

ACT 656

LOCAL GOVERNMENT SERVICE ACT, 2003

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Establishment of the Local Government Service

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SCHEDULE

ACT 656

LOCAL GOVERNMENT SERVICE ACT, 2003¹

AN ACT to establish a Local Government Service and to provide for the objects, functions, administration and management of the Service and for connected purposes.

*Establishment of the Local Government Service***1. Establishment of the Local Government Service**

There is established in conformity with article 190 of the Constitution a Local Government Service.

2. Membership of the Service

The Service comprises of persons holding non-elected public office in

- (a) Regional Co-ordinating Councils,
- (b) District Assemblies,
- (c) Sub-Metropolitan District Councils, Urban, Zonal, Town and Area Councils,
- (d) the Secretariat of the Service, and
- (e) any other persons employed for the Service.

3. Object of the Service

The object of the Service is to secure the effective administration and management of local government in the country.

4. Functions of the Service

- (1) For the purpose of achieving its object, the Service shall
 - (a) provide technical assistance to District Assemblies, and Regional Co-ordinating Councils to enable the District Assemblies and the Regional

1. This Act was assented to on 24th December, 2003 and notified in the *Gazette* on 31st December, 2003.

Co-ordinating Councils effectively perform their functions and discharge their duties in accordance with the Constitution and the Local Government Act, 1993 (Act 462);

- (b) conduct organisational and job analysis for the Regional Co-ordinating Councils and the District Assemblies;
- (c) conduct management audits for Regional Co-ordinating Councils and District Assemblies in order to improve the overall management of the Service;
- (d) design and co-ordinate management systems and processes for Regional Co-ordinating Councils and District Assemblies;
- (e) assist the Regional Co-ordinating Councils and the District Assemblies in the performance of their functions under the Local Government Act, 1993, (Act 462), the National Development Planning (Systems) Act, 1994, (Act 480) and under any other enactment;
- (f) perform any other functions incidental or conducive to the achievement of the objects of this Act.

5. Governing body of the Service

- (1) The governing body for the Service is the Local Government Service Council.
- (2) The Council consists of
 - (a) the chairperson who is a person with extensive experience in local government matters;
 - (b) one representative of the Ministry responsible for Local Government other than the Minister or the Deputy Minister;
 - (c) one representative of the National Development Planning Commission;
 - (d) one representative of the Ghana Education Service;
 - (e) one representative of the Ghana Health Service;
 - (f) the Head of the Service;
 - (g) the Administrator of the District Assemblies Common Fund or one representative of the Administrator;
 - (h) one representative of the National Association of Local Authorities of Ghana;
 - (i) one representative of the Local Government Workers' Union;
 - (j) one representative of the Institute of Local Government Studies;
 - (k) one representative of the National House of Chiefs; and
 - (l) four other persons with considerable knowledge of local government matters at least two of whom are women.
- (3) The chairperson and the other members of the Council shall be appointed by the President in consultation with the Council of State.

6. Functions of the Council

The Council shall have general management and control of the Service and shall

- (a) recommend to the Minister matters of policy relating to the management of the Service;
- (b) ensure the implementation of the functions of the Service;
- (c) recommend to the Minister a scheme of service prescribing the terms and conditions of service as well as the remuneration of the employees of the Service;
- (d) develop policy guidelines for handling matters relating to recruitment, training, promotion, remuneration, discipline, arbitration and petition within the Service;
- (e) set performance standards within which District Assemblies and Regional Co-ordinating Councils shall perform their functions;
- (f) monitor and evaluate the performance standards of District Assemblies and Regional Co-ordinating Councils;
- (g) develop and co-ordinate the personnel plans and assess the personnel needs of the District Assemblies and the Regional Co-ordinating Councils in consultation with the respective Assemblies and Co-ordinating Councils;
- (h) develop and co-ordinate the training implementation plans of District Assemblies and Regional Co-ordinating Councils in consultation with the respective Assemblies and Co-ordinating Councils;
- (i) develop professional standards and guidelines for the various categories of staff who are members of the Service;
- (j) work in consultation and close co-operation with other services of the public service;
- (k) perform any other functions assigned to it by or under this Act or any other enactment; and
- (l) advise the Minister on a matter requested by the Minister.

7. Tenure of office of members of the Council

(1) The members of the Council shall hold office for four years and are eligible for re-appointment for one more term only.

(2) A member of the Council may resign from office in writing addressed to the President through the Minister.

(3) Where the office of a member of the Council becomes vacant by death, resignation or any other cause before the expiration of that member's term of office, the Minister shall notify the President of the occurrence of the vacancy and the President shall, acting in consultation with the Council of State appoint another person in the place of that member to hold office for the unexpired term of office of that member's term of office.

(4) Where it appears to the President on the recommendation of the Minister that a member of the Council is incapacitated by absence from the country or illness or any

other cause from performing the functions of office as member, the President may appoint another person to hold the office of the member until the time that the President is satisfied that the incapacity of that person has terminated or until the term of the member expires whichever occurs first.

(5) A member of the Council who is absent from three consecutive ordinary meetings of the Council without reasonable cause ceases to be a member.

(6) The President may in writing remove a member for non-performance or stated cause.

8. Allowances for members

Members of the Council, co-opted members and members of committees of the Council shall be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

9. Meetings of the Council

(1) The Council shall meet at least once in every three months for the despatch of business at the times and in the places determined by the chairperson.

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

(3) The quorum at a meeting of the Council shall consist of seven members including the head of the Service or the person acting in that capacity.

(4) Decisions of the Council shall be by majority votes of the members present and voting and in the event of an equality of votes the chairperson or person presiding shall have a casting vote.

(5) The Council may co-opt a person to attend any of its meetings but a co-opted person cannot vote at the meeting.

(6) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(7) Except as otherwise provided, the Council shall determine and regulate the procedure for its meetings.

10. Conflict of interest

(1) A member of the Council who has an interest in a contract or any other transaction proposed to be entered into with the Service shall disclose in writing to the Council the nature of the interest and the member is disqualified from participating in the deliberations of the Council in respect of the contract or other transactions.

(2) A member of the Council who contravenes subsection (1) ceases to be a member of the Council.

11. Committees of the Council

(1) The Council may for the performance of its functions appoint committees of the Council consisting of members or non-members or both and may assign to a committee any of its functions as it may determine.

(2) The Council shall determine the membership, functions and terms of reference of a committee.

(3) In exercise of its powers under this section, the Council shall in consultation with the Regional Co-ordinating Council or the District Assembly concerned appoint

(a) appointments and promotions committees, and

(b) disciplinary committees,

at the regional and district levels.

12. Minister to give directions

The Minister may issue directives in writing to the Council on matters of policy and the Council shall comply with the directives.

*Administration***13. Secretariat**

(1) There is established by this Act a Local Government Service Secretariat.

(2) The secretariat shall be under the Council.

14. Functions of the secretariat

The secretariat

(a) is responsible for the day to day administration of the Service;

(b) shall provide technical and any other support to the Service and to the Council for the execution and performance of the functions under this Act;

(c) is responsible for implementing the decisions of the Council;

(d) shall ensure the effectiveness of the Service;

(e) shall perform any other functions that the Council may specify; and

(f) shall perform the functions that are incidental to the effective operation of the Service.

15. Head of the Service

(1) There shall be a head of the Local Government Service who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The Head of the Service is the head of the secretariat.

(3) The Head of the Service shall hold office on the terms and conditions specified in the letter of appointment.

(4) The Head of the Service is responsible, subject to the general directions of the Council, for the efficient organisation and management of the Service and for the day to day operation of the secretariat.

(5) The Head of the Service may delegate the functions of the office to an officer of the Service but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

(6) The Head of the Service shall

- (a) provide leadership and guidance in the performance of the functions of the Service and the implementation of the decisions of the Council;
- (b) ensure the effective organisation and development of training programmes consistent with the sectoral requirements of the Service;
- (c) establish, with the approval of the Council, systems for effective inter-service and sectoral collaboration and co-operation between the Service, the Education Service, the Health Services, the Forestry Service and any other Services, to harmonise local government programmes and avoid duplication; and
- (d) initiate plans and programmes within the Service, for the consideration and approval of the Council, to activate and accelerate the local government decentralisation process in accordance with the Constitution, the Local Government Act, 1993, (Act 462) and any other enactment.

16. Office of the Regional Co-ordinating Council

(1) For the purposes of article 255 of the Constitution, there shall be an office of the Regional Co-ordinating Council in each Region.

(2) The Regional Co-ordinating Director is the administrative head of the Regional Co-ordinating Council and is responsible to the Regional Minister.

(3) The Regional Co-ordinating Director shall have the conditions of service determined by the Council.

(4) The Regional Co-ordinating Director shall ensure the effective and efficient performance of the office of the Regional Co-ordinating Council.

(5) A person assigned from a public office to the office of the Regional Co-ordinating Council shall be an officer of the Regional Co-ordinating Council.

(6) The Regional Co-ordinating Council is responsible for the work, career progression and discipline of the officers of the Regional Co-ordinating Council.

17. Departments of the Regional Co-ordinating Council

(1) Government departments of the Civil Service in a Region shall be known as departments of the Regional Co-ordinating Council.

(2) The heads of departments of a Regional Co-ordinating Council are answerable in the performance of their functions to the Regional Co-ordinating Council.

18. Functions of departments of Regional Co-ordinating Council

The departments of a Regional Co-ordinating Council shall

- (a) implement the decisions of the Regional Co-ordinating Council, and
- (b) provide quarterly reports on the implementation of policies and programmes to the Regional Co-ordinating Council through the office of the Regional Co-ordinating Council.

19. Directorate of the District Assembly

There shall be a co-ordinating directorate of the District Assembly.

20. District Co-ordinating Director

(1) There shall be a District Co-ordinating Director for each district who shall be the secretary to the Assembly and head of the District Co-ordinating Directorate.

(2) A District Co-ordinating Director shall ensure that the functions and responsibilities of the office are efficiently and effectively performed.

(3) A District Co-ordinating Director is answerable to the District Chief Executive in the performance of functions under this Act.

(4) The staff of a District Assembly are answerable to the District Chief Executive through the District Co-ordinating Director.

(5) The District Assembly is responsible for the career progression and discipline of the officers in the Office of the District Assembly.

21. Functions of the co-ordinating directorate of a District Assembly

The co-ordinating directorate of a District Assembly is responsible for assisting the District Assembly in the performance of its functions under the Local Government Act, 1993 (Act 462), the National Development Planning (Systems) Act, 1994 (Act 480) and any other enactment for the time being in force.

22. Departments of District Assembly

The decentralised government departments in the District shall be known as the departments of the District Assembly.

23. Heads of departments of District Assembly

(1) The departments of a District Assembly, shall be headed by heads of department of the District Assembly who shall be responsible for the efficient and effective performance of the functions and responsibilities assigned to the departments.

(2) The heads of departments are answerable to the District Chief Executive through the District Co-ordinating Director.

24. Functions of departments of District Assembly

The departments of District Assemblies

- (a) are responsible for the implementation of the decisions of the District Assemblies, and

- (b) shall provide quarterly reports on the implementation of decisions of the Assemblies to the executive committees of the respective District Assemblies through the offices of the District Assembly.

25. Appointment of other staff of the Service

(1) The Service shall have any other officers and staff necessary for the proper and effective performance of its functions.

(2) The staff of the Service shall perform the functions that are conferred on them under this Act or any other enactment.

(3) The President shall in accordance with article 195 of the Constitution and on the terms and conditions determined by the President, appoint the officers and staff of the Service.

(4) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of the public officers.

(5) The Council may engage the services of consultants and advisers it may determine on the recommendation of the Head of the Service.

26. Transfer and secondment of staff

(1) Officers and staff may be transferred or seconded from a public service to the Service.

(2) The Minister shall approve the transfer or secondment to the Service.

27. Secretary to the Council

(1) The Minister shall, acting in consultation with the Head of the Service, designate an officer of the Service as the secretary to the Council.

(2) The secretary shall arrange the business for and record and keep the minutes of the meetings of the Council.

(3) The secretary shall also perform any other functions that the Council or the Head of the Service may assign to the secretary.

(4) The secretary shall be assisted in the performance of the functions of office as secretary by the staff of the Service as directed by the Council on the recommendation of the Head of the Service.

(5) The secretary is, in the performance of functions as Secretary, subject to the administrative control of the Head of Service.

Financial Provisions

28. Expenses of the Service

The expenses of the Service, including the administrative expenses, salaries, allowances, operational and any other expenses of the Service, and the retirement benefits payable in respect of persons employed by the Service, are a charge on the Consolidated Fund.

29. Submission of budget estimates

(1) The Head of the Service shall, not later than three months before the end of each financial year, prepare and submit to the Minister through the Council, the budget estimates of expenditure to be incurred by the Service during the next financial year.

(2) The budget estimates shall be in the form approved for that purpose by the Minister responsible for Finance.

(3) The Council shall approve new or special expenditure before they are submitted to the Minister for approval.

(4) Except with the approval of the Minister responsible for Finance, given in consultation with the Minister, a further sum of money shall not be expended during a financial year other than as provided in the estimates relating to the financial year.

30. Accounts and audit

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

(2) The Auditor-General shall audit the accounts of the Service within six months after the end of each financial year.

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

31. Annual report and other reports

(1) The Council shall within eight months after the end of each financial year submit to the Minister an annual report covering the activities and the operations of the Service 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 Council shall submit to the Minister any other reports that the Minister may require in writing.

(4) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with the statement that the Minister considers necessary.

32. Regulations

(1) The Minister may, on the advice of the Council, make Regulations necessary to give effect to this Act and to regulate a matter that falls within the scope of the functions of the Service.

(2) In addition to subsection (1), Regulations made under this section may provide for

- (a) institutional co-operation between the Service and the other branches of the public service;
- (b) recruitment procedures for members of the Service;
- (c) promotion procedures for members of the Service;

- (d) disciplinary procedures for members of the Service; and
- (e) transfer and posting procedures for members of the Service.

33. Interpretation

In this Act unless the context otherwise requires,

“**Council**” means the Local Government Service Council established under section 5;

“**District Assembly**” includes a Municipal and a Metropolitan Assembly;

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

“**Minister**” means the Minister responsible for Local Government;

“**secretariat**” means the Local Government Service secretariat established by section 13;

“**Service**” means the Local Government Service established under article 190 of the Constitution.

34. Transitional provision

On the coming into force of this Act, the members of staff of the branches, divisions or units of the departments specified in the Schedule shall be deemed to have been transferred to a department of a District Assembly as determined by the Minister and shall form part of the Service from the date of transfer.

35. Civil Service Act amended

(1) The Civil Service Act, 1993² is amended,

- (a) in subsection (3) of section 1, by the repeal of the words “both” and “and local”;
- (b) in section 4 (a), by the repeal of subparagraphs (iv), (v), (vi), (vii);
- (c) by the repeal of Part V;
- (d) by the repeal of section 45;
- (e) in section 46, by the deletion of the words “Regional and District”;
- (f) by the repeal of subsections (3) and (4) of section 62; and
- (g) in section 70 by the deletion of the words “and decentralised administration”.

(2) On the coming into force of this Act, the Civil Service Act, 1993³, shall cease to apply to the Service established by article 190 of the Constitution and its members.

36. Act 462 amended

The Local Government Act, 1993 (Act 462) is amended,

- (a) in section 146, by the repeal of subsection (1);

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

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

- (b) in the Eighth Schedule by the deletion of
- (i) Forestry Department;
 - (ii) Office of the District Medical Officer of Health;
 - (iii) National Fire Service;
 - (iv) Department of Games and Wildlife.

37. Savings

Despite the repeals specified in section 35 (1) the Regulations or any other statutory instrument made under or continued in force under the Civil Service Act, 1993⁴ and in force immediately before the date of coming into force of this Act shall continue to apply with the necessary modification to members of the Service unless made inapplicable by law.

SCHEDULE

[Section 34]

- (i) Department of Social Welfare;
- (ii) Department of Community Development;
- (iii) Department of Town and Country Planning;
- (iv) Public Works Department;
- (v) Department of Parks and Gardens;
- (vi) Department of Rural Housing and Cottage Industries;
- (vii) Births and Deaths Registry;
- (viii) Controller and Accountant-General's Department;
- (ix) Department of Feeder Roads;
- (x) Department of Animal Health and Production;
- (xi) Agricultural Extension Services Division;
- (xii) Crop Services Division;
- (xiii) Department of Agricultural Engineering;
- (xiv) Office of the District Sports Organiser;
- (xv) Office of the National Youth Organising Commission;
- (xvi) Department of Co-operatives;
- (xvii) Ghana Library Board.

4. P.N.D.C.L. 327.