

NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994 (ACT 479)

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND SEVENTY-NINTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994

AN ACT to establish the National Development Planning Commission under the Constitution, provide for its composition and functions relating to development planning policy and strategy and for connected purposes.

DATE OF ASSENT: 29th August, 1994

BE IT ENACTED by Parliament as follows:

**PART I—ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL DEVELOPMENT
PLANING COMMISSION**

Section 1—Establishment of the Commission.

There is established by this Act a National Development Planning Commission referred to in this Act as "the Commission".

Section 2—Functions of the Commission.

- (1) The Commission shall advise the President on development planning policy and strategy.
- (2) The Commission shall, at the request of the President, Parliament, or on its own initiative —
 - (a) study and make strategic analyses of macro-economic and structural reform options;
 - (b) make proposals for the development of multiyear rolling plans taking into consideration the resource potential and comparative advantage of the different districts of Ghana;
 - (c) make proposals for the protection of the natural and physical environment with a view to ensuring that development strategies and programmes are in conformity with second environmental principles;

- (d) make proposals for ensuring the even development of the districts of Ghana 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;
- (i) keep under constant review national development plans 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
- (j) perform such other functions relating to development planning as the President may direct.

PART II—COMPOSITION, QUALIFICATION OF MEMBERS AND RELATED PROVISIONS

Section 3—Membership of the Commission.

- (1) The Commission shall consist of—
 - (a) a Chairman who shall be appointed by the President in consultation with the Council of State;
 - (b) a Vice Chairman elected by the members from among their number;
 - (c) the Minister responsible for Finance and such other Ministers of State as the President may appoint;
 - (d) the Government Statistician;
 - (e) the Director-General appointed under section 10 of this Act;
 - (f) the Governor of the Bank of Ghana;
 - (g) One representative from each region of Ghana appointed by the Regional Co-ordinating Council of the region who shall have experience in development planning; and
 - (h) such other persons as may be 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.

Section 4—Tenure of Office of Membership.

- (1) The members of the Commission other than the ex-officio members shall hold office for four years and shall be 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) When the Chairman is incapacitated by illness or other cause from performing the functions of his office, the Vice-Chairman shall act for him until he is able to resume the performance of his duties.

(5) When a member other than an ex-officio member is incapacitated by illness or any other cause from performing the functions of his office, the President or the appointing authority shall appoint another person to act for him until he is able to resume the performance of his duties.

Section 5—Qualification of Members.

(1) No person is qualified to be a member of the Commission who—

(a) is not a citizen of Ghana;

(b) has been adjudged or otherwise declared—

(i) bankrupt under any law in force in Ghana and has not been discharged; or

(ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or

(c) has been convicted—

(i) for high crime under the Constitution or high treason or for an offence involving the security of the State, 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 he acquired assets unlawfully or defrauded the State or mis-used or abused his office, or wilfully acted in a manner prejudicial to the interest of the State, 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 him by any court; or

(f) is otherwise disqualified by a law for the time being in force.

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

Section 6—Resignation.

(1) The Chairman may resign his office by notice addressed to the President.

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

Section 7—Removal.

(1) The Chairman of the Commission may be removed from office by the President in consultation with the Council of State for inability to perform the functions of his office or for stated misconduct.

(2) A member of the Commission other than an ex-officio member may be removed from office by the President for inability to perform the functions of his office or for stated misconduct.

Section 8—Allowance of Members of the Commission.

The Chairman and other members of the Commission shall be paid such allowance as the President in consultation with the Minister responsible for Finance may determine.

PART III—ORGANISATION AND MANAGEMENT OF THE COMMISSION

Section 9—Divisions of the Commission.

(1) The Commission shall have such divisions as may be necessary for the effective implementation of its functions.

(2) Each division shall be headed by a Director who shall be appointed by the President in accordance with the advice of the Commission given in consultation with the Public Services Commission.

Section 10—Director General.

(1) The Commission shall have a Director-General who shall be appointed by the President acting in accordance with the advice of the Commission given in consultation with the Public Services Commission.

(2) The Director General shall, subject to the general direction of the Commission, be responsible for the efficient organisation and management of the Commission.

(3) The Director-General may delegate the functions of his office to an officer of the Commission but he shall not be relieved from his ultimate responsibility for the discharge of the delegated function.

Section 11—Staff of Commission.

(1) Without prejudice to section 9, the Commission shall have such officers and staff as may be reasonably necessary for the effective discharge of its functions.

(2) The other officers and staff shall be appointed by the President in accordance with the advice of the Commission given in consultation with the Public Services 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.

Section 12—Delegation of Power of Appointment.

The President may in accordance with article 195 (2) of the Constitution delegate his power of appointment of the Director-General, Directors and other staff.

Section 13—Committees.

The Commission may appoint committees made up of members, non-members or both and may assign to them such functions as it may determine except that a committee composed exclusively of non-members may only advise the Commission.

Section 14—Relationship.

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

(2) No person or authority shall exercise any statutory power or duty inconsistent with powers and duties conferred on the Commission by this Act.

Section 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 such sectors of the economy as it may determine.

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

(a) representatives of the Commission;

(b) representatives of the relevant sector Ministries;

(b) representatives of appropriate public sector institutions and private sector organisations;
and

(c) such individuals selected for their knowledge and experience as the Commission may determine.

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

Section 16—Meetings of Commission.

(1) The Commission shall meet at such times and places as the Chairman of the Commission may determine but shall meet at least once in every two months and shall meet prior to the submission of any development plan proposals to the President.

(2) The Chairman of the Commission shall preside at each meeting of the Commission but in his absence 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 any defect in the appointment of a member.

(6) The Commission may co-opt such 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 procedure.

PART IV—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 17—Funds of Commission.

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

Section 18—Accounts and Audit.

(1) The Commission shall keep proper books of account and Proper records in relation to them and the account books and records of the Commission shall be in a 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.

Section 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 the activities of the Commission and including the Auditor-General's report on the accounts.

Section 20—Access to Information.

The Commission may request any public officer in writing to furnish it with any official document or information within a specified period for the discharge of its functions under this Act and the request shall be binding on the person concerned.

Section 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 the provisions of this Act.

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

Section 22—Interpretation.

In this Act, unless the context otherwise requires—

"Commission" means the National Development Planning Commission.

Date of Gazette Notification: 2nd September, 1994.