some harm or injury as a result of your failure to advise them to seek help from professionals who have the requisite skill and knowledge to deal with their matter.
* CONFIDENTIALITY OF INFORMATION
  + Ministers are bound by the same standards applied to a lawyer-client relationship. Information shared with a minister is confidential and cannot be shared with another person except with the consent of the party.

CONCLUSION

When in doubt, always seek the services of a lawyer to advise on any matters that may be unclear to you.

Works Cited

\*Excerpt from *Family Law in Ghana*, William E. Offei, pg. 99