

**P.N.D.C.L. 238**

**NATIONAL COMMISSION ON CULTURE ACT, 1990**

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**P.N.D.C.L. 238****NATIONAL COMMISSION ON CULTURE ACT, 1990<sup>1</sup>**

**AN ACT to establish a National Commission on Culture in consonance with article 39 of the Constitution and to provide for related matters.**

*National Commission on Culture***1. Establishment of National Commission**

(1) In consonance with article 39 of the Constitution, there is hereby established a National Commission.

(2) The Commission is a public corporation as defined in article 295 of the Constitution.

**2. Functions of the Commission**

The functions of the Commission are to translate the objectives, programmes and spirit of article 39 of the Constitution into reality by

- (a) initiating policies and programmes for the dissemination and propagation of ideas for the promotion of national pride, solidarity and consciousness;
- (b) prompting the evolution of an integrated national culture thus creating a distinct Ghanaian personality to be reflected in African and world affairs;
- (c) supervising the implementation of programmes for the preservation, promotion and presentation of Ghanaian culture;
- (d) seeking to promote an educational system that motivates and stimulates creativity and draws largely on Ghanaian traditions and values;
- (e) establishing a code of behaviour compatible with the Ghanaian tradition of humanism and a disciplined and moral society;
- (f) promoting national self-reliance and self-sufficiency, and reflect Ghanaian cultural heritage and national aspirations in the process of industrialisation;
- (g) working in collaboration with other agencies to promote the broad aims and objectives of the Commission;
- (h) establishing administrative structures and recommend the provision of funds for the implementation of cultural programmes;
- (i) organising an annual congress of Ghanaian artists and cultural workers;
- (j) performing any other functions prescribed by the President.

**3. Organisations under the Commission**

The Commission shall exercise responsibility over

- (a) the regional and district centres of the Commission,
- (b) the Museums and Monuments Board,
- (c) the W.E.B. DU-Bois Centre for Pan African Culture,

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1. This Act was issued as the National Commission on Culture Law, 1990 (P.N.D.C.L. 238), made on the 1st day of December, 1989, and notified in the *Gazette* on 10th August, 1990.

- (d) the National Theatre,
- (e) the Ghana Dance Ensemble,
- (f) Abibigromma,
- (g) the National Symphony Orchestra,
- (h) the Bureau of Ghana Languages, and
- (i) the Copyright Administration.

#### **4. The Board**

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

- (a) the Minister, as chairman,
- (b) one representative of the Ministry of Education,
- (c) one representative of the Ministry of Information,
- (d) one representative of the 31st December Women's Movement,
- (e) one representative of the National House of Chiefs,
- (f) one Queen mother,
- (g) one representative of the Environmental Protection Council, and
- (h) seven other persons appointed by the President.

(2) A member of the Board, other than the chairman, shall hold office for a period of three years and is eligible for re-appointment.

(3) A member may at any time resign from office by giving one month's notice in writing addressed to the President.

(4) A member shall be paid the allowances determined by the President, on the recommendation of the chairman.

(5) The member of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(6) Except as otherwise provided in this Act, the Board is responsible to the President through the Minister.

#### **5. Meetings of the Board**

(1) The Board shall meet at least once in every two months at the times and places determined by the chairman.

(2) The chairman shall preside at meetings of the Board and in the absence of the chairman a member appointed by the members present from among themselves shall preside.

(3) The quorum at a meeting of the Board is eight.

(4) Decisions at a meeting of the Board shall be taken by a vote of the majority of the members present, and in the event of an equality of votes the person presiding shall have a casting vote.

(5) The Board may co-opt a person to act as an adviser at any of its meetings but that person is not entitled to vote on a matter for decision by the Board.

(6) A member who fails to attend three consecutive ordinary meetings of the Board without reasonable cause ceases to be a member.

(7) Except as otherwise expressly provided in this Act, the Board shall determine the procedure for its meetings.

## **6. Biennial meetings**

The Board shall convene a biennial meeting with representatives of the regional and district committees of the Commission to discuss matters related to the development of culture in the Regions and the districts.

## **7. Appointment of committees**

The Board may, for the performance of the functions of the Commission appoint committees comprising of members of the Board or non-members or both and may assign to the committees a function of the Commission as determined by the Board.

## **8. Disclosure of interest**

(1) A member of the Board who has an interest whether directly or indirectly, in a matter that is a subject for the consideration of the Board shall disclose in writing to the Board the nature of the interest and shall not participate in a discussion or decision of the Board relating to that matter.

(2) A member who fails to disclose interest under subsection (1) shall cease to be a member of the Board.

### *Regional Centres*

## **9. Establishment of regional centres**

A centre for national culture shall be established in each Region.

## **10. Functions of the centre**

The functions of a regional centre are

- (a) to implement and monitor policies of the Government relating to the development, promotion, preservation and appreciation of culture and the arts in the Region;
- (b) to identify, organise and mobilise the artistic resources of the Region and develop the commercial potential of those resources;
- (c) to organise systematic programmes to project regional peculiarities in the national culture and the arts;
- (d) to pursue activities aimed at contributing to the development of national culture and the arts; and
- (e) to supervise the activities of the district cultural centres.

## 11. Regional committees

The governing body of a regional centre in each region is the regional committee for national culture which shall oversee the activities of the regional centre and ensure the performance of the functions of the centre.

## 12. Membership of a regional committee

(1) A regional committee shall consist of the following persons all of whom are persons who are resident in the Region:

- (a) three persons appointed by the Regional Minister, one of whom is a member of the regional co-ordinating council;
- (b) *omitted;*<sup>2</sup>
- (c) one representative of the Regional House of Chiefs;
- (d) the Regional Director of Education or the representative of that Director;
- (e) one representative of the Information Services Department;
- (f) one representative in the region for each of the six artistic disciplines namely, drama, music, dance, art, craft and the literary arts;
- (g) the Regional Director of Community Development or the representative of that Director;
- (h) the regional director of the centre appointed under section 14.

(2) The chairman of a regional committee shall be appointed by the President from among the members of the committee in accordance with article 195 of the Constitution.

(3) The provisions of subsections (2) to (4) of section 4 relating to the members of the Board shall apply with the necessary modifications to the members of a regional committee.

## 13. Meetings of regional committee

The provisions of section 5 relating to the meetings of the Board shall apply with the necessary modifications to the meetings of a regional committee.

## 14. Regional director of centre

(1) In accordance with article 195 of the Constitution the President shall appoint a director for each regional centre.

(2) The regional director is responsible for the day-to-day administration of the regional centre and for the co-ordination of the activities of the district centres in the Region.

2. The paragraph has been omitted as the office does not now exist. It provided as follows,

“(b) The Head of Information, Culture and Education Department of the Regional Committee for the Defence of the Revolution.”

*District Centres***15. District centres**

A centre for national culture shall be established in each district.

**16. Functions of a district centre**

The functions of a district centre in relation to the district shall, with the necessary modifications, be the same as the functions of a regional centre provided for under section 10.

**17. District cultural committee**

- (1) A committee on national culture shall be established in each district.
- (2) The district committee shall be the governing body of the district centre.

**18. Membership of district committee**

(1) A district committee shall consist of the following persons who are persons who are resident in the district:

- (a) three persons to be appointed by the district chief executive, including a traditional ruler and a woman;
- (b) the assistant director of education in charge of the district or the representative of the assistant director;
- (c) one representative of the Information Service Department;
- (d) *omitted*,<sup>3</sup>
- (e) a representative of the district national youth organising commission;
- (f) one which is appropriate a representative of the Department of District Community Development;
- (g) one representative for each of the six artistic disciplines in the district: namely, drama, music, dance, art, craft and the literary arts in the district; and
- (h) the district officer for national culture.

(2) The chairman of the district committee shall be appointed by the district chief executive from among the members of the committee in consultation with the committee.

(3) The provisions of subsections (2) to (4) of section 4 shall apply with the necessary modifications to a district committee.

**19. Meetings of district committees**

The provisions of section 5 relating to meetings of the Board shall apply with the necessary modifications to meetings of a district committee.

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3. The paragraph has been omitted as the office does not exist now. It provided as follows  
"The Head of the Information, Culture and Education Department of the district committee for the Defence of the Revolution."

**20. District cultural officer**

(1) The regional director for national culture in consultation with the regional committee shall appoint a district officer.

(2) The district officer shall be responsible for the day-to-day administration of the district centre.

*Financial Provisions***21. Funds of the Commission**

The funds of the Commission, the regional or district centres consist of

- (a) grants received from the Government by the Commission, a regional or district centres for the performance of its functions,
- (b) gifts, and
- (c) funds from any other source approved by the President.

**22. Budget of the Commission**

(1) The Board shall, three months before the end of each financial year, submit to the Minister responsible for Finance detailed estimates of the budget of the Commission for the coming year.

(2) The estimated budget of every regional centre for the next financial year shall be submitted for approval to the relevant regional co-ordinating council at least three months before the end of the financial year in which it is prepared.

(3) The estimated budget of each district centre shall be submitted to the District Assembly for approval.

(4) The budget for a regional or district centre shall include the aggregate revenue and expenditure including the development plans and programmes.

**23. Accounts**

(1) The Commission and every regional and district centre shall keep proper books of accounts and proper records in relation to those accounts and shall prepare immediately after the end of each financial year a statement of its accounts in the form directed by the Auditor-General.

(2) The accounts of the Commission and of its centres shall be audited by the Auditor-General.

**24. Access to records**

(1) A person authorised in writing in that behalf by the Board shall at all reasonable times have access to, and

- (a) is entitled to inspect the books, accounts and records of a regional or district centre,
- (b) may advise the centre on those accounts and records, and
- (c) shall submit reports to the Commission and to the regional centre in connection with the inspection.

(2) A person who wilfully obstructs a person in the performance of a function under this section commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty penalty units or a term of imprisonment not exceeding three months or to both the fine and the imprisonment; and in the case of a continuing offence to a further fine not exceeding five penalty units for each day on which the offence continues.

## 25. Powers of Board to give instructions

(1) The Board may after consultation with the Minister responsible for Finance issue written instructions not inconsistent with a provision of this Act for the better control and efficient management of the financial affairs of regional and district centres.

(2) The instructions may be issued generally or with respect to a particular centre and shall be complied with by the regional or district centre.

## 26. Financial year of Commission

The financial year of the Commission shall be the same as the financial year of the Government.

### *Miscellaneous*

## 27. Regulations

The Minister, on the advice of the Board may, by Legislative Instrument, make Regulations for the effective implementation of this Act.

## 28. Dissolution of Arts Council

*Spent.*<sup>4</sup>

## 29. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Board**” means the governing body of the Commission;

“**chairman**” means the chairman of the Commission;

“**Commission**” means the Commission established by section 1;

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

“**district centre**” means a district centre established by section 15;

4. The section provided as follows:

“(1) The Arts Council of Ghana is hereby dissolved.

(2) All assets, rights, obligations and liabilities of the said Arts Council shall be distributed in such manner or transferred to such persons or bodies as the Chairman may determine.”



“**district committee**” means a district committee established under section 17;

“**member**” means a member of the Commission;

“**Minister**” means the Minister responsible for Culture;

“**Region**” means a region of the Republic;

“**regional centre**” means a regional centre established under section 8;

“**regional committee**” means a committee established under section 10;

“**regional director**” means a director appointed pursuant to section 14.

### 30. Repeals

*Spent.*<sup>5</sup>

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5. The section provided for the repeal of:

- “(a) the Arts Council of Ghana Decree, 1968 (N.L.C.D. 232); and
- “(b) the Arts Council of Ghana (Amendment) Decree, 1968 (N.L.C.D. 279).”

