

**ACT 613**  
**GHANA AIDS COMMISSION ACT, 2002**

ARRANGEMENT OF SECTIONS

PART ONE

*Establishment, Object and Functions of the Ghana Aids Commission*

1. Establishment of the Commission.
2. Object and functions of the Commission.
3. The governing body of the Commission.
4. Tenure of office of members.
5. Meetings of the Board.
6. Disclosure of interest.
7. Appointment of committees.
8. Allowances.
9. Regional and district offices of the Commission.

PART TWO

*Organisation and Administration of Commission*

10. Director-General.
11. Divisions and Directors of the Divisions.
12. Secretary to the Commission.
13. Other staff of the Commission.
14. Delegation of appointment.
15. Funds of the Commission.
16. Accounts and audit.
17. Annual report and other reports.
18. Regulations.
19. Interpretation.

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**ACT 613**  
**GHANA AIDS COMMISSION ACT, 2002(1)**

PART ONE

*Establishment, Object and Functions of the Ghana Aids Commission*

**1. Establishment of the Commission**

- (1) There is established by this Act a Commission to be known as the Ghana AIDS Commission.
- (2) The Commission shall have perpetual succession, a common seal and may sue and be sued in its own name.
- (3) The Commission may for the discharge of its functions acquire and hold any moveable or immovable property and may enter into any contract or other transaction.
- (4) The Commission shall operate under the Office of the President.

**2. Object and functions of the Commission**

- (1) The object of the Commission is to formulate an HIV/AIDS policy and direct and co-ordinate national activities in the fight against HIV/AIDS.
- (2) For the purposes of subsection (1) the Commission shall
  - (a) formulate comprehensive policies and strategies and establish programme priorities;
  - (b) provide high level advocacy for HIV/AIDS prevention and control;
  - (c) provide effective leadership in national planning, supervision and support of HIV/AIDS programmes;
  - (d) expand and co-ordinate the national response to HIV/AIDS;
  - (e) mobilise, control and manage resources available for the achievement of its object and monitor their allocation and utilisation;
  - (f) foster linkages among stakeholders;
  - (g) promote issues relating to research, documentation and dissemination on HIV/AIDS; and
  - (h) monitor and evaluate HIV/AIDS programmes.

**3. The governing body of the Commission**

- (1) The governing body of the Commission is a Board consisting of
  - (a) the President of the Republic as the Chairperson,
  - (b) the Vice-President of the Republic as the Vice-Chairperson,
  - (c) each of the Ministers of State responsible for,
    - (i) Finance,
    - (ii) Health,
    - (iii) Education,
    - (iv) Manpower Development and Employment,
    - (v) Local Government and Rural Development,
    - (vi) Youth and Sports,

- (vii) Tourism,
- (viii) Roads and Transport,
- (ix) Food and Agriculture,
- (x) Defence,
- (xi) Women and Children's Affairs,
- (xii) Interior,
- (xiii) Justice,
- (xiv) Trade and Industry, and
- (xv) Information,
- (d) the heads of the
  - (i) Trades Union Congress,
  - (ii) Christian Council,
  - (iii) National Catholic Secretariat,
  - (iv) National House of Chiefs,
  - (v) Christian Health Association of Ghana,
  - (vi) Ghana Medical Association,
  - (vii) Ghana Registered Nurses Association,
  - (viii) Ghana Registered Midwives Association,
  - (ix) Ghana Traditional Healers Association,
  - (x) National Population Council,
  - (xi) Ahmadiyya Mission,
  - (xii) Federation of Muslim Councils,
  - (xiii) Ghana HIV/AIDS Network,
  - (xiv) National Union of Ghana Students,
  - (xv) Ghana AIDS Foundation,
  - (xvi) Ghana Pentecostal Council,
  - (xvii) Council of Independent Churches,
  - (xviii) Statistical Service,
  - (xix) National AIDS Control Programme,
  - (xx) Noguchi Memorial Institute for Medical Research,
  - (xxi) Ghana Employers Association, and
  - (xxii) FIDA, Ghana,
- (e) one representative of the organisations of People Living with HIV/AIDS,

- (f) two members of Parliament,
- (g) four other persons with special expertise relating to HIV/AIDS at least two of whom are women, and
- (h) the Director-General of the Commission.

(2) Members of the Board other than the President and Vice-President shall be appointed by the President in accordance with article 70 of the Constitution.

#### **4. Tenure of office of members**

(1) A member of the Board, other than an ex officio member, shall hold office for a period not exceeding four years and is eligible for re-appointment, but a member shall not be appointed for more than two consecutive terms.

(2) Where a member of the Board resigns, dies, is removed from office or is for a reason unable to act as a member, the President shall, acting on the advice of the nominating authority, where applicable and in consultation with the Council of State, appoint another person to hold office for the remaining portion of the member's term of office.

(3) A member of the Board, other than an ex officio member, may at any time resign from office in writing addressed to the President.

(4) A member of the Board who is absent from three consecutive meetings of the Board without a sufficient cause ceases to be a member of the Board.

(5) The President shall by letter addressed to a member nominated by a body as its representative on the Board revoke the appointment of that member at the request of that body.

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

(1) The Board shall meet at least once every quarter for the despatch of business at the times and in the places determined by the Chairperson.

(2) The Chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the Chairperson.

(3) The quorum at a meeting of the Board is one-third of the members of the Board.

(4) The Chairperson shall preside at the meeting of the Board and in the absence of the Chairperson the Vice-Chairperson or in the absence of both a member of the Board elected by the members present from among their number that preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend any of its meetings but that person shall not vote on a matter for decision by the Board.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

## **6. Disclosure of interest**

(1) A member of the Board who has an interest in a contract, an application or any other transaction for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of that contract, application or any other transaction.

(2) A member who infringes subsection (1) ceases to be a member of the Board.

## **7. Appointment of committees**

(1) The Board may appoint committees consisting of members of the Board and non-members to perform any of its functions.

(2) A committee of the Board shall be chaired by a member of the Board.

(3) The Commission shall determine the functions of a committee.

## **8. Allowances**

Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Chairperson in consultation with the Minister responsible for Finance.

## **9. Regional and district offices of the Commission**

(1) The Commission shall establish regional and district offices of the Commission in each region and in the districts determined by the Board.

(2) A regional or district office of the Commission shall be provided with public officers that the President acting in accordance with the advice of the Board given in consultation with the Public Services Commission shall determine.

(3) A regional or district office of the Commission shall perform the functions of the Commission in the region or district directed by the Board.

## **PART TWO**

### *Organisation and Administration of the Commission*

## **10. Director-General**

(1) The Commission shall have a Director-General who shall be the Chief Executive and shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The Director-General is responsible, subject to the general direction of the Board, for the implementation of the policies of the Commission and for the efficient organisation of the Commission.

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

## **11. Divisions and Directors of the Divisions**

(1) The Commission shall have the divisions that are necessary for the effective performance of its

functions.

(2) A division shall be headed by a Director who shall be appointed by the President in accordance with article 195 of the Constitution.

(3) A Director shall perform the functions in relation to a division as determined by the Board.

## **12. Secretary to the Commission**

The Commission shall have a secretary who shall be appointed by the President acting in accordance with article 195 of the Constitution to perform such functions directed by the Director-General or the Board.

## **13. Other staff of the Commission**

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

(2) The officers and staff shall be appointed by the President on the terms and conditions determined in accordance with the advice of the Board 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.

## **14. Delegation of appointment**

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

## **15. Funds of the Commission**

The sources of money for the performance of the functions of the Commission include

- (a) subvention from the Government,
- (b) donations and grants, and
- (c) loans contracted and guaranteed by the Government.

## **16. Accounts and audit**

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

(2) The accounts of the Commission shall be audited by the Auditor-General within six months after the end of each financial year.

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

## **17. Annual report and other reports**

(1) The Board shall as soon as practicable after the end of each financial year but within eight months after the end of the year submit to Parliament an annual report covering the activities and the operations of the Commission for the preceding year to which the report relates.

- (2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.
- (3) The Commission shall also submit to Parliament any other reports requested by Parliament.

## **18. Regulations**

(1) The Commission may, by legislative instrument, make Regulations on HIV/AIDS policy and generally to give effect to this Act.

(2) The Regulations made under subsection (1) shall be signed personally by a Minister of State designated by the President.

## **19. Interpretation**

In this Act, unless the context otherwise requires,

“**AIDS**” means Acquired Immune Deficiency Syndrome;

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

“**Commission**” means the Ghana AIDS Commission established under section 1; and

“**HIV**” means Human Immunodeficiency Virus.

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was notified in the *Gazette* on 25th January, 2002.