

GHANA NATIONAL SERVICE SCHEME ACT, 1980 (ACT 426)

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND TWENTY-SIXTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
THE GHANA NATIONAL SERVICE SCHEME ACT, 1980**

AN ACT to establish a Ghana National Service Scheme in accordance with article 176 of the Constitution and for other matters connected therewith.

DATE OF ASSENT: 23rd September, 1980.

BE IT ENACTED by Parliament as follows:—

PART I—ESTABLISHMENT OF GHANA NATIONAL SERVICE SCHEME

Section 1—Establishment of the Ghana National Service Scheme.

There is hereby established a Ghana National Service Scheme in this Act referred to as "the Scheme".

Section 2—Application of Scheme.

(1) The Scheme shall apply to any person who—

- (a) is a citizen of Ghana;
- (b) has attained the age of eighteen years or more.

(2) The National Service Board may, with the prior approval of the President, by constitutional instrument, make regulations under section 29 of this Act to apply the Scheme to any citizen of Ghana who has attained the age specified in subsection (1) of this section.

Section 3—Persons to be Directed to Render Service in Certain Fields.

(1) Subject to the other provisions of this Act, the Board may direct any person to whom the Scheme applies to be engaged, full time, in any of the following fields:—

- (a) Agriculture,
- (b) Co-operatives,
- (c) Education,
- (d) Health,
- (e) Local Government,
- (f) Military,
- (g) Rural Development, including surveying, physical planning, civil engineering and rural industries,
- (h) Youth programmes, and
- (i) any other field that the Board may prescribe from time to time, and any such person shall comply with the directions of the Board.

(2) Subject to the provisions of section 4 of this Act and subject to subsection (3) of this section any person to whom the Scheme applies shall be engaged in one field for the period of his national service.

(3) Where the Board is satisfied that the circumstances so require the Board may vary from time to time the field of operation in respect of any person to whom the Scheme applies.

Section 4—Duration of National Service.

(1) The period of national service in respect of any person under this Act shall be two years, so however that this period shall include a minimum of six months military training.

(2) A person specified in subsection (1) of section 2 of this Act shall do such part of his national service as may be specified by the Board before entering into a higher educational institution and shall do the remaining part of his service immediately upon completion of his course of study in such institution.

(3) Where a person studies or continues his education outside Ghana he shall be liable to do his national service on his return to Ghana after such studies or education.

(4) Where a person who has successfully completed his national service is later engaged in the public service the period of his national service shall count towards any probationary period to be served by him.

Section 5—Terms and Conditions of Engagement.

Any person to whom the Scheme applies shall be engaged under the Scheme upon such terms and conditions including remuneration, as may be specified in his letter of engagement.

Section 6—Certificate of National Service.

Any person who satisfactorily completes his period of national service shall be awarded a Certificate of National Service by the Board.

Section 7—Persons Liable to National Service not to be Employed Contrary to the Provisions of this Act.

- (1) A person who has not commenced and completed his period of national service shall not—
- (a) obtain employment outside the Scheme; or
 - (b) be employed by any other person outside the Scheme; or
 - (c) be engaged in any employment outside the Scheme, whether self-employed or otherwise, without the prior permission, in writing, of the Board.
- (2) It shall be the duty of every employer to ascertain from every employee, upon his appointment, whether or not he is liable to national service and if he is, the employer shall notify the fact to the Board forthwith.

Section 8—Exemptions.

The Board may exempt any person to whom the Scheme applies from compliance with the provisions of this Act, or postpone the date on which any person shall be first engaged under the Scheme.

Section 9—Board to be Notified of Persons who have Completed Course of Study.

Every institution where any persons who are receiving formal training and who have attained the age of eighteen years or more shall forward to the Board as soon as practicable but in any case not later than the end of its academic year, a list of all such persons.

PART II—THE NATIONAL SERVICE BOARD

Section 10—The Board.

(1) The governing body of the Ghana National Service Scheme shall be the National Service Board (in this Act referred to as "the Board")

(2) The Board shall consist of—

- (a) a Chairman
- (b) the Director referred to in section 15 of this Act, and
- (c) six other

members, all of whom shall be appointed by the President, acting in accordance with the advice of the Council of State.

Section 11—Qualifications and Disqualifications of Members of Board.

(1) No person shall be qualified to be a member of the Board who—

- (a) is not a citizen of Ghana;
- (b) has been adjudged or otherwise declared
 - (i) a bankrupt under any law in force in Ghana and has not been discharged;
 - (ii) to be of unsound mind; or
- (c) is detained as a criminal lunatic under any law for the time being in force in Ghana; or

(d) has been convicted—

(i) for high crime under the Constitution or for an offence involving the security of the State, fraud, dishonesty or moral turpitude, or

(ii) for any other offence on indictment;

and has not been granted a free pardon; or

(e) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office, or wilfully acted in a manner prejudicial to the interests of the State, and such findings have not been set aside on appeal or judicial review; or

(f) has had his property confiscated as the result of the findings of a commission or committee of inquiry, and such findings have not been set aside on appeal or judicial review; or

(g) is under sentence of death or sentence of imprisonment imposed on him by any court; or

(h) is otherwise disqualified by any law for the time being in force.

(2) Without prejudice to the provisions of subsection (1) of this section, any member of the Board shall cease to be a member if in the case of a person possessed of professional qualifications, he is disqualified or suspended, otherwise than at his own request, from practising his profession in Ghana or in any other country by order of any competent authority made in respect of him personally.

Section 12—Tenure of Office and Emoluments of Members of the Board.

(1) All members of the Board shall hold office for a period of four years;

(2) A member of the Board may resign his office by notice in writing addressed to the President and, without prejudice to the provisions of section 11 of this Act, any such member may, for good cause shown, and in the public interest, be removed by the President acting in accordance with the advice of the Council of State.

(3) All members of the Board ceasing to hold office shall, subject to section 11 of this Act be eligible for re-appointment.

(4) Where any member of the Board is absent from Ghana or incapacitated by illness or any other cause from performing the functions of his office the President may, acting in accordance with the advice of the Council of State appoint another person to act in his office until the member is able to resume the performance of his functions.

(5) The Chairman or in his absence the Director shall notify the President in writing of all vacancies occurring in the membership of the Board and of any circumstances giving rise to an appointment under subsection (4) of this section.

(6) There shall be paid to members of the Board in respect of their membership such subsistence, travelling and other allowances as the Minister responsible for Finance may approve in relation to them.

PART III—OBJECTS AND FUNCTIONS OF BOARD

Section 13—Objects and Functions of Board.

The Board shall, subject to the provisions of this Act, have general control and management of the Scheme on matters of policy.

Section 14—Meetings of Board.

(1) The Board shall ordinarily meet for the despatch of business at such times and at such places as the Board may determine but shall meet at least once in every month.

(2) A special meeting of the Board shall be called upon a written request signed by the Chairman or by a majority of the members of the Board addressed to the Secretary of the Board and the Chairman shall call such a special meeting within ten days after receipt of such a request.

(3) At every meeting of the Board at which he is present, the Chairman shall preside and in his absence a member of the Board elected by the members present from among themselves shall preside.

(4) Questions proposed at a meeting of the Board shall be determined by a simple majority of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(5) The quorum at any meeting of the Board shall be five.

(6) The Board may at any time co-opt any person or persons to act as an adviser or advisers at any of its meetings, so however that no person so co-opted shall be entitled to vote at any such meetings on any matter for decision by the Board.

(7) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(8) Any such co-opted member or members shall be entitled to such allowances as the Minister responsible for Finance may approve.

PART IV—MANAGEMENT AND STAFF OF SCHEME

Section 15—Director of Scheme.

(1) The Scheme shall have a Director who shall be appointed in accordance with article 157 of the Constitution and shall hold office upon such terms and conditions as may be specified in his instrument of appointment.

(2) Where the office of the Director becomes vacant the Board shall notify the President of the occurrence of the vacancy.

(3) Where the Director is incapacitated from the performance of his functions under this Act the Board may subject to subsection (4) of section 12 of this Act authorise any employee of the Scheme to perform those functions for the duration of the incapacity.

(4) Subject to the provisions of this Act, the Director shall, subject to the general control of the Board on matters of policy, be charged with the direction and day-to-day business of the Scheme and its administration and the organisation and control of all the employees of the Scheme.

(5) Subject to the provisions of this section the Director may delegate to any employee of the Scheme any of his functions under this Act and may impose with respect to the exercise of such delegated functions such conditions as he may think fit:

Provided that nothing in this subsection shall be construed so as to absolve the Director from ultimate responsibility for any act done by any person in pursuance of any such delegation.

Section 16—Staff of Scheme.

(1) The Board may from time to time engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Scheme.

(2) The Board may also engage the services of such consultants and advisers as the Board may upon the recommendations of the Director determine.

(3) The staff of the Scheme shall be appointed in accordance with the provisions of article 157 of the Constitution.

(4) Subject to the provisions of the Constitution the employees, consultants and advisers of the Scheme shall be appointed upon such terms and conditions as the Board may, on the recommendations of the Director determine.

(5) Public officers may be transferred or seconded to the Scheme or may otherwise give assistance thereto.

Section 17—Secretary of Scheme.

(1) The Scheme shall have an officer to be designated as "the Secretary".

(2) The Secretary shall act as Secretary to the Board at its meetings and shall subject to the directions of the Board, arrange the business for and cause to be recorded and kept minutes of all meetings of the Board.

(3) The Secretary shall also perform such functions as the Board may by writing or as the Director may by writing delegate to him and shall be assisted in his functions by such of the employees of the Scheme as the Board on the recommendation of the Director may direct.

Section 18—Internal Auditor.

(1) The Scheme shall have an Internal Auditor.

(2) Subject to the provisions of this Act, the Internal Auditor shall be responsible to the Director for the performance of his functions.

(3) As part of his functions under this Act the Internal Auditor shall, at intervals of three months, prepare a report on the internal audit work carried out by him during the period of three months immediately preceding the preparation of the report, and submit the report to the Director, and the Board shall meet as soon as possible to discuss the Internal Auditor's report.

(4) Without prejudice to the general effect of subsection (3) of this section, the Internal Auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Scheme during the period to which the report relates.

(5) The Internal Auditor shall send a copy of each report prepared by him under this section to the President and also to each of the following:—

the Minister responsible for Finance and Economic Planning,

the Auditor-General, and

Chairman and each member of the Board.

Section 19—Board Members not to Sponsor Appointments.

No member of the Board shall personally sponsor or recommend any application for the employment of any person under this Act and any Board member who infringes the provisions of this section shall be liable to be removed from the Board.

PART V—FINANCIAL PROVISIONS

Section 20—Funds of Scheme.

The funds of the Scheme shall include such sums as may be appropriated to it by the Government or any other source.

Section 21—Estimates of Expenditure.

(1) The Board shall submit to the Minister responsible for Finance at such times and in such form as the Minister may direct, detailed estimates of the income and expenditure of the Scheme for the next following financial year.

(2) Subject to the provisions of the Constitution, the expenditure of the Scheme shall be in accordance with the said estimates as approved by the Minister responsible for Finance.

Section 22—Financial Year.

(1) The financial year of the Scheme shall be the same as the financial year of the Government.

(2) Notwithstanding subsection (1) of this section the period commencing with the coming into force of this Act and ending on the 30th day of June, 1981 shall be deemed to be the first financial year of the Scheme.

Section 23—Bank Accounts and Borrowing Powers of Board.

(1) The Scheme may have bank accounts in such banks as the Minister responsible for Finance may approve.

(2) The Minister responsible for Finance may, on behalf of the Government, guarantee the performance of any obligation or undertaking of the Board under this Act.

Section 24—Accounts and Audit.

(1) The Scheme shall keep proper accounts and proper records in relation thereto and the accounts books and records of the Scheme shall be in such form as the Auditor-General may approve.

(2) The books and accounts of the Scheme shall, within three months after the end of each financial year, be audited by the Auditor-General or by an auditor authorised by him in accordance with article 151 of the Constitution.

(3) The Scheme shall pay in respect of such audit such fees (if any) as the Auditor-General may agree.

PART VI—GENERAL PROVISIONS

Section 25—Access to Information.

(1) For the purposes of the attainment of its objects and the performance of its functions under this Act the Board shall have access to all information and records of any institution or other place to which this Act applies which are reasonably necessary for the said purposes.

(2) The Board may by writing request from any person any information reasonably necessary for the full implementation of this Act.

Section 26—Powers of Board to Give Directions.

The Board may by writing give directions to any person for the purpose of ensuring the full implementation of this Act and any such person shall be bound to comply with such directions.

Section 27—Annual Report.

(1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the termination of that year, submit to the Minister an annual report dealing generally with the activities and operations of the Scheme within that year which shall, without prejudice to the generality of the foregoing include—

(a) a copy of the audited accounts of the Scheme together with the Auditor-General's report thereon;

(b) each report submitted by the Internal Auditor under section 18 of this Act in relation to that financial year; and

(c) such other information as the Minister may request.

(2) A copy of the annual report shall be forwarded by the Board to—

(a) Parliament;

(b) the Minister;

(c) the Minister responsible for Finance and Economic Planning;

(d) the Minister responsible for Labour, Youth and Social Welfare;

(e) the Minister responsible for Education, Culture and Sports;

(f) the Minister responsible for Agriculture;

(g) Minister responsible for Health;

(h) the Minister responsible for Defence; and

(i) the Minister responsible for Local Government, Rural Development and Co-operatives.

Section 28—Offences.

(1) Any person who—

- (a) contravenes any of the provision of section 7 of this Act; or
 - (b) refuses to notify the Board of the completion by any person of any course of study as required under section 9 of this Act or fails without reasonable cause (proof of which shall be on him) to give such notice; or
 - (c) provides any information under this Act which he knows to be false or has no reason to believe to be true; or
 - (d) refuses or fails without reasonable cause (proof of which shall be on him) to comply with any direction given by the Board under subsection (1) of section 1 or section 26 of this Act,
- shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding five thousand cedis or to a term of imprisonment not exceeding five years or to both; and in the case of a continuing offence, to an additional fine not exceeding one hundred cedis in respect of each day on which the offence continues;

(2) Where an offence is committed under this Act by a body of persons, then—

(a) in the case of a body corporate (other than a partnership) every director or officer of the body shall be deemed also to be guilty of the offence; and

(b) in the case of a partnership, every partner or officer of the body,
shall be deemed also to be guilty of that offence:

Provided that no person shall be deemed to be guilty of an offence by virtue of this section, if he proves that the offence was committed without his knowledge or connivance and that he exercised all due diligence to prevent the commission of the offence, having regard to all the circumstances.

Section 29—Regulations.

The Board shall, with the prior approval of the President, by constitutional instrument, make Regulations for—

- (a) prescribing anything that may be prescribed under section 3 of this Act;
- (b) the areas of activity for the purpose of service under the Scheme;
- (c) the conditions under which a person may be engaged or exempted under the Scheme; and
- (d) the performance of its functions under the Constitution or any other law for the effective and efficient administration of the Scheme.

Section 30—Interpretation.

In this Act "the Minister" means the President or any Minister designated for the purposes of this Act.

Section 31—Repeal.

The National Service Scheme Decree, 1973 (NRCD. 208) is hereby repealed:

Provided that until the members of the Board are duly appointed and the regulations are made under section 29 of this Act for the implementation of this Act the Scheme established under

the said Decree shall continue in operation as if the said Decree shall continue in operation as if the said Decree had not been repealed.