

NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, 1994 (ACT 480)

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND EIGHTIETH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, 1994

AN ACT to provide for a National Development Planning System, define and regulate planning procedure and provide for related matters.

DATE OF ASSENT: 29TH AUGUST, 1994

BE IT ENACTED BY PARLIAMENT AS FOLLOWS—

Section 1—Decentralised Development Planning System.

(1) The National Development Planning Commission established by the National Development Planning Commission Act, 1994, (Act 479) and referred to as "the Commission" shall be the national co-ordinating body of the decentralised national development planning system.

(2) The decentralised national development planning system shall comprise District Planning Authorities at the district level, Regional Co-ordinating Councils at the regional level and sector agencies, Ministries and the Commission at the national level.

(3) The decentralised national development planning system shall be regulated by legislative instruments and guidelines issued by the Commission.

(4) The Commission shall by legislative instrument provide further for the time and procedure for the submission of development plans to the Commission.

Section 2—Planning Functions of District Planning Authority.

(1) A District Planning Authority established under the Local Government Act, 1993 (Act 462), shall—

(a) initiate and prepare district development plans and settlement structure plans in the manner prescribed by the Commission and ensure that the plans are prepared with full participation of the local community;

(b) Carry out studies on—

(i) development planning matters in the district including studies on economic, social, spatial environmental, sectoral and human settlement issues and policies;

(ii) the mobilization of human and physical resources for development in the district;

(c) initiate and co-ordinate the processes of planning, programming, budgeting and implementation of district development plans, programmes and projects;

(d) integrate and ensure that sector and spatial policies, plans, programmes and projects of the district are compatible with each other and with national development objectives issued by the Commission;

(e) synthesize the policy proposals on development planning in the district into a comprehensive framework for the economic, social and spatial development of settlement and ensure that the policy the district including human proposals and projects are in conformity with the principles of sound environmental management;

(f) monitor and evaluate the development policies, programmes and projects in the district; and

(g) provide the Commission with such data and information as it may require.

(2) Notwithstanding section 2(1) (a), the preparation of a settlement plan shall be in accordance with the provisions of any existing legislative instrument on planning which is relevant to the preparation of the settlement plan.

Section 3—Public Hearing of District, Sub-district and Local Action Development Plans.

(1) A District Planning Authority shall conduct a public hearing on any proposed district development plan and shall consider the views expressed at the hearing before the adoption of the proposed district development plan.

(2) A local community in a district authorised by the District Planning Authority to prepare a sub-district or local action plan under section 5 of this Act shall conduct a public hearing before the adoption of the proposed sub-district or local plan.

(3) The Commission shall by guidelines prescribe the manner in which the public hearing shall be conducted.

Section 4—District Development Plans.

(1) A report on the public hearing shall be attached to the proposed district development plan by the District Planning Authority.

(2) The proposed district development plan in a format prescribed by the Commission shall be submitted for consideration to the Commission through the Regional Co-ordinating Council.

(3) The Commission shall determine the compatibility of district development plans with national development objectives and if approved shall incorporate them into a national development plan.

(4) A District Planning, Authority may with the prior written approval of the Commission make modifications to an approved district development plan.

Section 5—Preparation of Local Action Plans and Sub-district Plans.

(1) A District Planning Authority shall prepare or direct the preparation of such local action plans, or sub-district plans as may be required for the implementation of the approved district development plan unless the Commission otherwise determines.

(2) A local community in a district authorised by the District Planning Authority may prepare a sub-district or local action plan in accordance with—

- (a) the approved district development plan;
- (b) the development guidelines of the District Planning Authority;
- (c) the guidelines which may be prescribed by the Commission.

(3) A sub-district or local action plan prepared under sub-section (2) of this section shall be subject to the approval of the District Planning Authority.

(4) Notwithstanding sub-section (3) of this section the Commission may call for the plans made under sub-sections (1) and (2) of this section for its consideration and may modify the plans as it considers appropriate.

Section 6—Grievance Procedure.

A person aggrieved by any matter relating to the exercise of a function of the District Planning Authority may seek redress in accordance with such grievance procedure as the Commission may by legislative instrument provide.

Section 7—Planning functions of District Planning Co-ordinating Unit.

(1) A District planning Co-ordinating Unit established under the Local Government Act, 1993 (Act 462) shall be responsible for—

- (a) advising and providing a secretariat for the District Planning Authority in its planning, programming, monitoring, evaluating and co-ordinating functions;
- (b) co-ordinating the planning activities of sectoral departments in the district responsible for economic production, social services, technical infrastructure, environmental management and other appropriate agencies connected with the planning process;
- (c) synthesizing the strategies related to the development, of the district into a comprehensive and cohesive framework;
- (d) formulating and updating the components of a district development plan; and
- (e) providing such data and information as may be required by the Commission.

Section 8—Planning Functions of a Regional Co-ordinating Council.

(1) A Regional Co-ordinating Council established under the Local Government Act, 1993 (Act 462), shall—

- (a) provide the District Planning Authority with such information and data as is necessary to assist them in the formulation of district development plans;

(b) co-ordinate the plans and programme of the District Planning Authorities and harmonize the plans and programmes with national development policies and priorities for consideration and approval by the Commission;

(c) monitor and evaluate the implementation of the programmes and projects of the District Planning Authorities within the region;

(d) act on behalf of the Commission with respect to such national programmes and projects in the region as the Commission may direct; and

(e) perform such other planning functions as may be assigned to it by the Commission.

Section 9—Planning Functions of a Regional Planning Co-ordinating Unit.

(1) A Regional planning Co-ordinating Unit established under the Local Government Act, 1993 (Act 462), shall—

(a) advise the Regional Co-ordinating Council on—

(i) the co-ordination, monitoring and evaluation of district development plans;

(ii) matters relating to development planning in the region, including spatial and sectoral policies and;

(b) provide a secretariat for the Regional Co-ordinating Council to perform its functions as specified under section 8 (1) of this Act.

Section 10—Planning Functions of Ministries and Sector Agencies.

(1) A ministry shall undertake development planning functions in consultation with the Commission in accordance with the Civil Service Law, 1993 (P.N.D.C.L. 327).

(2) A ministry or sector agency shall at the request of the Commission prepare a development plan.

(3) The development planning undertaken by a ministry or a sector agency shall be based on national development goals and sectoral development guidelines issued by the Commission.

(4) The development plan of a ministry or a sector agency shall be submitted to the Commission for consideration and approval.

(5) The ministry or sector agency shall ensure that the plans are compatible with national development goals.

(6) A ministry or sector agency shall monitor the implementation of approved development plans and submit a monitoring report to the Commission in the prescribed form.

(7) The monitoring report shall be submitted at intervals determined by the Commission.

Section 11—Functions of Commission Relating to Development Plans for Districts, Ministries, and Sector Agencies.

The National Development Planning Commission shall—

(a) prescribe the format and content of development plans for the districts, ministries and sector agencies;

- (b) co-ordinate district development plans and programmes submitted through the Regional Co-ordinating Councils and ensure that these plans and programmes are compatible with national development objectives;
- (c) integrate economic, spatial and sectoral plans of ministries and sector agencies and ensure that these plans are compatible with national development objectives;
- (d) advise relevant agencies on the formulation of guide-lines for the regulation of physical development;
- (e) in collaboration with relevant agencies, monitor physical development to ensure that any proposed development conforms with the approved development plan for the respective area;
- (f) issue approved development policies as directed by the President for the guidance of the public and private sectors; and
- (g) perform such other functions as are reasonably related to development planning, policy and strategy.

Section 12—Joint Development Planning Areas.

- (1) The Commission may in consultation with the Minister responsible for Local Government recommend to the President the designation of any contiguous area as a Joint Development Planning Area, if special physical or social-economic characteristics necessitate is being considered as a single unit for the purpose of development planning.
- (2) The President may by executive instrument designate the contiguous area as a Joint Development Planning Area.

Section 13—Joint Development Planning Board.

- (1) An executive instrument issued under section 12 (2) of this Act which creates Joint Development Planning Area shall establish a Joint Development Planning Board for the Area and shall include—
 - (a) the composition of the Joint Development Planning Board;
 - (b) the functions of the Joint Development Planning Board;
 - (c) the area of authority of the Joint Development Planning Board; and
 - (d) modification of the powers of the District Planning Authorities and the Regional Co-ordinating Councils wholly or in part within the designated area as may be necessary to provide for the effective functioning of the Joint Development Planning Board.
- (2) For the avoidance of doubt, it is declared that a Joint Development Planning Board shall only be established for the purposes of formulating and supervising the implementation of development plans for the designated area.
- (3) The Joint Development Planning Board shall determine the economic, social, spatial and sectoral policies of the designated area as well as the mobilisation of human, physical and financial resources for the development of the area.

(4) The development plan prepared by a Joint Development Planning Board shall be submitted to the Commission for consideration with copies to the affected District Planning Authority and Regional Co-ordinating Council.

(5) Upon approval of the development plan of a Joint Development Planning Board by the Commission, the plans of the affected District Planning Authority shall be modified accordingly.

Section 14—Special Development Areas.

(1) The Commission may in consultation with the Minister responsible for Local Government, recommend to the President the designation of any area required for special purposes in the national interest as a Special Development Area and the President may by executive instrument, so designate the area.

(2) Notwithstanding any provision of this Act to the contrary, an area designated as a Special Development Area shall be excluded from the administrative control of the District Planning Authority of the area.

(3) An executive instrument establishing a Special Development Area shall on the advice of the Commission, specify the planning authority responsible for the Area.

(4) The executive instrument shall specify the functions, Powers and responsibilities relating to the Special Development Area as well as the geographical limits of the Area.

Section 15—Consideration of Plans by President.

The President shall consider and may approve such national development plans, policies and strategies as proposed by the Commission.

Section 16—Commission to Advise on Planning Divisions in Ministries.

The Commission shall advise the Minister responsible for each Ministry on the structure and function of the Planning Division of the Ministry established under the Civil Service Law, 1993 (P.N.D.C.L. 327).

Section 17—Training of Planning Personnel.

The Commission shall in consultation with the Ghana Institute of Planners and such other relevant bodies as the Commission may deem fit, advise on the training, qualification and employment of the planning personnel required for a planning authority.

Section 18—Immunity of Officers from Liability.

Subject to the Constitution, no employee of a planning authority or any person acting under the direction or authority of a planning authority shall be personally liable for an act done in good faith in the performance of a duty under this Act.

Section 19—Regulations.

(1) The Commission may with the prior approval of the President by legislative instrument make regulations to—

(a) prescribe the procedure for the submission of development plans;

(b) prescribe the form and time for submission of the plans to the Commission; and

(c) make provisions to give full effect to this Act.

(2) the exercise of the power to make regulations shall be signified under the hand of the Chairman.

Section 20—Local Government Act, 1993 (Act 462) Amended.

The Local Government Act, 1993 (Act 462) is amended by the substitution for subsection (3) of section 143 of the following section—

"A Regional Planning Co-ordinating Unit shall comprise such professional staff as the Regional Co-ordinating Council shall in consultation with the Commission direct".

Section 21—Interpretation.

In this Act, unless the context otherwise requires—

"approved district development plan" means a plan approved for a district, a municipality, a metropolis or a Joint Development Planning Area by the Commission.

"planning authority" includes the District Planning Authority at the district level, the Regional Co-ordinating Council at regional level, the planning division of a Ministry or sector agency and any other body designated by the Commission to carry out a development planning function.

Date of Gazette Notification: 2nd September, 1994.