

ACT 485

NATIONAL POPULATION COUNCIL ACT, 1994

ARRANGEMENT OF SECTIONS

Establishment of the Council

SECTION

1. Establishment of the Council.
2. Composition of the governing body.
3. Functions of the Council.
4. Tenure of office of members.
5. Allowances for members.
6. Meetings of the Board.
7. Committees of the Board.
8. Regional Co-ordinating Office and District Assembly.

Administration

9. Secretariat of the Council.
10. Executive director.
11. Appointment of other staff.
12. Delegation of power of appointment.

Finance

13. Funds of the Council.
14. Borrowing powers and bank account.
15. Accounts and audit.

Miscellaneous

16. Annual report and other reports.
17. Tax exemption.
18. Relationship with other public bodies.
19. Interpretation.
20. Regulations.

ACT 485NATIONAL POPULATION COUNCIL ACT, 1994¹

AN ACT to establish a National Population Council, to provide for its composition and functions and for related purposes.

1. The Act was assented to on 15th December, 1994.

*Establishment of the Council***1. Establishment of the Council**

(1) There is established a body to be known as the National Population Council.

(2) The Council is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Council may, for the performance of its functions, acquire and hold movable or immovable property and enter into a contract or any other transaction.

(4) The Council is responsible to the President.

2. Composition of the governing body

(1) The governing body of the Council is a Board consisting of

(a) the chairman who is a person knowledgeable in population matters,

(b) the vice-chairman,

(c) the executive director appointed under section 10,

(d) one representative each from

(i) the National Council on Women and Development,

(ii) the National Association of Farmers and Fishermen,

(iii) the National Development Planning Commission,

(iv) the Ministry of Finance,

(v) the Ministry of Health,

(vi) the Trades Union Congress,

(vii) the Statistical Services,

(viii) the Ghana Medical Association,

(ix) the National House of Chiefs,

(e) three persons representing non-governmental organisations registered in the Republic, and

(f) eight other citizens at least three of whom are women.

(2) The members of the Council shall be appointed by the President in consultation with the council of State.

(3) The President shall, in appointing the persons under paragraph (f) of subsection (1), consider the knowledge of those persons and their ability to contribute to the work of the Council.

3. Functions of the Council

The functions of the Council are,

(a) to advise the Government on population programmes and activities which the Board considers necessary for better and effective population management;

- (b) to recommend new population policies or changes to existing policies that it considers necessary for a better and effective population management;
- (c) to promote comprehensive population programmes for integration into the national development plans;
- (d) to determine targets for population programme performance and the expected impact, and recommend strategies for their achievement;
- (e) to encourage the full participation of the private sector in attaining the set population targets or goals;
- (f) to promote research and studies on population issues;
- (g) to co-ordinate and monitor population programmes in the country;
- (h) to advise on suitable methods for generating internal and external resources to support the implementation of population policies; and
- (i) to perform any other functions that are incidental to the functions specified in this section.

4. Tenure of office of members

(1) A member of the Board, other than the executive director, shall hold office for a period not exceeding three years, and is eligible for re-appointment.

(2) A member of the Board, other than the executive director, may by letter addressed to the President resign from office.

(3) A member who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member.

(4) The chairman or any other member of the Board may be removed from office by the President for inability to perform the functions of office, for stated misbehaviour or for any other just cause.

(5) The chairman of the Board shall notify the President of vacancies that occur in the membership of the Board within three months of occurrence of the vacancy.

5. Allowances for members

The chairman and the other members of the Board shall be paid the allowances that the Board, with the approval of the Minister responsible for Finance, may determine.

6. Meetings of the Board

(1) The Board shall meet at least twice in a year for the dispatch of business at the times and in the places determined by the chairman.

(2) The chairman shall, on the request of not less than one-third of the membership, convene a special meeting of the Board.

(3) The quorum at a meeting of the Board shall consist of at least one-third of the membership including the executive director or the person acting in that capacity.

(4) The chairman shall preside at meetings of the Board and in the absence of the chairman, the vice-chairman shall preside; and in the absence of both, 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 the members present and voting.

(6) The chairman or the person presiding at a meeting of the Board shall in the event of an equality of votes have a casting vote.

(7) The Board may co-opt a person to attend any of its meetings, but a co-opted person is not entitled to vote at the meeting.

(8) The validity of the 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.

(9) Except as otherwise expressly provided for under this Act, the Board shall determine and regulate the procedure for its meetings.

7. Committees of the Board

The Board may, for the performance of its functions, appoint technical and other committees of the Board comprising members of the Board or non-members or both and may assign to a committee a function of the Council.

8. Regional Co-ordinating Office and District Assembly

The office of the Regional Co-ordinating Council and of the District Assembly shall perform in the region or district a function of the Council assigned to it by the Board.

Administration

9. Secretariat of the Council

(1) There shall be a secretariat of the Council, consisting of the staff and employees of the Council and shall be headed by the executive director.

(2) The secretariat is, subject to this Act, responsible for giving effect to the decisions of the Board.

10. Executive director

(1) There shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission an executive director of the Council who shall be the chief executive of the Council.

(2) The executive director shall hold office on the terms and conditions specified in the letter of appointment.

(3) Subject to the general directives of the Board, the executive director is responsible for the direction of the work of the secretariat and for the day-to-day administration of the affairs of the Council and shall ensure the implementation of the decisions of the Board.

(4) The executive director may delegate any of the functions of the director to an officer of the Council; but the executive director shall not be relieved from ultimate responsibility for the performance of a delegated function.

(5) The executive director is the secretary to the Board.

11. Appointment of other staff

(1) The Council shall have other officers and employees necessary for the proper and effective performance of its functions under this Act.

(2) The appointment of officers of the Council shall be made by the President in accordance with the advice of the Council given in consultation with the Public Services Commission in accordance with article 195 of the Constitution.

(3) Other public officers may be transferred or seconded to the Council.

(4) The Council may engage the services of any experts and consultants it may determine.

12. 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 Act.

Finance

13. Funds of the Council

(1) The funds of the Council consist of

- (a) Government subvention,
- (b) the moneys that may accrue to the Council in the performance of its functions,
- (c) profits from investments, and
- (d) gifts and donations.

(2) The Council may, with the approval of the Minister responsible for Finance, invest any of its moneys which are not required for immediate use.

14. Borrowing powers and bank account

(1) Subject to article 81 of the Constitution, the Council may obtain loans and any other credit facilities on the guarantee of the Government from a bank and an institution approved by the Minister responsible for Finance.

(2) The Council may open bank accounts in a bank approved by the Minister responsible for Finance.

15. Accounts and audits

(1) The Council shall keep books of account and proper records in relation to them in a form approved by the Auditor-General.

(2) The accounts of the Council shall be audited by the Auditor-General within six months after the end of each financial year.

(3) The financial year of the Council shall be the same as the financial year of the Government.

(4) The executive director shall prepare budget estimates for each financial year and present the estimates to the Board for its approval not later than two months before the beginning of the financial year to which the estimates relate.

Miscellaneous

16. Annual report and other reports

(1) The Board shall, as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the President an annual report covering the activities and the operations of the Council for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Board shall send a copy of the annual report of the Council to

(a) the Minister responsible for Finance,

(b) the Government Statistician, and

(c) the chairman of the National Development Planning Commission.

(4) The President shall, within two months after the receipt of the annual report cause the report, to be submitted to Parliament with a statement that the President considers necessary.

(5) The Council shall submit to the President any other reports that the President may require.

17. Tax exemption

Subject to article 174 of the Constitution, the Council may be exempted from the payment of the taxes and duties that the Minister responsible for Finance with the approval of Parliament may determine.

18. Relationship with other public bodies

Government departments, Government agencies and any other public authorities shall co-operate fully with the Council in the performance of its functions under this Act.

19. Interpretation

In this Act, unless the context otherwise requires,

“Board” means the governing body of the Council;

“Council” means the National Population Council established by section 1;

“secretariat” means the secretariat established by section 9.

20. Regulations

The President or a Minister designated by the President for the purpose may, on the advice of the Board, by legislative instrument, make Regulations that are necessary for the full implementation of this Act.
