

**LOCAL GOVERNMENT (AKUAPIM SOUTH MUNICIPAL ASSEMBLY)
(ESTABLISHMENT) INSTRUMENT, 2020 (L.I. 2396)**

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**LOCAL GOVERNMENT (AKUAPIM SOUTH MUNICIPAL ASSEMBLY)
(ESTABLISHMENT) INSTRUMENT, 2020 (L.I. 2396)**

IN exercise of the power conferred on the Minister responsible for Local Government and Rural Development by subsection (1) of section 3 of the Local Governance Act, 2016 (Act 936), this Instrument is made this 12th day of February, 2020.

Regulation 1—Establishment of Assembly

There is established a Municipal Assembly to be known as the Akuapim South Municipal Assembly referred to in this Instrument as the "Assembly" for the electoral areas specified in the First Schedule.

Regulation 2—Composition of Assembly

(1) The Assembly shall consist of the following members:

(a) The Municipal Chief Executive;

(b) One person from each electoral area within the Municipality elected by universal adult suffrage in accordance with Regulations made for the purpose by the Electoral Commission;

(c) The member or members of Parliament from the constituencies that fall within the area of authority of the Assembly; and

(d) Other persons not exceeding thirty per cent of the total membership of the Assembly appointed by the President in consultation with the traditional authorities and other interest groups in the Municipality.

(2) A Member of Parliament shall

(a) Be counted among the seventy per cent in the calculation of the thirty per cent of the appointed members; and

(b) Not have a voting right.

Regulation 3—Terms of Assembly

(1) Elections to the Assembly shall be held every four years except that such elections and elections to Parliament shall be held six months apart.

(2) For the purpose of election to the Assembly, the area of authority of the Assembly shall be divided into the electoral areas specified in the First Schedule.

Regulation 4—Functions of Assembly

(1) The Assembly shall perform the functions conferred under sections 12 and 13 of the Local Governance Act, 2016 (Act 936).

(2) Without limiting the scope of subregulation (1), the Assembly shall perform the functions set out in the Second Schedule.

Regulation 5—Departments of Assembly

The Assembly shall, in accordance with section 78 of the Local Governance Act, 2016 (Act 936), establish the Departments specified in the Second, Third and Fourth Schedules to the Act.

Regulation 6—Meetings of Assembly

- (1) The Assembly shall meet at least three times in a year.
- (2) Matters for decision by the Assembly shall be determined by the votes of the majority of members present and voting.
- (3) In the event of equality of votes, the Presiding Member shall have a casting vote.
- (4) The validity of proceedings of the Assembly shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.
- (5) The Assembly may at any time summon any public officer in the Municipality to attend any of its meetings to provide information or assistance as the Assembly may require.
- (6) The Assembly may conduct its business in English and in any local language common to the communities in the Municipality.
- (7) The Municipal Co-ordinating Director appointed under section 75 of the Local Governance Act, 2016 (Act 936) shall be the Secretary to the Assembly.

Regulation 7—Common Seal

- (1) The Assembly shall have a Common Seal that shall be approved by the Minister and published in the Gazette.
- (2) Until the Common Seal is available, a rubber stamp bearing the inscription "Akuapim South Municipal Assembly" shall be used as the Common Seal.

Regulation 8—Administrative area of authority

The area of authority of the Assembly shall comprise the electoral areas specified in the First Schedule.

Regulation 9—Location of principal office of Assembly

The principal office of the Assembly shall be located at Aburi in the Municipality where meetings of the Assembly shall be held.

Regulation 10—Inaugural meeting

- (1) The Assembly shall hold its inaugural meeting on a date that the Minister shall determine.
- (2) A Presiding Member of the Assembly shall be elected at the inaugural meeting.
- (3) The local language to be used in addition to English by the Assembly shall be decided at the inaugural meeting by majority of members present and voting.

Regulation 11—Revocation and saving

- (1) The Local Government (Akuapim South District Assembly) (Establishment) Instrument, 2012 (L.I. 2040) is revoked.

(2) Despite the revocation of L.I. 2040, units that were in existence under the revoked Instruments immediately before the coming into force of this Instrument shall operate as units within the Municipality until the electoral areas are revised by the Electoral Commission.

SCHEDULES

FIRST SCHEDULE

(Regulations 1, 3(2) and 8)

AREA OF AUTHORITY AND ELECTORAL AREAS

NAME OF MUNICIPALITY

Akuapim South

DESCRIPTION OF ELECTORAL AREAS

1. Fante Town
2. Adjenase Piem
3. Abaase
4. Tabankro
5. Obosono
6. Obotweri
7. Dago
8. Fahiakor
9. Obodan
10. Ahyiresu
11. Attakrom
12. Nsakyee
13. Nsaba
14. Aburi-Amanfo
15. Oboadaka
16. Dumpong
17. Aburi West
18. Aburi East
19. Aburi North
20. Otweri

21. Adamorobease
22. Jankama / Konkonuru
23. Kitase
24. Brekuso
25. Otiakrom / Kojokrom
26. Comet Estate

SECOND SCHEDULE

(Regulation 4(2))

FUNCTIONS OF ASSEMBLY

1—Functions of Assembly

(1) The Assembly shall

- (a) Exercise political and administrative authority in the Municipality;
- (b) Promote local economic development; and
- (c) Provide guidance, give direction to and supervise other administrative authorities in the Municipality as may be prescribed by law.

(2) The Assembly shall exercise deliberative, legislative and executive functions.

(3) Without limiting subparagraphs (1) and (2), the Assembly shall

- (a) be responsible for the overall development of the Municipality;
- (b) Formulate and execute plans, programmes and strategies for the effective mobilisation of the resources necessary for the overall development of the Municipality;
- (c) Promote and support productive activity and social development in the Municipality and remove any obstacles to initiative and development;
- (d) sponsor the education of students from the Municipality to fill particular manpower needs of the Municipality especially in the social sectors of education and health, making sure that the sponsorship is fairly and equitably balanced between male and female students;
- (e) Initiate programmes for the development of basic infrastructure and provide municipal works and services in the Municipality;
- (f) be responsible for the development, improvement and management of human settlements and the environment in the Municipality;
- (g) in co-operation with the appropriate national and local security agencies, be responsible for the maintenance of security and public safety in the Municipality;
- (h) Ensure ready access to courts in the Municipality for the promotion of justice;

- (i) act to preserve and promote the cultural heritage within the Municipality;
 - (j) initiate, sponsor or carry out studies that may be necessary for the discharge of any of the duties conferred by the Act or any other enactment; and
 - (k) perform any other functions that may be provided under any other enactment.
- (4) The Assembly shall take the steps and measures that are necessary and expedient to
- (a) execute approved development plans for the Municipality;
 - (b) guide, encourage and support sub-district local structures, public agencies and local communities to perform their functions in the execution of approved development plans;
 - (c) initiate and encourage joint participation with other persons or bodies to execute approved development plans;
 - (d) Promote or encourage other persons or bodies to undertake projects under approved development plans; and
 - (e) Monitor the execution of projects under approved development plans and assess and evaluate their impact on the development of the Municipality and national economy in accordance with Government policy.
- (5) The Assembly shall co-ordinate, integrate and harmonise the execution of programmes and projects under approved development plans for the Municipality and other development programmes promoted or carried out by Ministries, Departments, public corporations and other statutory bodies and non-governmental organisations in the Municipality.
- (6) The Assembly in the discharge of its duties shall
- (a) be subject to the general guidance and direction of the President on matters of national policy; and
 - (b) act in co-operation with the appropriate public corporation, statutory body or non-governmental organisation.
- (7) Public corporations, statutory bodies and non-governmental organisations shall co-operate with the Assembly in the performance of their functions.
- (8) In the event of a conflict between the Assembly and an agency of the central Government, public corporation, statutory body, non-governmental organisation or individual over the application of subparagraph (5), (6) or (7), the matter shall be referred by either or both parties to the Regional Co-ordinating Council for resolution.

2—Functions under other enactments

- (1) The Assembly shall be the authority to carry out and execute within its Municipality the provisions of
- (a) the Auction Sales Act, 1989 (P.N.D.C.L. 230);
 - (b) the Liquor Licensing Act, 1970 (Act 331); and
 - (c) the Control and Prevention of Bushfires Act, 1990 (PN.D.C.L. 229).

(2) The Assembly shall be the authority to carry out and execute the following provisions of the Criminal Offences Act, 1960 (Act 29) within its Municipality:

(a) section 296 in respect of throwing rubbish in the street; and

(b) section 300 in respect of stray cattle.

(3) For the purpose of subparagraph (1), the Assembly shall, within its Municipality, have the powers, rights, duties, capacities, liabilities and obligations of a person or authority mentioned in the enactment.

(4) Subparagraph (3) does not include the powers of a court or the Commissioner of the Customs Division of the Ghana Revenue Authority.

(5) For the purpose of the Liquor Licensing Act, 1970, (Act 331), the Municipal Finance Officer or any other designated officer of the Assembly shall be the Licensing Officer.

(6) For the purpose of this Instrument, the District Finance Officer or any other designated Officer of the Assembly shall, in respect of section 300 of the Criminal Offences Act, 1960 (Act 29), perform the functions of the Controller and Accountant-General.

(7) Nothing contained in this paragraph shall derogate from the statutory or other functions of the Police, whether exercisable under the enactments specified in this paragraph or otherwise and any person or authority performing a function under this paragraph shall act in consultation with the Police.

HON. HAJIA ALIMA MAHAMA (M.P.)

Minister responsible for Local Government and

Rural Development

Date of Gazette Notification: 14th February, 2020

Entry into force: 23rd March, 2020.