

**ACT 479**

**NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994**

**ARRANGEMENT OF SECTIONS**

*Establishment and Functions of the National Development Planning Commission*

**SECTION**

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**ACT 479**

**NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994<sup>1</sup>**

**AN ACT to supplement articles 86 and 87 of the Constitution in relation to the National Development Planning Commission and to provide for related matters.**

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1. The Act was assented to on 29th August, 1994 and came into force on 2nd September, 1994.

*Establishment and Functions of the National Development Planning Commission***1. Establishment of the Commission**

The National Development Planning Commission established by article 86 of the Constitution is responsible to the President.

**2. Functions of the Commission**

(1) In accordance with article 87 of the Constitution, the Commission shall advise the President on development planning policy and strategy, and at the request of the President, Parliament, or on its own initiative, the Commission shall

- (a) study and make strategic analyses of macro-economic and structural reform options;
- (b) make proposals for the development of multi-year rolling plans taking into consideration the resource potential and comparative advantage of the different districts in the country;
- (c) make proposals for the protection of the natural and physical environment to ensure that development strategies and programmes are in conformity with sound environmental principles;
- (d) make proposals to ensure the even development of the districts by the effective utilisation of available resources;
- (e) monitor, evaluate and co-ordinate development policies, programmes and projects;
- (f) undertake studies and make recommendations on development and socio-economic issues;
- (g) formulate comprehensive national development planning strategies and ensure that the strategies including consequential policies and programmes are effectively carried out;
- (h) prepare broad national development plans and keep them under constant review in the light of prevailing domestic and international economic, social and political conditions and make recommendations for the revision of existing policies and programmes where necessary; and
- (i) perform any other functions relating to development planning as directed by the President.

*Composition, Qualification of Members and Related Provisions***3. Membership of the Commission**

- (1) In accordance with clause (2) of article 86 the Commission consists of
- (a) the chairman appointed by the President in consultation with the Council of State,
  - (b) the vice-chairman elected by the members from among their number,
  - (c) the Minister responsible for Finance and any other Ministers of State appointed by the President,

- (d) the Government Statistician,
- (e) the Director-General appointed under section 10,
- (f) the Governor of the Bank of Ghana,
- (g) one representative from each Region appointed by the Regional Co-ordinating Council of the Region, who is a person with experience in development planning, and
- (h) any other persons appointed by the President having regard to their knowledge and experience of the relevant areas and roles pertaining to development, and to economic, social, environmental and spatial planning.

#### **4. Tenure of office of members**

(1) A member of the Commission other than an ex officio member, shall hold office for four years and is eligible for reappointment for a further term.

(2) A member of the Commission appointed by a Regional Co-ordinating Council or the President shall cease to be a member if the Regional Co-ordinating Council or the President revokes the appointment by a letter addressed to the chairman of the Commission.

(3) The chairman of the Commission shall notify the President or other appointing authority of vacancies which occur in the membership of the Commission.

(4) Where the chairman is incapacitated by illness or any other sufficient cause from performing as chairman, the vice-chairman shall act until the chairman is able to resume as chairman.

(5) Where a member, other than an ex officio member is incapacitated by illness or any other sufficient cause from performing as member, the President or the appointing authority shall appoint another person to act until the member is able to resume the performance as member.

#### **5. Qualification of members**

(1) A person is not qualified to be a member of the Commission if that person

- (a) is not a citizen;
- (b) has been lawfully adjudged or otherwise declared
  - (i) bankrupt and has not been discharged, or
  - (ii) to be of unsound mind or is detained as a criminal lunatic;
- (c) has been convicted
  - (i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude, or
  - (ii) for any other offence punishable by death or by a sentence of not less than ten years; or
- (d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a

commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or defrauded the Republic or misused or abused public office, or wilfully acted in a manner prejudicial to the interest of the Republic, and the findings have not been set aside on appeal or judicial review; or

- (e) is under sentence of death or other sentence of imprisonment imposed on the person by a Court; or
- (f) is otherwise disqualified by law.

(2) Without prejudice to subsection (1), a member of the Commission shall cease to be a member where that member being in the case of a person possessed of professional qualification, is disqualified or suspended from practising professionally by an order of a competent authority, made in respect of that person personally or if that member ceases to be a member of the profession otherwise than voluntarily.

## **6. Resignation**

(1) The chairman may resign from office by notice addressed to the President.

(2) A member of the Commission, other than an ex officio member, may resign from office by notice addressed to the President through the chairman of the Commission.

## **7. Removal**

(1) The President may, in consultation with the Council of State, remove the chairman from office for inability to perform the functions of chairman or for stated misconduct.

(2) The President may remove a member of the Commission, other than an ex officio member, from office for inability to perform the functions of office as a member or for stated misconduct.

## **8. Allowance of members**

The chairman and the other members of the Commission shall be paid the allowance determined by the President in consultation with the Minister responsible for Finance.

### *Organisation and Management of the Commission*

## **9. Divisions of the Commission**

(1) The Commission may create divisions of the Commission as are necessary for the effective performance of its functions.

(2) A division shall be headed under the supervision of a director who shall be appointed by the President in accordance with article 195 of the Constitution.

## **10. Director-General**

(1) The Commission shall have a Director-General who shall be appointed by the President acting in accordance with article 195 of the Constitution.

(2) The Director-General is responsible, subject to the general directions of the Commission, for the efficient organisation and management of the affairs of the Commission.

(3) The Director-General may delegate a function of the Director-General to an officer of the Commission but is not relieved from the ultimate responsibility for the performance of the delegated function.

#### **11. Staff of the Commission**

(1) The Commission shall have the officers and staff reasonably necessary for the effective performance of its functions.

(2) The officers and staff shall be appointed by the President in accordance with article 195 of the Commission.

(3) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to it.

(4) The Commission may engage the services of consultants and advisers.

#### **12. Delegation of power of appointment**

The President may delegate the power of appointment of the Director-General, Directors and the other staff in accordance with the article 195 of the Constitution.

#### **13. Committees**

The Commission may appoint committees made up of members, non-members or both and may assign a function to a committee but a committee composed exclusively of non-members may only advise the Commission.

#### **14. Relationship with other authorities**

(1) Government departments, agencies and any other public authorities particularly those with functions relating to population issues shall co-operate fully with the Commission in the performance of its functions.

(2) A person or an authority shall not exercise a statutory power or duty inconsistent with the functions conferred on the Commission by the Constitution or by this Act.

#### **15. Cross-sectoral planning groups**

(1) The Commission shall establish cross-sectoral planning groups which shall integrate and co-ordinate the planning and development activities of sectors of the economy determined by the Commission.

(2) The cross-sectoral planning group shall consist of

- (a) representatives of the Commission,
- (b) representatives of the relevant sector Ministries,
- (c) representatives of appropriate public sector institutions and private sector organisations, and

- (d) any other individuals selected for their knowledge and experience as determined by the Commission.

(3) The Commission shall convene meetings of the cross-sectoral planning groups at least once every three months.

#### **16. Meetings of the Commission**

(1) The Commission shall

- (a) meet at the times and places determined by the chairman,  
(b) meet at least once in every two months and shall meet prior to the submission of development plan proposals to the President.

(2) The chairman shall preside at the meetings of the Commission and in the absence of the chairman, the vice-chairman, shall preside.

(3) In the absence of the chairman and the vice-chairman a member of the Commission elected by the members present shall preside.

(4) The quorum for a meeting of the Commission shall be not less than half of the membership of the Commission.

(5) The validity of the proceedings of the Commission shall not be affected by a vacancy in its membership or a defect in the appointment of a member.

(6) The Commission may co-opt persons as it considers necessary to attend any of its meetings.

(7) Except as otherwise provided in this Act, the Commission shall regulate its own procedures.

#### *Financial and Miscellaneous Provisions*

#### **17. Funds of the Commission**

Parliament shall provide the Commission with funds for its operational and administrative expenses and the Commission may receive moneys from any other sources approved by the Minister responsible for Finance.

#### **18. Accounts and audit**

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

(2) The books and accounts of the Commission shall be audited annually by the Auditor-General within six months of the end of the immediately preceding financial year.

(3) The Auditor-General may appoint an auditor to audit the books and accounts of the Commission.

#### **19. Annual report**

The Commission shall, as soon as possible after the expiration of each financial year but within six months after the end of the financial year submit an annual report to the

President and Parliament dealing generally with activities of the Commission and including the Auditor-General's report on the accounts.

## **20. Access to information**

The Commission may in writing request a public officer in writing to furnish it with an official document or information within a specified period for the performance of its functions under this Act and the public officer shall comply with the request.

## **21. Regulations**

(1) The Commission may, with the approval of the President, by legislative instrument, make Regulations on the development planning process and generally to give effect to this Act.

(2) The Regulations shall be signed personally by the Chairman.

## **22. Interpretation**

In this Act, unless the context otherwise requires,

“**citizen**” means a citizen of the Republic;

“**Commission**” means the National Development Planning Commission;

“**functions**” includes powers and duties;

“**Region**” means a Region of the Republic.

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

## ARRANGEMENT OF SECTIONS

*The Authorities and the Plans*

## SECTION

1. Decentralised development planning system.
2. Planning functions of the district planning authority.
3. Public hearing of development plans.
4. District development plans.
5. Preparation of local action plans and sub-district plans.
6. Grievance procedure.

*The Units and Councils*

7. Planning functions of the district planning co-ordinating unit.
8. Planning functions of a regional co-ordinating council.
9. Planning functions of a regional planning co-ordinating unit.
10. Planning functions of ministries and sector agencies.
11. Functions of the Commission relating to development plans.

*Joint Planning Areas*

12. Joint development planning areas.
13. Joint development planning board.
14. Special development areas.

*Miscellaneous*

15. Consideration of plans by the President.
16. Advise to Commission on planning divisions.
17. Training of planning personnel.
18. Immunity of officers from liability.
19. Regulations.
20. Amendment of the Local Government Act, 1993 (Act 462).
21. Interpretation.

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**ACT 480****NATIONAL DEVELOPMENT PLANNING (SYSTEM) ACT, 1994<sup>1</sup>**

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

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1. The Act was assented to on 29th August, 1994 and came into force on 2nd September, 1994.

*The Authorities and the Plans***1. Decentralised development planning system**

(1) The National Development Planning Commission established by the National Development Planning Commission Act, 1994 (Act 479) is 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 a 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 for the time and procedure for the submission of development plans to the Commission.

**2. Planning functions of the 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 mobilisation 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 the national development objectives issued by the Commission;
- (e) synthesise the policy proposals on development planning in the district into a comprehensive framework for the economic, social and spatial development of the district, including human settlement, and ensure that the policy 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 the data and information required by the Commission.

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

### **3. Public hearing of development plans**

(1) A district planning authority shall conduct a public hearing on a 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 shall conduct a public hearing before the adoption of the proposed sub-district or local action plan.

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

### **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 Coordinating Council.

(3) The Commission shall determine the compatibility of the district development plans with the 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.

### **5. Preparation of local action plans and sub-district plans**

(1) A district planning authority shall prepare or direct the preparation of the required local action plans or sub-district plans 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, and
- (c) the guidelines prescribed by the Commission.

(3) A sub-district or local action plan prepared under subsection (2) is subject to the approval of the district planning authority.

(4) Despite subsection (3), the Commission may call for the plans made under subsections (1) and (2) for its consideration and may modify the plans as it considers appropriate.

## **6. Grievance procedure**

A person aggrieved by a matter relating to the performance of a function of the district planning authority may seek redress in accordance with the grievance procedure provided by the Commission, by legislative instrument.

### *The Units and Councils*

## **7. Planning functions of the district planning co-ordinating unit**

(1) A district planning co-ordinating unit established under the Local Government Act, 1993 (Act 462) is 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 any other appropriate agencies connected with the planning process;
- (c) synthesising 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 the data and information required by the Commission.

## **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 authorities with the information and data necessary to assist them in the formulation of district development plans;
- (b) co-ordinate the plans and programmes of the district planning authorities and harmonise 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 the national programmes and projects in the region as directed by the Commission; and
- (e) perform any other planning functions assigned to it by the Commission.

**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, and
  - (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).

**10. Planning functions of ministries and sector agencies**

(1) A ministry shall undertake the development planning functions in consultation with the Commission in accordance with the Civil Service Act, 1993.<sup>2</sup>

(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.

**11. Functions of the Commission relating to development plans**

The 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 the plans are compatible with national development objectives;
- (d) advise relevant agencies on the formulation of guidelines for the regulation of physical development;

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2. P.N.D.C.L. 327.

- (e) in collaboration with relevant agencies, monitor physical development to ensure that a 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 any other functions reasonably related to development planning, policy and strategy.

### *Joint Planning Areas*

#### **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 a contiguous area as a joint development planning area, if special physical or socio-economic characteristics necessitate it 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.

#### **13. Joint development planning board**

(1) An executive instrument issued under section 12 (2) which creates a 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 are necessary to provide for the effective functioning of the joint development planning board.

(2) A joint development planning board shall only be established to formulate and supervise 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.

**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, designate the area accordingly.

(2) Despite a 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 and responsibilities relating to the special development area as well as the geographical limits of the Area.

*Miscellaneous***15. Consideration of plans by the President**

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

**16. Advice to Commission on planning divisions**

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 Act, 1993.<sup>3</sup>

**17. Training of planning personnel**

The Commission shall, in consultation with the Ghana Institute of Planners and any other relevant bodies specified by the Commission, advise on the training, qualification and employment of the planning personnel required for a planning authority.

**18. Immunity of officers from liability**

Subject to the Constitution, an employee of a planning authority or a person acting under the direction or authority of a planning authority is not personally liable for an act done in good faith in the performance of a function under this Act.

**19. Regulations**

(1) The Commission may with the prior approval of the President, by Legislative Instrument, make Regulations

- (a) to prescribe the procedure for the submission of development plans;
- (b) to prescribe the form and time for submission of the plans to the Commission; and
- (c) to make provisions to give full effect to this Act.

(2) The Regulations shall be signed personally by the chairman.

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3. P.N.D.C.L. 327.

**20. Amendment of the Local Government Act, 1993 (Act 462)**

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

“A regional planning co-ordinating unit shall comprise the professional staff as directed by the regional co-ordinating council in consultation with the Commission”.

**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;

“**Commission**” means the National Development Planning Commission Act, 1994 (Act 479);

“**functions**” includes powers and duties;

“**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.

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