

**N.L.C.D. 339**  
**GENERAL KOTOKA TRUST ACT, 1969**

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### N.L.C.D. 339 GENERAL KOTOKA TRUST ACT, 1969(1)

**AN ACT to create a trust fund in honour of the late Lieutenant-General Emmanuel Kwasi Kotoka and the gallant soldiers who gave their lives in the cause of liberty and to provide for related matters.**

WHEREAS the Government and people of Ghana mourned the loss of Lieutenant-General Emmanuel Kwasi Kotoka, G.S.O., General Officer Commanding the Ghana Armed Forces, who fell during the insurrection of the 17th April, 1967, and those gallant soldiers who fell during the insurrection of the 17th April, 1967 and during the 24th February Revolution;

AND WHEREAS the Government and people of Ghana wish to demonstrate their gratitude, for their liberation, and for the rebirth of freedom in Ghana, which was achieved by these gallant men by creating a trust to commit to posterity the memory of the late Lieutenant-General Emmanuel Kwasi Kotoka, and the others who fell, and to provide for the widows and children of these gallant soldiers.

#### *Creation of the Trust*

#### **1. Creation of the Trust**

- (1) There is hereby established a trust to be known as the General Kotoka Trust.
- (2) The Trust is a body corporate, with perpetual succession and a common seal, and may sue and be sued in its name.
- (3) The Trust may acquire, hold and dispose of movable and immovable property.

#### **2. Patrons of the Trust**

The persons under whose patronage the Trust Fund shall be collected are,  
Lieutenant-General. J.A. Ankrah, Chairman of the National Liberation Council,  
Mr. J.W.K. Harlley, Vice-Chairman of the National Liberation Council and Inspector-General of Police,

Nana Sir Osei Agyeman Prempeh II, K.B.E. Asantehene,

Nii Amugi II, Ga Manche,

Nana Ofori Atta II, Okyenhene, Eastern Region,

Asantilow, Sandema-Nab, Vice-President, Upper Region House of Chiefs,

Nana Otu XI, Abakrampahene, Central Region,  
Togbe Adaztepor VI, Paramount Chief of Avatime State,  
Mr. J.A. Braimah, Kyenasewura, Northern Region, and  
Nana Kwamina Anaisie IV, Paramount Chief of Dutch Sekondi, Western Region.

### **3. Board of trustees**

The board of trustees consists of

- (a) the Honourable Mr. Justice Nii Amaa Ollennu, as the chairman,
- (b) Mr. Daniel Chapman-Nyaho, member,
- (c) the Solicitor-General, ex officio member,
- (d) the Auditor-General, ex officio member,
- (e) the Director, Legal Service, Ministry of Defence, ex officio member,
- (f) Mr. Myles C. Hagan, member,
- (g) Mrs. E. Akufo-Addo, member,
- (h) Mrs. H.S. Bannerman, member,
- (i) the Chief Director, Ministry of the Interior, ex officio member/secretary, and
- (j) the Controller and Accountant-General, ex officio member/treasurer.

### **4. Acceptance of office by trustees**

Except where a person is an ex officio trustee, and subject to sections 5 and 6, a person appointed a trustee by or under this Act shall not be bound to act as a trustee unless that person signifies in writing the willingness so to act or unless that person has already done an act which is exclusively referable to the duties of a trustee so appointed.

### **5. Appointment and removal of trustees**

- (1) The Trustees shall hold office at the will and pleasure of the President.
- (2) The President may fill a vacancy occurring in the office of a trustee and may otherwise alter the composition of the Board.

### **6. Resignation by trustees**

A trustee who is not an ex officio trustee and who communicates in writing to the President an intention to resign, shall on the acceptance of the resignation by the President cease to be a trustee.

## *The Trust Fund*

### **7. Trust Fund**

- (1) The Trust Fund consists of the sum of five hundred thousand new cedis or a higher sum, which by the date of the commencement of this Act shall have been realised from subscriptions donated by the

people of Ghana, and the further sums which may subsequently be donated by the Government or any person in addition to the interest which may have accrued from investment.

(2) The Fund is hereby vested in the Board to be held in trust for the objects prescribed by this Act.

## **8. Objects of the Trust**

(1) The objects for which the Trust is established are

- (a) the re-naming of the Accra International Airport to the “Kotoka International Airport” after the late Lieutenant-General Emmanuel Kwasi Kotoka without a financial charge on the Fund;
- (b) the naming of an Army Barracks “Kotoka Barracks” after the late Lieutenant-General Kwasi Kotoka without a financial charge on the Fund;
- (c) the erection of a Statue, of the late Lieutenant-General Kwasi Kotoka as a warrior in full battle dress at the spot where he fell near the Accra International Airport and the creation of a quiet garden in the area surrounding the Statue;
- (d) the acquisition by the trustees in favour of the Trust of that portion of land situated at the Accra International Airport where it is proposed to erect a Statue of the late Lieutenant-General Kwasi Kotoka, and to create a quiet garden to surround it;
- (e) the provision of tombstones for the late Lieutenant-General Kwasi Kotoka and the other gallant soldiers who fell during the insurrection of the 17th April, 1967;
- (f) the acquisition and furnishing of a house at a total cost not exceeding seventeen thousand new cedis for the widow of the late Lieutenant-General Kwasi Kotoka, Madam Monica Kotoka for life and thereafter, in equal shares, to her children by the late Lieutenant-General Kwasi Kotoka, whose names are set out in the First Schedule;
- (g) the acquisition and furnishing of a house at a total cost not exceeding ten thousand new cedis for the widow of the late Lieutenant-General Kwasi Kotoka, Madam Ethel Norkai Quaynor for life and thereafter to her child by the late General, whose name is set out in the First Schedule;
- (h) the acquisition and furnishing of a house at a total cost not exceeding ten thousand new cedis for the widow of the late Captain C.Y. Borkloe, Madam Vera Enyonam Borkloe for life and thereafter, in equal shares, to her children by the late Captain C.Y. Borwoe, whose names are set out in the First Schedule;
- (i) the acquisition and furnishing of a house at a total cost not exceeding ten thousand new cedis for each of the widows of the late Captain A.K. Avevor, Mesdames Norviegbor Akumey, Akoe Damordzie and Mabel Osae for their respective lives and thereafter, in equal shares, to their children respectively by the late Captain A.K. Avevor, whose names are set out in the First Schedule;
- (j) the acquisition and furnishing of a house at a total cost not exceeding ten thousand new cedis for the mother of the late Sergeant Osei Grunshie, Madam Tampore Grunshie for life and thereafter to the late Sergeant Osei Grunshie’s child whose name is set out in the First Schedule;
- (k) the acquisition of a site, the erection of a house on that site and the furnishing of that house at a total cost not exceeding twenty thousand new cedis for the benefit of the family of the late Lieutenant-General Kwasi in the home-town of the Lieutenant-General in the Anloga

area in the Volta Region;

- (l) the education with effect from the 1st September, 1967 of
  - (i) the children of the late Lieutenant-General Emmanuel Kwasi Kotoka, the late Captain C.Y. Borkloe, the late Captain A.K. Awevor and the late Sergeant Osei Grunshie whose names are set out in Part One of the Second Schedule;
  - (ii) the children of soldiers who died in the 24th February Revolution whose names are set out in Part Two of the Second Schedule;
- (m) the maintenance and upkeep of the Statue of the late Lieutenant-General Emmanuel Kwasi Kotoka, and the garden in the area surrounding the Statue;
- (n) the provision in each region of a clinic to be called “Kotoka Memorial Clinic” at a cost not exceeding ten thousand new cedis and in the case of the Volta Region the clinic shall be erected at Fiahor near the late Lieutenant-General’s home-town.

(2) Education for the purposes of subsection (1) shall be up to the standard that the trustees may determine having regard to the ability and aptitude of the child and shall ensure that each child is equipped to earn a living.

(3) Expenditure for the education shall include expenses incurred over the period of education for board and tuition fees, textbooks, maintenance, clothing, transport and the incidental expenses that the trustees may approve.

(4) Parliament may by resolution on a request made in writing by the trustees, increase any of the amounts prescribed by subsection (2) for achieving any of the objects of the Trust specified in that subsection, if it is satisfied, having regard to the circumstances, that it is fit and proper so to do.2(2)

## **9. Residue of the Trust Fund**

The residue of the Fund shall be held by the Trustees in trust for

- (a) the award of scholarships or bursaries to Ghanaian children on a competitive basis for secondary education;
- (b) the provision of financial assistance to each Region for furnishing a ward in a hospital or generally for a hospital, clinic or day nursery.

## **10. Investment of the Trust Fund**

The Trustees shall set aside out of the Fund an appropriate sum of money to meet the cost of the objects stated in subsection (1) (c) to (k) and (n) of section 8 after which they shall invest in perpetuity the total amount remaining in Ghana Government Treasury Bills, Liberation Stocks, and any other gilt-edged securities as the Government may approve.

### *Administration of the Fund*

## **11. Payments to be made out of income with power to resort to capital**

(1) In the distribution of the Fund for the purposes of the objects set out in subsections (1) (l) and (m) of section 8, the Trustees shall make the payments out of the income of the Fund.

(2) Where the income is not sufficient for the purpose of those subsections, the trustees shall utilise as

much of the capital of the Fund as shall be necessary to supply the deficiency.

## **12. Distribution of balance of income**

(1) Where, in any year, the yearly income accruing from investment of the Trust Fund, is in excess of the estimated expenditure for the purposes set out in subsections (1) (*l*) and (*m*) of section 8, the Trustees may employ the balance of the income for that year, on the basis of a priority to be determined by them in favour of the objects for which the residue is to be distributed as provided for in section 9.

(2) The Trustees shall re-invest a part of the income, referred to in subsection (1) which is not utilised in accordance with that subsection.

## **13. Trustees assisted in administration of Trust**

(1) The Trustees shall, in the administration of the Trust, employ the staff that they may think fit.

(2) The salaries of the staff are charged on the Fund or income of the Fund.

(3) The Trustees may rent or acquire office premises for the due administration of the Trust and they may dispose of those premises.

## **14. Ordinary meetings**

(1) The Board shall hold not less than three ordinary meetings each year at the times and at the places determined by the Board.

(2) The secretary of the Board shall give each member of the Board not less than seven clear days written notice of an ordinary meeting, which shall be delivered or sent by post.

## **15. Special meetings**

(1) The chairman or any two trustees may summon a special meeting for a cause which the chairman considers or those trustees consider sufficient.

(2) The secretary shall, on receipt of a written notice, signed by the chairman or by any two trustees, requesting a special meeting, give notice in writing to each member of the Board summoning that member to that meeting and specifying the object of that meeting.

## **16. Proceedings at meetings**

The chairman shall preside at the meetings of the Board and in the absence of the chairman, a trustee nominated by the Board shall preside at the meeting.

## **17. Quorum**

The quorum at the meetings of the Board is five.

## **18. Power of majority**

A matter relating to the Trust which is considered at a meeting of the trustees shall be determined by the majority of the trustees present and voting on the matter, and the decision of the majority shall bind the dissenting minority, and the acts of the majority, in the execution of the Trust are valid as if they acted in the matter unanimously.

## **19. Minutes**

The secretary shall keep minutes of the proceedings or meetings of the Board.

## **20. Accounts to be kept and audited**

(1) The Board shall keep proper accounts showing the moneys received and the disbursements made on account of the Trust.

(2) The accounts shall be audited annually by a chartered accountant who is not one of the trustees and who may be paid out of the Fund or income of the Fund.

### *Miscellaneous*

## **21. Trustee's out-of-pocket expenses**

The trustees may reimburse themselves out of the Fund or income of the Fund in respect of the reasonable charges or expenses, incurred by them, which are incidental to the administration of the Trust.

## **22. Tax relief**

The Trust is exempted from the payment of taxes, rates and duties.

## **23. Regulations**

The President may, in consultation with the trustees, make Regulations by legislative instrument on a matter relating to the administration of the Trust, and not inconsistent with this Act.

## **24. Interpretation**

In this Act, unless the context otherwise requires,

“**Board**” means the board of trustees constituted under section 3;

“**Fund**” means Trust Fund referred to in section 7;

“**Trust**” means the Trust created by section 1.

## **25. Commencement**

*Spent.3(3)*

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## SCHEDULES

### **First Schedule**

[Section 8]

|  |   |   |  |   |   |  |
|--|---|---|--|---|---|--|
| <i>Children of Lieutenant-General E.K. Kotoka and Madam. Monica Kotoka</i>                                     | <i>Child of Lieutenant-General E.K. Kotoka and Madam Ethel Norkai Quaynor</i> | <i>Children of Captain C. Y. Borkloe and Madam Vera Enyonam Borkloe</i>   | <i>Children of Captain A. K. Avevor and Madam Norviogbor Akumey</i>  | <i>Children of Captain A.K. Avevor and Madam Akoe Damordzie</i> | <i>Children of Captain A.K. Avevor and Madam Mabel Osae</i> | <i>Child of Sergeant Osei Grunshie</i> |
| 1. Charles Kotoka<br>2. Janet Kotoka<br>3. Eric Kotoka<br>4. Julia Kotoka<br>5. John Kotoka<br>6. David Kotoka | 1. Charity Afi Kotoka   | 1. Thelma Borkloe<br>2. Cynthia Borkloe<br>3. Mary Arku Avevor<br>4. Kwashiwor Avevor<br>5. Adzoa Mansa Avevor<br>6. Michael Kwaku Avevor | 1. Seth George Avevor<br>2. Regina Aku Avevor<br>3. Anthony Kwadzo Avevor<br>4. Mawuli Kwabla Bensah Avevor<br>5. Antionette Abla Avevor | 1. Peace Awo Avevor<br>2. Joseph Seloame Avevor                 | 1. Francis Kwadzo Avevor<br>2. Eric Laledzi Avevor          | 1. Asapare Grunshie                    |

## Second Schedule

[Section 8]

### PART ONE

| COLUMN I                                       | COLUMN II  |
|--|--|
| <i>Name</i>                                    | <i>Children</i>  |
| Lieutenant-General Emmanuel Kwasi Kotoka ..... | Charles Kotoka<br>Janet Kotoka<br>Eric Kotoka<br>Julia Kotoka<br>John Kotoka<br>David Kotoka |
| Captain C.Y. Borkloe .....                     | Charity Afi Kotoka<br>Thelma Borkloe   |

|                              |   |
|------------------------------|---|
| Captain A.K. Avevor .....    | Cynthia Borkloe<br>Seth Avevor<br>Regina Avevor<br>Mary Avevor<br>Kwasiwor Avevor<br>Adzoa Mansa Avevor<br>Michael Avevor<br>Awo Peace Avevor<br>Joseph Avevor<br>Anthony Avevor<br>Mawuli Avevor<br>Francis Avevor<br>Antionette Avevor<br>Eric Avevor |
| Sergeant Osei Grunshie. .... | Asapare Grunshie  |

PART TWO

| COLUMN I  | COLUMN II  |
|---|--|
| <i>Names of Soldiers who died in the 24th February Revolution</i> | <i>Children</i>  |
| Pte. Adjoba Grunshie .....  | Assibi Adjoba Grunshie<br>Solutua Adjoba Grunshie<br>Azuman Adjoba Grunshie  |
| Pte. Lawrence Mensah .....  | Essie Mensah<br>Isaac Yao Mensah   |
| Cpl. Lassey Sewoatsri .....                                       | Agnes Asubonteng<br>Wisdom Kordso Sewoatsri  |
| Sgt. Abudulai Allasan .....                                       | Abudulai Allasan<br>Mohammed Allasan<br>Abdukari A. Allasan<br>Mohamadu A. Allasan<br>Ibrahim Allasan<br>Rukayatu Allasan<br>Abu Bakaria<br>Asietu Dagomba |
| Pte. Arnol Kwao .....   | Kwame Kwao<br>Crown Kwao   |
| Cfn. Daniel Odame .....   | Fred K. Owusu-Ansah  |

Emmela Boakyewa

Patrick Nyannor

Comfort Buachewa

Seth P. Nyannor

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## Endnotes

### **1 (Popup - Footnote)**

1. This Act was issued as the General Kotoka Trust Decree, 1969 ([N.L.C.D. 339](#)), made on the 25th day of March, 1969 and notified in the *Gazette* on 28th March, 1969.

### **2 (Popup - Footnote)**

2. Inserted by the General Kotoka Trust (Amendment) Act, 1971 (Act 365) which was deemed to have come into force on the same day as the General Kotoka Trust Decree, 1969 ([N.L.C.D. 339](#)).

### **3 (Popup - Footnote)**

3. The section, which was [section 24](#), provides for the coming into force of the Decree on the 5th day of May, 1967.