

ACT 326
BAST FIBRES DEVELOPMENT BOARD ACT, 1970

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ACT 326
BAST FIBRES DEVELOPMENT BOARD ACT, 1970(1)

AN ACT to establish the Bast Fibres Development Board and to provide for related matters.

1. Establishment of the Board

- (1) There is hereby established a body corporate to be known as the Bast Fibres Development Board.
- (2) The Board shall have perpetual succession and common seal and may sue and be sued in its corporate name.
- (3) The Board may, for the performance of its functions, acquire and hold movable or immovable property, dispose of property, and to enter into a contract or transaction.

2. The governing body

- (1) The governing body of the Board is a Council consisting of
 - (a) the chairman,
 - (b) one representative of the Cocoa Marketing Council,
 - (c) one representative of the Crops-Research Institute, Kumasi,

- (d) one representative of the banking institutions in the Republic,
- (e) one representative of the Agricultural Development Bank,
- (f) one representative of the Ghana Industrial Holding Corporation,
- (g) one representative of the Grains Development Council,
- (h) two representatives of the of bast fibre growers,
- (i) the Regional Agricultural Officer, Ashanti, and
- (j) the person appointed as executive secretary under section 5.

(2) The members of the Council shall be appointed by the President in accordance with Article 70 of the Constitution.

(3) A member, other than a member appointed under paragraph (h) or (i) of subsection (1), shall hold office for a period of three years.

(4) A member whose term of office expires is eligible for reappointment.

(5) The chairman and any other member may be removed from membership of the Council only when that member

- (a) becomes a person of unsound mind,
- (b) is absent from three consecutive meetings of the Board without permission,
- (c) is proved guilty of serious misconduct in relation to the performance of functions as chairman or member,
- (d) is sentenced to death or to a term of imprisonment exceeding twelve months without the option of a fine or is convicted of an offence involving dishonesty,
- (e) is declared insolvent or bankrupt under a law in force in the Republic or in any other country, or
- (f) is disqualified or suspended, otherwise than at the member's request, from practising the profession of that member in the Republic or in any other country by order of the competent Board, if that member is a person who possesses professional qualifications.

(6) Subject to this Act, a member shall hold office on the terms and conditions relating to the payment of remuneration and allowances determined by the President.

(7) A member other than a member appointed under paragraph (i) or (j) of subsection (1) may resign the appointment by giving one month's notice in writing addressed to the President through the Minister.

3. Functions of the Board

(1) The Board is responsible for the development on a commercial scale of the bast fibre industry.

(2) Without prejudice to the generality of subsection (1), the Board may undertake

- (a) the cultivation or the arrangement for the cultivation on a commercial scale of bast fibres;
- (b) the processing, handling and grading of bast fibres;
- (c) the purchase, sale, distribution and exportation of bast fibres;
- (d) the importation of unprocessed bast fibres;

- (e) the determination and guarantee of the prices at which bast fibres shall be purchased by the Board;
- (f) the withholding of assistance from growers who have contravened a provision of this Act;
- (g) the undertaking of research or the arrangement of research in respect of the problems affecting the bast fibre industry for the improvement and utilisation of bast fibre products;
- (h) the giving of advice on the technical, social and economic matters connected with the general development of the bast fibre industry; and
- (i) the performance of any other function which is incidental to or related to the performance of any of the functions of the Board.

4. Meetings of the Council

(1) The Council shall meet for the performance of its functions at intervals not exceeding three months and at the time and places determined by the chairman.

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

(3) Questions proposed at a meeting of the Council shall be determined by a simple majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(4) The quorum at a meeting of the Council is five.

5. Executive Secretary

(1) An executive secretary shall be appointed by the President in accordance with article 195 of the Constitution on the terms and conditions determined by the President.

(2) The executive secretary is responsible for the day to day management and administration of the activities of the Board and shall act subject to the general directions given by the Council.

6. Consultant

(1) The President may appoint a consultant to the Board on the terms and conditions determined by the President.

(2) The consultant is responsible, among other things, for organising the bast fibre industry on a commercial scale.

7. Officers and employees of the Board

The Board shall, subject to article 195 of the Constitution, employ officers and employees for the performance of its functions on the terms and conditions determined by the President.

8. Assets and funds of the Board

(1) The assets and funds of the Board consist of

- (a) the lands, buildings, equipment, stores, furniture, tools and machinery purchased by the Board or granted to the Board by the Government or by a person for the proper performance of its functions,

- (b) the sums of money granted to the Board by Parliament with the prior approval in writing of the Minister responsible for Finance,
- (c) the sums of money granted to the Board by foreign governments or foreign institutions,
- (d) income derived from the sale of bast fibres, and
- (e) any other moneys or property which may become payable to or vested in the Board in respect of a matter incidental to the performance of its functions.

(2) The Board may borrow from a banking institution, corporation, local Board or any other person the amounts of money that it may require for the performance of its functions.

9. Accounts

(1) The Board shall, in the form approved by the Auditor-General, keep proper books of accounts and proper records in relation to the accounts.

(2) The financial year of the Board shall be the same as the financial year of the Government.

(3) The executive secretary shall prepare the budget estimates for the financial year and present the estimates to the Council for its approval not later than two months before the end of the preceding financial year of the Board.

10. Audit

(1) Accounts prepared under section 9 shall be submitted annually to the Auditor-General by the Council to be audited as required by article 187 of the Constitution.

(2) The Council shall, not later than the 31st day of July immediately succeeding the end of the previous financial year, forward to the Minister a report of the activities of the Council during the preceding financial year together with the audited statement of accounts in respect of that year.

(3) The Minister shall transmit copies of the report and audited statement as soon as may be practicable on receipt of the copies to the Cabinet.

11. Regulations

The Council may, with the prior approval in writing of the Minister and subject to this Act, by legislative instrument, make Regulations in respect of

- (a) the cultivation, processing, handling, grading and storage of bast fibres;
- (b) the purchase, sale and utilisation of bast fibres which the Council considers to be in the best interests of the country and the local bast fibre industry;
- (c) the importation and exportation of bast fibres; and
- (d) any other matter for the purpose of giving effect to this Act.

12. Offences

(1) A person who contravenes a provision of this Act or of the Regulations commits an offence and is liable on summary conviction, to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and the imprisonment.

(2) Where the offence is committed by a body of persons,

- (a) in the case of a body corporate, every director and officer of that body corporate shall be deemed to have committed that offence; and
- (b) in the case of a partnership, every partner of that partnership shall be deemed to be guilty of that offence.

(3) A person shall not be convicted of an offence under subsection (2) if it is proved that the offence was committed without the knowledge of that person and that due diligence was exercised by that person to prevent the commission of the offence.

13. Exemption from taxes

Spent.2(2)

14. Interpretation

In this Act, unless the context otherwise requires,

“**Board**” means the Board established under section 1;

“**Council**” means the governing body of the Board referred to in section 2;

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

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

“**Regulations**” means the Regulations made under section 11 of this Act.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 22nd April, 1970.

2 (Popup - Footnote)

2. The provision reads:
“The Council shall be exempt from the payment of all taxes and duties for a period not exceeding ten years.”