

N.L.C.D. 226
GHANA BROADCASTING CORPORATION ACT, 1968

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N.L.C.D. 226
GHANA BROADCASTING CORPORATION ACT, 1968(1)

AN ACT to establish the Ghana Broadcasting Corporation and to provide for related matters.

Establishment and Administration

1. Establishment of the Corporation

- (1) There is hereby established a body corporate to be known as the Ghana Broadcasting Corporation.
- (2) The Corporation shall have perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Corporation may, for the performance of its functions, acquire and hold movable or immovable property and may dispose of that property, and may enter into a contract or any other transaction.
- (4) Where there is a hindrance to the acquisition of a property under subsection (3), the property may, subject to article 20 of the Constitution, be acquired for the Corporation under the State Property and Contracts Act, 1960 (C.A. 6) or under the State Lands Act, 1962 (Act 125).
- (5) The Acts specified in subsection (4) shall apply, with respect to the acquisition, with the modifications that are necessary to provide for the vesting of the property acquired in the Corporation and for the costs of the acquisition to be defrayed by the Corporation.

2. Objects of the Corporation

- (1) The objects of the Corporation are,
 - (a) to undertake sound, commercial and television broadcasts;
 - (b) to prepare programmes reflecting national progress and aspiration in the field of culture, education, information and entertainment;
 - (c) to broadcast the programmes prepared under paragraph (b) in the main Ghanaian languages and in English and any other foreign languages that the Corporation may determine;
 - (d) to carry on an external service of sound broadcasting;
 - (e) to enter into an agreement for the utilisation of programmes prepared in other countries; and
 - (f) to carry on any other activities that are incidental or conducive to the attainment of all or any of the objects of the Corporation.
- (2) Without prejudice to subsection (1), the Corporation may
 - (a) erect, maintain and operate transmitting and receiving stations;
 - (b) install and operate wired broadcasting services;
 - (c) enter into arrangements for the purpose of obtaining rights, privileges and concessions;
 - (d) produce, manufacture, purchase or otherwise acquire films, television, gramophone and any other mechanical or electronic records, and materials and apparatus associated with the materials, and may use them in connection with the broadcasting services;
 - (e) provide to and to receive from other corporations and persons, material to be broadcast;
 - (f) organise, provide and subsidise public entertainment for the purpose of broadcasting;
 - (g) collect news and information in a manner that the Corporation considers fit in any part of the world and subscribe to news agencies and services;

- (h) acquire copyrights;
- (i) publish printed matter that may be conducive to the performance of a function of the Corporation;
- (j) do any other things conducive to attaining the objects of the Corporation, including the provision of facilities for training and education for the purpose of advancing the skill of persons employed by the Corporation, and the carrying out of research to improve the efficiency of the equipment of the Corporation and the manner in which that equipment is operated.

3. The Board

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

- (a) the chairman,
- (b) the Director-General of the Corporation referred to in section 6, and
- (c) eight other members.

(2) The chairman and the other members referred to in paragraph (c) of subsection (1) shall be appointed by the President in accordance with article 70 of the Constitution on the recommendations of the Minister and shall hold office for a period of two years.

(3) The first members appointed under paragraph (c) of subsection (1) shall hold office for one year which shall be specified in the instruments of appointment.

(4) A person shall not be appointed a member of the Board unless that person is of a recognised public standing in the community or has had experience in and shown capacity in industry, trade, finance, science, administration, education, public entertainment, social service, journalism, broadcasting or law.

(5) A person is not qualified to be a member of the Board if that person

- (a) has been sentenced to death, or to a term of imprisonment exceeding twelve months without the option of a fine or has been convicted of an offence involving dishonesty and has not, in each case been granted a free pardon;
- (b) is undischarged, insolvent or bankrupt under a law in force in the Republic or in any other country;
- (c) is a member of Parliament or any other body having authority alone or in conjunction with any other body to enact laws which have effect throughout the Republic;
- (d) is adjudged to be of unsound mind;
- (e) in respect of a professional qualification, is disqualified or suspended, other than at the personal request of that person from practising the profession in the Republic, or in any other country by order of a competent authority made personally in respect of that person;
- (f) is an officer of the Corporation, other than the Director-General, or is a public officer where there are already not less than three public officer on the membership of the Board.

(6) Without prejudice to subsection (5), a member of the Board, other than the Director-General, may be removed from the Board by the President on the recommendations of the Minister, if that person,

- (a) suspends payment with the creditors of that person, or

- (b) is absent from at least three consecutive meetings of the Board without a ground that appears to the President as reasonable, or
- (c) is guilty of an unethical behaviour, or is guilty of a serious misconduct in respect of the functions as a member of the Board and the behaviour or misconduct is certified in writing by not less than seven members of the Board.

(7) A member of the Board, other than the Director-General, may resign from office by notice in writing addressed to the President through the Minister.

(8) Where the office of a member of the Board becomes vacant prior to the expiry of the term of office, the President shall, on the recommendations of the Minister and subject to this Act, appoint another person to hold office for the unexpired portion of the term of the member.

(9) A person ceasing to be a member of the Board is eligible for re-appointment to the Board.

(10) The Board may pay to its members and to persons co-opted under section 4 to attend a meeting of the Board subsistence, travelling and any other allowances and at the rates determined by the Board with the joint approval of the Minister and the Minister responsible for Finance in relation to a particular member or generally.

(11) A member of the Board while holding office on the Board shall not

- (a) hold an office in or be a member of a committee of a political party;
- (b) stand as a candidate or nominate any other person as candidate, at an election of members to Parliament, or any other body having authority alone or in conjunction with any other body, to enact laws which have effect throughout the Republic or to a district, metropolitan or municipal assembly within the meaning of the Local Government Act, 1993 (Act 462);
- (c) indicate publicly a support for or opposition to a political party or a candidate or to the political programmes of that party or that candidate;
- (d) publish or cause to be published an article or any other matter of a partisan political nature;
- (e) canvass on behalf of a candidate for election to a political office;
- (f) speak in public or broadcast on a subject of a partisan political nature;
- (g) give an interview or express an opinion for publication on a subject of a partisan political nature.

(12) A contravention of a provision of subsection (11) constitutes a serious misconduct in relation to the functions of a member of the Board for the purposes of a subsection (6).

(13) An officer of the Corporation shall be appointed a secretary to the Board and shall, subject to the general directions of the Board and to this Act, arrange the business for, and record and keep the minutes of, the meetings of the Board.

4. Meetings of the Board

(1) The Board shall meet at least once in every month for the despatch of its business at the times and at the places appointed by the chairman.

(2) The secretary shall call a special meeting of the Board on a request made for that purpose in writing signed by not less than four members of the Board including the Director-General.

(3) The chairman shall preside at the meetings of the Board and in the absence of the chairman, a

member of the Board appointed by the members present from among themselves shall preside.

(4) Questions proposed at a meeting of the Board 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.

(5) The Director-General and three other members of the Board constitute a quorum at a meeting of the Board.

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

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

(8) A member of the Board who has a financial interest in a company or an undertaking with which the Corporation proposes to enter into a contract, or who has a financial interest in a contract which the Corporation proposes to make, shall disclose to the Board in writing the nature of the interest and is disqualified from participating in the deliberations of the Board on the contract or voting in a decision of the Board on the contract.

(9) A contravention of a provision of subsection (8) constitutes a serious misconduct in relation to the functions of a member of the Board for the purposes of subsection (6) of section 3.

5. Role of the Board

(1) The Board is responsible for the broad direction of the affairs of the Corporation, the conduct of its corporate relations with the Government and its agencies, and the authorisation of the annual report of the Corporation's activities.

(2) For its deliberations, the Board may utilise finance, programme, advisory and staff committees which may deal with

- (a) the establishment and revision of the by-laws and any other instruments made under section 19;
- (b) the establishment of basic policies and directives considered necessary for the guidance of the Director-General;
- (c) the establishment or approval of objectives with respect to administrative, coverage, finance and control, management, programming and sales;
- (d) the consideration of bi-annual reports of accountability by the Director-General; and
- (e) advice and guidance with respect to an aspect of the affairs of the Corporation.

6. Director-General and Deputy Directors-General

(1) There shall be a Director-General of the Corporation who is the chief executive officer of the Corporation and is responsible to the Board for the day to day administration of the affairs of the Corporation.

(2) There shall be two Deputy Directors-General of the Corporation who, subject to this Act,

- (a) shall be charged with the performance of a function of the Director-General when the Director-General is absent from the Republic or is otherwise incapacitated from performing that function, and

- (b) shall otherwise assist the Director-General in the performance of the functions of, and perform a function delegated by, the Director-General,

and accordingly unless the context otherwise requires, a reference in this Act to the Director-General includes a reference to a Deputy Director-General.

(3) The Director-General and the two Deputy Directors-General shall be appointed by the President in accordance with article 195 of the Constitution, and shall hold and vacate office on the terms and conditions determined by the President.

(4) A person shall not be appointed Director-General or a Deputy Director-General unless that person has had experience of, and has demonstrated competence in, public utility operation and practice, industry, broadcasting, trade, finance, science or administration.

(5) The Director-General shall exercise supervision and control over the acts of the employees of the Corporation, and is responsible for dealing with questions relating to the pay, privileges and allowance of the Corporation's employees as laid down by the Board.

(6) The Director-General is responsible for the implementation of the Corporation's policies, by-laws, and any other instruments and objectives in the day to day operations of the affairs of the Corporation.²⁽²⁾

6A. Directors and regional directors or managers

(1) There shall be in charge of each division and regional office of the Corporation a director and regional director or manager respectively.

(2) The Director or regional director or manager shall be appointed by the President on the advice of the Director-General.³⁽³⁾

7. Staff

(1) The Board may appoint the employees necessary for the proper and efficient conduct of the business and performance of the functions of the Corporation.

(2) Employees of the Corporation shall hold and vacate office on the terms and conditions prescribed by the Board.

(3) The Corporation may also engage the services of consultants, advisers and any other persons determined by the Board and on the conditions prescribed by the Board.

(4) Public officers may be transferred to the Corporation or may otherwise give assistance to the Corporation.

(5) Subject to the Internal Audit Agency Act, 2003 (Act 658) the Corporation shall have an internal auditor whose appointment and dismissal to or from the post of internal auditor shall be made by the Auditor-General.⁴⁽⁴⁾

(6) Subject to the Internal Audit Agency Act, 2003 (Act 658) and to this Act, the internal auditor is responsible to the Director-General for the performance of functions under this Act.

(7) In addition to any other functions under this Act, the internal auditor shall, at intervals of three months, prepare a report on the internal audit work carried out during the period of three months immediately preceding the preparation of the report and shall, as soon as practicable after the preparation of the report, submit the report to the Director-General.

(8) The Director-General shall, as soon as practicable after receiving the report submitted under

subsection (7) forward a copy of the report to the chairman and a copy to the Auditor-General.

(9) Without prejudice to the general effect of subsection (7), the internal auditor shall make in each report the observations that appear necessary as to the conduct of the financial affairs of the Corporation during the period to which the report relates.

(10) This section shall be read and construed as one with the Internal Audit Agency Act, 2003 (Act 658) and where there is a conflict that Act shall prevail.

8. National requirements of the Corporation

(1) The Corporation shall provide as a public service, independent and impartial broadcasting services, sound and television, for general reception in the Republic.

(2) The Corporation shall, in collaboration with the appropriate departments of state provide external sound service through transmission for general reception in countries and places outside the Republic.

(3) The Corporation may engage in commercial broadcasting through the sale of paid advertisements scheduled at prescribed spots in its programme service.

9. Output requirements

(1) In its public service broadcasting, the Corporation is expected to provide for

- (a) Government pronouncements, that is, speeches by the President and Ministers responsible for departments of state consisting of statements of fact for explaining the policies and actions of the Government;
- (b) party political speeches dealing with the views and policies of the various political parties;
- (c) speeches expressing different points of view on matters of controversy;
- (d) matters of any kind, including religious services or ceremonies, representing the main stream of religious thought or belief in the Republic.

(2) In its broadcasting of the items mentioned in subsection (1), the Corporation shall allocate and apportion air-time equitably between the political parties, points of view and religious bodies according to their respective claims in interest of members of the public.

Miscellaneous Provisions

10. Funds of the Corporation

(1) The funds of the Corporation include

- (a) grants made by the Government to the Corporation,
- (b) loans obtained on the guarantee of the Government from the National Investment Bank or any other banks approved by the Minister responsible for Finance, subject to article 181 of the Constitution, and
- (c) any other moneys accruing to the Corporation in the course of the performance of its functions.

(2) The moneys received by the Corporation shall be deposited to the credit of the Corporation in the Ghana Commercial Bank or any other bank approved by the Minister responsible for Finance.

(3) Subject to article 181 of the Constitution, a loan shall not be raised by the Corporation except with the prior approval in writing of the Minister responsible for Finance.

11. Accounts

(1) The Corporation shall keep proper books of account and proper records in relation to the accounts.

(2) The Corporation shall prepare, in respect of each financial year, a statement of account which shall include

(a) a balance sheet, a statement of income and expenditure and a statement of surplus containing the information which, had the Corporation been a company registered under the Companies Act, 1963 (Act 179), would be required to be laid before the company by the directors at an annual general meeting, and

(b) any other information in respect of the financial affairs of the Corporation that the member or the Minister responsible for Finance may require.

(3) The Corporation shall, within three months after the end of each financial year, submit to the Minister an annual report which shall include the statements of account specified in subsection (2) and the Minister shall as soon as practicable lay the report before Parliament.

(4) The Corporation's financial year shall end on the 30th day of June in each year.

(5) *Spent.5(5)*

12. Audit

(1) The books and accounts of the Corporation shall be audited each year by the Auditor-General.

(2) The Auditor-General shall, not later than the 30th day of September in each year, forward to the Minister a copy of the audited accounts of the Corporation for the financial year ending the 30th day of June immediately preceding the report of the Auditor-General.

(3) The Auditor-General shall report annually to the Board the result of the examination of the accounts and the financial statement of the Corporation.

(4) The report shall state whether in the opinion of the Auditor-General

(a) proper books of accounts have been kept by the Corporation,

(b) the financial statement of the Corporation

(i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account,

(ii) in the case of the balance sheet, gives a true and fair view of the state of the Corporation's affairs at the end of the financial year,

(iii) in the case of the statement of income and expenditure, gives a true and fair view of the income and expenditure or profit and loss of the Corporation for the financial year,

and the Auditor-General shall call the attention of the Board to any other matter falling within the scope of the examination which should be brought to the attention of the Board.

(5) The Auditor-General shall make to the Corporation any other reports the Auditor-General considers necessary or which the Minister responsible for Finance may require.

(6) The annual report of the Auditor-General shall be included in the annual report of the Corporation.

13. Entry to lands

(1) Subject to this section, a person authorised in that behalf by the Corporation for the performance of its functions under this Act, may enter and remain on a land

- (a) for the purpose of erecting, maintaining and inspecting an installation belonging to the Corporation (such as its wired broadcasting installations), or for the purpose of repairing, altering or removing that installation,
- (b) to cut and remove on the site of a proposed or an existing installation the trees and underwood which may interfere or be likely to interfere with the construction or proper working of an installation, and
- (c) for the purpose of carrying out any other work or activity reasonably necessary for giving effect to the principles and purposes of this Act.

(2) Except with the consent of the owner or occupier of the land or of the authorised agent of the owner or occupier, a person shall not enter on a land by virtue of subsection (1) except by day or unless the owner or occupier or the authorised agent of the owner or occupier has been given reasonable notice of the intention to enter the land and of the purpose of the entry.

(3) Where the condition of an installation is likely to endanger life or property, a person authorised by the Corporation may enter a land on which the installation is situated at a reasonable time for any of the purposes set out in subsection (1).

(4) Where the owner or occupier of a land to be entered under this section or the authorised agent of the owner or occupier cannot be found after reasonable enquiry, it shall be sufficient for the purposes of subsection (2) if the notice referred to in that subsection is put into writing and affixed to a conspicuous place on the land proposed to be entered for a reasonable length of time.

(5) A person authorised to enter a land under this section shall, in performing a function under this section, do as little damage as possible and the Corporation shall pay compensation in respect of the damage.

(6) Where the surface of a road or street has been disturbed in the performance of a function, the Corporation shall, as far as practicable restore it to its former condition.

(7) The amount of compensation to be paid under subsection (5) shall, in the case of a dispute, be settled by arbitration in accordance with the Arbitration Act, 1961 (Act 38).

14. Interference with wires

Where a government department, local authority, statutory corporation or an individual or any other person undertakes repairs or alterations of a road, street, railway, wharf, pier, bridge, waterworks or of any telegraphic, telephonic, or electric power cables, entailing the removal of or an injury to a wired broadcasting output or plant, works or equipment belonging to the Corporation, the expenses of the repair, removal and replacement of the wired broadcasting output, plant, works or equipment shall be borne by the government department, local authority, statutory corporation, individual or any other persons concerned.

14A. Unauthorised connection

A person who with intent to receive or disrupt a broadcasting service of the Corporation and without the authority of the Corporation, makes a connection to part of the wired broadcasting output, network, plant or equipment of the Corporation commits an offence and is liable on a first conviction to a fine not exceeding twenty five-penalty units, and on a subsequent conviction to a fine not exceeding fifty penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.6(6)

15. Radio and television receiving set licence fees

Where power is granted by an enactment to an authority or to a person to fix the fees to be paid for obtaining a radio receiving set licence or a television receiving set licence the power shall only be exercisable on the recommendations of the Corporation and the National Communications Authority Act, 1996 (Act 524) and the Television Licensing Act, 19667(7) shall have effect accordingly.

16. Exemption from Telecommunications Act

The National Communications Authority Act, 1996 (Act 524) shall not apply so as to require the Corporation to obtain a licence under that Act.

17. Exemption from Income Tax

The Corporation in its commercial and ancillary business operations is exempted from the Internal Revenue Act, 2000 (Act 592).

18. Emergency powers of the Government

(1) Where a state of emergency is declared pursuant to article 31 of the Constitution and the President is of the opinion that in the public interest the Government should control broadcasts made by the Corporation, the President, may so declare by notice published in the *Gazette* or by any other mode of public announcement or notification as the circumstances may permit.

(2) Where an emergency is declared and the notice is given under subsection (1),

- (a) the Minister may give the directions to the Corporation which the President considers necessary to meet the requirements of the emergency, and the Corporation shall give effect to those directions;
- (b) the Government may take over the broadcasting service of the Corporation, on the specific demand of the President.

19. By-laws and other instruments

(1) The Corporation may by the Board make by-laws and any other instruments which are not inconsistent with this Act for the purpose of regulating its business or a matter falling within the scope of its functions.

(2) Without prejudice to subsection (1), the by-laws or the other instruments may regulate the application of the Corporation's seal to legal documents and may regulate the conditions of service of the employees of the Corporation.

20. Interpretation

In this Act, unless the context otherwise requires,

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

“Corporation” means the Ghana Broadcasting Corporation established by section 1;

“functions” include power and duties;

“Minister” means the Minister responsible for Information.

21. Dissolution and transfer of assets and liabilities

Spent.8(8)

Endnotes

1 (Popup - Footnote)

1. The Act was issued as the Ghana Broadcasting Corporation Decree, 1968 ([N.L.C.D. 226](#)), made on the 16th day of January, 1968 and notified in the Gazette on 9th February, 1968.

2 (Popup - Footnote)

2. Substituted by paragraph (a) of the Ghana Broadcasting Corporation (Amendment) Decree, 1975 (N.R.C.D. 334). The previous section reads,

“Director and Deputy-General of the Corporation

(1) There shall be a Director-General of the Corporation who shall be the Chief Executive Officer of the Corporation and shall be responsible to the Board for the day-to-day administration of the Corporation.

(2) There shall also be a Deputy Director-General of the Corporation who shall, subject to the provisions of this Decree,

(a) be charged with the performance of any of the functions of the Director-General when the Director-General is absent from Ghana or is otherwise incapacitated from performing that function; and

(b) otherwise assist the Director-General in the discharge of the said functions and perform such functions as the Director-General may delegate to him and accordingly unless the context otherwise requires, any reference in this Decree to the Director-General shall include a reference to the Deputy Director-General.

(3) The Director-General and the Deputy Director-General shall be appointed by the Board and shall hold and vacate office upon such terms and conditions as the Board may determine.

(4) A person to be appointed Director-General or Deputy Director-General of the Corporation shall be a person who has had experience of and has demonstrated competence in one or more of the following fields of endeavour, that is to say, public utility operation and practice, industry, broadcasting, trade, finance, science and administration.”

3 (Popup - Footnote)

3. Inserted by the Ghana Broadcasting Corporation (Amendment) Decree, 1975 (N.R.C.D. 334).

4 (Popup - Footnote)

4. Inserted by the Ghana Broadcasting Corporation (Amendment) Decree, 1975 (N.R.C.D. 334).

5 (Popup - Footnote)

5. The section provides that,

“For the purposes of this paragraph the period extending from the commencement of this Decree to the 30th day of June, 1968, shall be deemed to be a financial year.”

6 (Popup - Footnote)

6. Inserted by the Ghana Broadcasting Corporation (Amendment) Decree, 1969 (N.R.C.D. 385).

7 (Popup - Footnote)

7. N.L.C.D. 89.

8 (Popup - Footnote)

8. The section provides for:

“(1) The body corporate known immediately before the commencement of this Decree as the Ghana Broadcasting Corporation is hereby dissolved and consequently the Ghana Broadcasting Corporation Instrument, 1965 (L.I. 472) is hereby revoked.

(2) All assets, rights and liabilities of the said body are hereby transferred to the Corporation.

(3) The Director-General, the Deputy Director-General and all employees of the said body holding office immediately before the commencement of this Decree shall continue in office subject to the provisions of this Decree.

(4) Any instrument made under Part X of the Ghana Broadcasting Corporation Instrument, 1965 (L.I. 472) and in force immediately as if made under paragraph 19 of this Decree.

(5) Any reference in any enactment in existence at the commencement of this Decree to the Ghana Broadcasting Corporation shall be construed as a reference to the Corporation established by this Decree.”