

GHANA METEOROLOGICAL AGENCY ACT, 2004 (ACT 682)

As amended by

GHANA METEOROLOGICAL AGENCY (AMENDMENT) ACT, 2019 (ACT 1002)1

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REPUBLIC OF GHANA

**THE SIX HUNDRED AND EIGHTY-SECOND
ACT
OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED**

THE GHANA METEOROLOGICAL AGENCY ACT, 2004

AN ACT to provide for the establishment of a Ghana Meteorological Agency to replace the Meteorological Services Department and for related matters.

DATE OF ASSENT: 1st December, 2004.

BE IT ENACTED by Parliament as follows:

PART I—ESTABLISHMENT OF THE METEOROLOGICAL AGENCY

Section 1—Establishment of Agency

- (1) There is established by this Act a body to be known as the Ghana Meteorological Agency referred to in this Act as the "Agency".
- (2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Agency shall for the discharge of its functions acquire, hold or dispose of any movable or immovable property and may enter into any contract or other transaction.
- (4) Where there is any hindrance to the acquisition of any immovable property under subsection (3) of this section the property may be acquired for the Agency under the State Lands Act, 1962 (Act 125).

Section 2—Objects and Functions of the Agency

(1) The object of the Agency is to provide meteorological services in the country and ensure the operation and maintenance of international standards and practices in meteorology in the country.

(2) For the purposes of subsection (1) the Agency shall perform the following functions;

(a) advise Government on meteorology generally;

(b) issue weather forecasts for the safe operation of air-craft, ocean going vessels, oil rigs and other socio-economic activities;

(c) provide meteorological information, advice, and warnings for the benefit of agriculture, civil and military aviation, surface and marine transport, operational hydrology and management of energy and water resources to mitigate the effects of natural disasters such as floods, storms and droughts on socio-economic development and projects;

(d) promote the services of meteorology in agriculture, prevention of drought and desertification activities;

(e) establish, organise and manage surface and upper air observational station networks;

(f) collect, process, and disseminate meteorological information nationally and internationally in accordance with rules, practices and procedures established under international conventions;

(g) ensure uniform standards of observation of meteorological phenomena in the country;

(h) train, conduct and undertake research particularly in the field of tropical, agricultural, hydrological, and other aspects of meteorology;

(i) store meteorological data and information for the purposes of planning and implementation of infrastructural projects;

(j) develop and provide telecommunication systems for meteorological purposes only;

(k) participate in local and international training and research in meteorology and climatology and in other related fields in co-operation with other relevant institutions and authorities concerned with applied meteorological research;

(l) collaborate with such relevant foreign and international organisations as the Agency considers necessary for the purposes of this Act;

(m) be the sole authority to approve the establishment of meteorological stations for meteorological observations;

(n) provide consultancy services in meteorology to the public;

(o) participate in the global exchange of meteorological and related activities for the welfare of humankind;

(p) calibrate, develop and fabricate meteorological conventional equipment for internal use and export;

(q) conduct investigations into meteorological issues and advise the Minister accordingly;

(r) ensure due compliance with conventions, protocols and any other relevant standards and recommended practices of the World Meteorological Organisation; and

(s) perform such other functions as are incidental to the objects of the Agency or as the Minister in consultation with the Board may direct.

Section 3—Ministerial Responsibility.

The Minister responsible for Communications or such other Minister designated shall have ministerial responsibility for the Agency and may give general directions in writing to the Agency on matters of policy.

Section 4—Governing Body of the Agency.

(1) The Agency shall have a governing body referred to in this Act as the Board.

(2) The Board consists of the following members who shall be appointed by the President acting in consultation with the Council of State,

(a) a chairperson;

(b) a representative from the Ministries responsible for—

(i) Communications;

(ii) Environment and Science;

(c) a representative

(i) of the Water Resources Commission not below the rank of a Deputy Director;

(ii) of the Ghana Institution of Engineers;

(iii) of a university in the country that offers Meteorology and Climate Science nominated by the Minister;[As amended by the Ghana Meteorological Agency (Amendment) Act, 2019;s.1]

(iv) from the air transport industry;

(d) three other persons two of whom are women; and

(e) the Director-General of the Agency.

(3) The President shall in making appointments under this section, have regard to the expertise and experience of the persons in matters related to the functions of the Agency.

Section 5—Functions of the Board

The Board shall be responsible for—

(a) securing the implementation of the objects and functions of the Agency;

(b) ensuring the implementation of rules, regulations and procedures laid down by the World Meteorological Organisation in accordance with provisions under this Act;

(c) the management of the National Meteorological Fund; and

(d) the formulation of policies necessary for the efficient performance of the functions of the Agency.

Section 6—Tenure of Office of Members

- (1) A member of the Board other than the Director-General shall hold office for a period not exceeding three years and at the expiration of that period is eligible for re-appointment.
- (2) A member who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board.
- (3) Where a member of the Board is incapacitated by reason of absence from the country or illness or any other sufficient cause from the performance of duties as a Board member for a period of more than twelve months, the President may, subject to nomination where applicable, appoint another person to hold office until the incapacity of the Board member has terminated or until the expiration of the term of office of that member, whichever occurs first.
- (4) The chairperson of the Board shall, through the Minister, notify the President of vacancies that occur in the membership of the Board within one month from the occurrence of the vacancy.
- (5) A member of the Board other than the Director-General may, at any time by letter addressed to the President through the Minister, resign from office.

Section 7—Allowances for Members

The chairperson and the other members of the Board shall be paid such allowances as the Board in consultation with the Minister and the Minister for Finance determines.

Section 8—Meetings of the Board.

- (1) The Board shall meet for the despatch of business at times and places that the Board may determine but shall meet at least once every three months.
- (2) The chairperson shall, upon the written request of the Director-General or not less than one-third of the membership of the Board, convene a special meeting of the Board.
- (3) The quorum at a meeting of the Board shall be six and shall include the Director-General or the person acting in that capacity.
- (4) At every meeting of the Board the chairperson shall preside but in the absence of the chairperson a member of the Board elected by the members present from among their number shall preside.
- (5) Questions before the Board shall be decided by a majority of members present and voting and in the event of equality of votes the person presiding shall have a second or casting vote.
- (6) The Board may co-opt a person to act as an adviser at its meetings but a co-opted person is not entitled to vote at the meeting.
- (7) The validity of any proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.
- (8) Except as otherwise expressly provided under this section, the Board shall determine and regulate the procedure for its meetings.

Section 9—Disclosure of Interest.

(1) A member of the Board who is directly or indirectly interested in any matter being dealt with by the Board shall disclose the nature of the interest at a meeting of the Board and may not take part in any deliberation or decision of the Board with respect to the matter.

(2) A member who fails to disclose an interest shall be removed from the Board.

Section 10—Committees of the Board

The Board may for the discharge of its functions appoint committees of the Board comprising members of the Board or non-members or both and assign to them such functions of the Board as the Board may determine except that a committee composed entirely of non-members may only advise the Board.

Section 11—Offices of the Agency

(1) There shall be established in each regional capital a regional office of the Agency.

(2) Offices of the Agency shall be provided with such public officers as the Board in consultation with the Public Services Commission shall determine.

(3) Offices of the Agency shall perform such functions of the Agency in the region as the Board may direct.

(4) The Agency may establish such other offices within the Region as it considers necessary.

PART II—NATIONAL METEOROLOGICAL FUND

Section 12—Establishment of Fund for the Agency

(1) There is established by this Act a Fund for the Agency known as the National Meteorological Fund referred to in this Act as the "Fund".

(2) The sources of money for the Fund shall be

(a) such monies as Parliament may allocate to the Agency for the performance of its functions;

(b) the fees and charges accruing to the Agency in the performance of its functions including—

(i) ten percent of all Landing Charges collected by the Ghana Civil Aviation Authority in accordance with section 36 of the Ghana Civil Aviation Act, 2004 (Act 678);

(ii) ten percent of Over-flight Charges collected by the Ghana Civil Aviation Authority in accordance with section 36 of the Ghana Civil Aviation Act, 2004 (Act 678); and

(iii) five percent of Airport Tax collected by an aerodrome operator in accordance with section 1 of the Airport Tax Act, 1963 (Act 209);[As amended by the Ghana Meteorological Agency (Amendment) Act, 2019;s.2]

(c) interest from investments;

(d) loans granted to the Agency;

- (e) grants, donations and gifts; and
- (f) such other monies that Parliament may approve for payment into the Fund.

Section 13—Object of the Fund

Monies of the Fund shall be applied for

- (a) publicising and promoting the activities of the Agency;
- (b) research, studies and investigations relating to the functions of the Agency;
- (c) human resource development;
- (d) the development and maintenance of any property vested in or owned by the Agency;
- (e) other purposes in connection with the functions of the Agency as the Board in consultation with the Minister shall determine.

Section 14—Management of the Fund

(1) The Fund shall be managed and administered by the Board which shall for this purpose, include the Controller and Accountant-General or a representative of the Controller and Accountant-General.

(2) The Board shall for the purpose of managing the Fund

- (a) formulate policies to generate money for the Fund;
- (b) determine the allocation to be made towards the objects of the Fund; and
- (c) determine annual targets of the Fund.

(3) The moneys for the Fund shall be paid into a bank account for the purpose opened by the Board with the approval of the Controller and Accountant-General.

(4) The provisions in sections 23 and 24 on accounts, audit, and annual report shall apply to the Fund.

Section 15—Payments from the Fund

All payments from the Fund shall be by cheque and signed by the following

- (a) the Chairperson of the Board or in the absence of the Chairperson any member of the Board designated to do so; and
- (b) the Director-General.

Section 16—Investment of the Fund

The Board may invest such part of the Fund as it considers appropriate in such securities as the Minister for Finance may approve.

PART III—ADMINISTRATIVE AND GENERAL PROVISIONS

Section 17—Director-General

- (1) There shall be appointed by the President in accordance with the advice of the Board given in consultation with the Public Services Commission a Director-General of the Agency who shall be the Chief Executive of the Agency.
- (2) The Director-General shall hold office on terms and conditions as are specified in the letter of appointment of the Director-General.
- (3) The Director-General is responsible for the direction of work of the Agency subject to such general directives as the Board may give.
- (4) The Director-General is responsible for the day-to-day administration of the Agency and shall ensure the implementation of the decisions of the Board.
- (5) The Director-General may delegate the functions of the office of Director-General to any officer of the Agency but is not relieved of ultimate responsibility for the delegation.
- (6) The Director-General shall be the permanent representative of Ghana with the World Meteorological Organization in accordance with the provisions of Regulation 6 of the World Meteorological Organization, Basic Document No. 15.

Section 18—Principal Officers of the Agency

- (1) The Director-General shall be assisted by two Deputy Director-Generals and other principal officers as the Board may determine.
- (2) The President shall acting in accordance with the advice of the Board given in consultation with the Public Services Commission appoint the two Deputy Director-Generals and other principal officers of the Agency.

Section 19—Secretary of the Board

There shall be a Secretary of the Board who shall be the head of the legal services unit of the Agency, and shall

- (a) be a legal practitioner of not less than 10 years standing as a lawyer;
- (b) be responsible for keeping the books and proper records of proceedings and correspondence of the Board; and
- (c) perform such other functions as the Board may assign.

Section 20—Appointment of Other Staff

- (1) The Agency shall have such other officers and employees as may be necessary for the proper and effective performance of its functions under this Act.
- (2) The Board may on the recommendations of the Director-General engage the services of such experts and consultants as the Board may determine.
- (3) The appointment of officers of the agency shall be made by the President in accordance with the advice of the Board given in consultation with the Public Services Commission and upon such terms and conditions as the appointing authority shall determine.

Section 21—Delegation of Power of Appointment

The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers under this Part.

Section 22—Administrative Expenses of the Agency

The administrative expenses of the Agency shall be a charge on the Consolidated Fund.

Section 23—Accounts and Audit

- (1) The Board shall keep books of account and proper records in relation to them; and the accounts and records of the Agency shall be in a form approved by the Auditor-General.
- (2) The accounts of the Agency shall be audited by the Auditor-General within six months after the end of each financial year by the Auditor-General or by an auditor appointed by the Auditor-General.
- (3) The Auditor-General shall, not later than six months after the end of each financial year forward to the Minister, a copy of the audited accounts of the Agency for the preceding financial year.
- (4) The financial year of the Agency shall be the same as the financial year of the government.
- (5) The Director-General shall prepare budget estimates for each ensuing financial year and present the estimates to the Board for its approval not later than three months before the end of the preceding financial year.

Section 24—Annual Report and Other Reports.

- (1) The Board shall as soon as practicable after the expiration of each financial year but within eight months after the end of the year submit to the Minister an annual report covering the activities and operations of the Agency for the year to which the report relates, and shall include
 - (a) the audited accounts of the Board and the Auditor-General's reports of the accounts, and
 - (b) such other information as the Board may consider necessary.
- (2) The Minister shall within two months of the receipt of the annual report submit a report to Parliament with such statement as the Minister considers necessary.
- (3) The Board shall also submit to the Minister such other reports as the Minister may in writing require.

Section 25—Tax Exemption

The Agency is exempt from the payment of tax on any income accruing from investments made by the Board for the Agency.

Section 26—Power to Enter Land or Premises

- (1) For the purpose of carrying out any of its functions, the Agency may by its officers or other employees, after giving notice to the owner or occupier of any land or premises, enter the land or premises and do any act reasonably necessary for carrying out its functions and in particular may

- (a) inspect and examine lands, buildings and equipment of meteorological stations;
 - (b) inspect and examine accounts, records and memoranda required to be kept by meteorological stations;
 - (c) cut down and remove any tree, underwood or structures that may interfere with surveys; and
 - (d) remove any installation which constitute a hindrance to the delivery of meteorological climate in consultation with the Environmental Protection Agency.
- (2) The Agency shall pay compensation for any damage caused as a result of action taken under subsection (1), and the liability for and the amount of the compensation shall in case of dispute be settled in the first instance by negotiation.
- (3) The Agency may delegate its power under this section to the relevant District Assembly.

Section 27—Borrowing Powers

Subject to the provisions on loans as contained in article 181 of the Constitution and any other enactment, the Agency may obtain loans and other credit facilities on the guarantee of the government from such banks and institutions as the Minister may in consultation with the Minister for Finance determine.

Section 28—Execution of Contract

- (1) The use of the seal of the Agency shall be authenticated by two signatures namely
- (a) the Director-General; and
 - (b) the chairperson of the Board or in the absence of the chairperson any other officer of the Agency authorised by the Agency to authenticate the use of the seal.
- (2) Any instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal, may be executed or entered into on behalf of the Agency by the Director-General or any member of the Agency if the person has previously been authorised by a decision of the board to execute or enter into that particular agreement or contract.
- (3) The provisions of this section is subject to section 12 of the Contracts Act, 1960 (Act 25).

Section 29—Confidentiality

- (1) A member of the Board, the Director-General, or any other officer or employee of the Agency shall—
- (a) subject to any existing law, treat as confidential any information obtained in the exercise of powers or the performance of duties under this Act; and
 - (b) not disclose any information except when required to do so by a court, under any enactment or other circumstances determined by the Board.
- (2) Any person who acts contrary to subsection (1) shall, in the case of an officer or employee of the Agency be subject to disciplinary action, and in the case of a member of the Board be liable to be removed from the Board.

Section 30—Improper Use of the Organization's Official Seal

(1) A person, without the authority of the Minister responsible for Communications, shall not use

(a) the design in the Schedule which is the official seal and emblem of the World Meteorological Organization, or

(b) the designation "World Meteorological Organization" or an abbreviation of that designation.

(2) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding 200 penalty units and shall forfeit to the Republic the goods in connection with which the seal, emblem or designation was used.

Section 31—Offences Committed by a Body of Persons

(1) Where a body of persons is convicted of an offence under this Act

(a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence; and

(b) in the case of a partnership or a firm every partner of the partnership or firm shall be deemed to have committed that offence, and shall upon conviction be liable to a fine not exceeding 500 penalty units or to imprisonment for a term not exceeding two years or to both.

(2) A person is not deemed to have committed an offence under subsection (1) if the person proves that the offence was committed without that person's knowledge, that the person exercised care and due diligence to prevent the commission of the offence having regard to all the circumstances.

Section 32—Regulations.

(1) The Minister may on the recommendations of the Board make regulations by legislative instrument to give effect to the provisions of this Act.

(2) In furtherance of subsection (1), the Minister may make regulations;

(a) to prescribe guidelines for climatic requirement for sectoral activities;

(b) for the establishment of meteorological stations;

(c) for matters in respect of which fees are payable;

(d) for the provision of aeronautical services;

(e) to provide for uniform standards in the observation of meteorological phenomena;

(f) generally for the achievement of the purposes of this Act.

Section 33—Interpretation.

In this Act unless the context otherwise requires;

"Agency" means the Ghana Meteorological Agency established under section 1 of this Act;

"aeronautical service" includes information, direction and other facilities furnished, issued or provided in connection with meteorological forecasts or data;

"agro-meteorology" means the application of meteorological information and data in the monitoring and management of agricultural activities;

"Board" means the governing body of the Agency provided for under section 4 of this Act;

"Conventions" means the WMO Convention, the Convention of the International Civil Aviation Organisation, Framework Convention on Climatic Change and Convention to Combat Desertification and Drought;

"meteorology" means the study dealing with phenomena of the atmosphere;

"Minister" means the Minister responsible for Communications;

"operational hydrology" means the practical application of meteorology in relation to water and flood management;

"premises" includes any building or land, ship, aircraft, caravan but does not include a building or place used exclusively as a dwelling place;

"sectoral activities" includes activities related to agriculture, marine, civil aviation, construction and building works, environment, water resources and natural disaster;

"upper air" refers to any level above ten meters from the surface of the earth;

"weather" means the state of the atmosphere which consists of the short-term on the scale of minutes to days variation of the atmosphere.

Section 34—Dissolution of Meteorological Services Department

(1) The body known and referred to as "the Meteorological Services Department established by the Civil Service (Structure) Regulations, 1961 (L.I. 139) is hereby dissolved.

(2) Notwithstanding the revocation under subsection (1) any contracts, orders or decisions or anything made or done by a body which until the coming into force of this Act, was charged with the performance of any of the functions under this Act shall, be valid and continue in force as if it was made or done under this Act.

Section 35—Transfer and Vesting of Assets and Liabilities

The rights, assets, obligation and liabilities of the dissolved Meteorological Services Department of the Ministry of Communications and the persons employed for or by the dissolved department are hereby transferred to the Agency established under this Act.

Section 36—Repeal

The World Meteorological Organization (Protection) Act., 1959 (No.20) is hereby repealed.

SCHEDULE

SCEAU OFFICIEL et EMBLEME de l' Organisation Meteorologique Mondiale (O.M.O.)

The OFFICIAL SEAL and EMBLEM of the World Meteorological Organization (W.M.O.).

Date of Gazette Notification: 2nd December, 2004.