

N.R.C.D. 285
GHANA LEGION ACT, 1974

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N.R.C.D. 285
GHANA LEGION ACT, 1974(1)

AN ACT to provide for the recognition of the Ghana Legion and for related matters.

The Legion

1. Recognition of the Legion

(1) The organisation known immediately before the commencement of this Act as the Ghana Legion shall continue in existence and shall be the sole body recognised as representing all ex-servicemen in Ghana and charged with responsibility for the welfare of ex-servicemen.

(2) The Legion is a body corporate with perpetual succession and a common seal and may sue and be sued in its own name.

(3) The Legion may for the purposes of carrying out its objects acquire and hold movable and immovable property, dispose of that property and enter into a contract or any other transaction.

2. Legion to be a non-political organisation

The Legion is a non-political organisation and shall not associate itself with a political party or any similar organisation.

3. Objects of Legion

(1) The objects of the Legion are

- (a) to cater for the welfare of all ex-servicemen in Ghana,
- (b) to foster the spirit of comradeship among ex-servicemen,
- (c) to provide free legal aid to ex-servicemen subject to the conditions and limitations that the National Council established under section 4 may prescribe,
- (d) to do any other things that are incidental or conducive to the attainment of the objects of the Legion.

(2) Without prejudice to the generality of subsection (1), in carrying out the object specified in paragraph (a) of subsection (1), the Legion shall give priority to the payment of monthly allowances and continue to maintain and establish legion villages in which shall be accommodated, without the payment of fees or charges, disabled or destitute ex-servicemen.

Administration

4. National Council

- (1) The governing body of the Legion is the National Council.
- (2) The National Council consists of
 - (a) the chairman appointed by the Minister,
 - (b) the Chief of Defence Staff of the Ghana Armed Forces or the representative of the Chief of Defence Staff as the vice-chairman,
 - (c) three persons nominated by the Minister, and
 - (d) one representative of each regional council elected by that council.
- (3) The members of the National Council, other than the Chief of Defence Staff or the representative shall hold office for a period of four years.
- (4) A member of the National Council other than the Chief of Defence Staff or the representative may resign from office by notice in writing addressed to the Minister and a member may for just cause be removed from office by the President.
- (5) The members of the National Council ceasing to hold office are eligible for re-appointment or re-election.

5. Meetings of the National Council

- (1) The National Council shall meet at intervals not exceeding three months for the discharge of the national business at the times and places determined by the chairman.
- (2) The chairman shall preside at the meetings of the National Council and in the absence of the chairman the vice-chairman shall preside.
- (3) In the absence of both the chairman and vice-chairman at a meeting the members of the Council present shall elect one of their number to preside at that meeting.
- (4) Questions proposed at a meeting of the National 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.
- (5) The Secretary-General appointed under section 6 shall attend the meetings of the National Council but shall not vote on a matter for decision before the National Council.
- (6) Any eight members of the National Council constitute a quorum at a meeting of the Council.
- (7) The National Council may, at any time, co-opt a person to attend a meeting of the Council, but that person so co-opted is not entitled to vote at the meeting on a matter for decision by the Council.
- (8) The validity of the proceedings of the National Council shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.

6. Secretary-General

- (1) There shall be a Secretary-General of the Legion who shall be a public officer.
- (2) The Secretary-General shall be appointed by the President on the recommendation of the National Council and on the terms and conditions determined by the National Council.

7. Regional councils

- (1) There shall be a regional council of the Legion in respect of each Region.
- (2) A regional council shall consist of one member each of every district council in the Region elected by the members of the district council.
- (3) A regional council shall have a chairman elected by the members of the council from among themselves and a secretary/treasurer who shall be a full-time employee of the Legion appointed by the National Council.
- (4) The secretary/treasurer of a regional council is entitled to attend and participate in the meetings of the council, but where not a member of the council the secretary/treasurer is not entitled to vote on a matter coming before the Council for decision at the meeting.
- (5) A meeting of a regional council is duly constituted where there are present not less than half the total number of members of the council.
- (6) Subject to the directions of the National Council a regional council shall regulate its own proceedings.
- (7) A member of a regional council shall hold office for four years and is eligible for re-election.

8. Functions of regional council

A regional council shall perform within its Region the functions that the National Council may delegate to it and is responsible, subject to the directions of the National Council, for co-ordinating the activities of the district councils within its Region.

9. District councils

- (1) There shall be a district council of the Legion within each administrative district of Ghana.
- (2) A district council shall consist of a chairman, a secretary/treasurer and three other persons elected by all the ex-servicemen in the district.
- (3) The quorum at a meeting of a district council is three.
- (4) A member of a district council shall hold office for four years and is eligible for re-election.

10. Functions of district councils

A district council shall perform within its district the functions that the regional council for the Region may delegate to it.

Financial Provisions

11. Funds of the Legion

- (1) The funds of the Legion include
 - (a) the moneys accruing to the Legion from the Government by way of grants-in-aid or endowment or otherwise,
 - (b) the charges, dues or amounts recovered by the Legion,

- (c) the interests on moneys invested by the Legion,
- (d) the donations accruing to the Legion for the general purposes of the Legion from sources other than sources specified in this Act,
- (e) the moneys due to the Legion in respect of its activities under section 15, and
- (f) any other moneys accruing to the Legion in the course of its activities.

(2) The funds of the Legion shall be applied by the Legion towards the furtherance of its objects as provided for in this Act.

12. Payment into bank

The moneys received on account of the Legion shall, unless the Minister otherwise directs, be paid into a bank approved by the National Council for the credit of the general, current or deposit accounts of the Legion.

13. Investment by the Legion

The National Council may, with the prior approval of the Minister, invest moneys in the funds of the Legion not required for current use in securities of the Government or, with the approval of the Minister, in any other security and may, with the prior approval of the Minister reinvest the investments in the funds of the Legion.

14. Execution of contracts of the Legion

(1) The application of the seal of the Legion shall be authenticated by

- (a) the signature of the chairman or by any other member of the National Council authorised by the National Council to authenticate the application of the seal, and
- (b) the signature of the secretary-general or any other officer of the Legion authorised by the National Council to sign in the Secretary-General's place for that purpose.

(2) The National Council may by instrument in writing under the common seal of the Legion empower a person generally or in respect of a specified matter as its attorney, to execute deeds on behalf of the Legion in a place not situated in Ghana, and every deed signed by that attorney on behalf of the Legion and under the seal of that attorney is binding on the Legion and has the same effect as if it were under the common seal of the Legion.

(3) An instrument or a contract which, if executed or entered by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the Legion by the chairman or a member of the National Council if that person has previously been authorised by a resolution of the National Council to execute or enter into that particular instrument or contract.

(4) The National Council may, by writing under its common seal, appoint a person outside Ghana as agent to execute an instrument or enter into a contract and the instrument or contract, if executed or entered into on behalf of the Legion, shall have effect as if it had been duly executed or entered into as prescribed for the purpose of subsection (3).

(5) A document purporting to be an instrument executed or issued by or on behalf of the Legion and to be

- (a) sealed with the common seal of the Legion authenticated in the manner provided by

subsection (1), or

- (b) signed by and under the seal of a person appointed as attorney under subsection (2), or
- (c) signed by the chairman or by a member of the National Council or any other person authorised in accordance with subsection (3) to act for that purpose,

shall be deemed to be duly executed or issued until the contrary is shown.

15. Repealed.1a(2)

16. Directions by the Minister

The Minister may, after consultation with the National Commissioner give to the Legion in writing, general directions on matters of policy and the National Council shall ensure that the directions are carried into effect.

17. Allowances of members of National Council, regional and district councils

There shall be paid out of the funds of the Legion to members of National Council and of regional and district councils travelling allowances and expenses at the rates approved by the Minister.

18. Accounts and audit

(1) The National Council shall keep proper books of account and proper records in relation to the financial affairs and transactions of the Legion in the form approved by the Auditor-General.

(2) The books and accounts of the Legion shall be audited annually by the Auditor-General, who is entitled, at all times to have access to the books, records, stores, and other matters relating to the accounts, and who shall draw attention to irregularities in the audited accounts.

Miscellaneous Provisions

19. Annual report

The National Council shall as soon as possible after expiration of each financial year but within six months after the termination of that financial year, submit to the Minister an annual report dealing generally with the activities and operations of the Legion within that year which shall, also include

- (a) a copy of the audited accounts of the Legion together with the Auditor-General's report,
- (b) a statement of the directions given by the Minister to the Council under section 16 within that year, and
- (c) any other information that the Minister may by writing reasonably request.

20. Power of National Council and regional councils to demand information

(1) The National Council may by writing request from a regional or district council or an officer of any of those councils an information which the National Council considers necessary for enabling the National Council to perform its functions under this Act and the regional or district council or that officer is bound to provide the information.

(2) The National Council may give to a Regional or District Council or to any officer thereof such

instructions as it may think necessary for attaining the objects of the Legion and it shall be the duty of any such Council or officer to comply with such directions.

(3) A Regional Council may request from any District Council within its Region or any officer thereof any information that it may consider necessary to enable the Regional Council to carry out its functions under this Decree and it shall be the duty of such Council or officer to provide such information.

(4) A Regional Council may give to any District Council within its Region or to any officer thereof such directions as it may consider necessary for enabling the Regional Council to carry out its functions under this Decree and it shall be the duty of such Council or officer to comply with such directions.

21. Other ex-servicemen's organisation

(1) Every ex-serviceman organisation existing outside the Legion shall be registered with the Legion.

(2) No such organisation shall in any manner solicit funds from the Government or from any foreign Government or agency or from the public or any section thereof except through the Legion or with the approval of the National Council.

(3) No such organisation shall affiliate itself with any ex-servicemen's organisation outside Ghana except with the prior written approval of the National Council.

(4) The National Council may in writing request from such organisation or any officer thereof any information which it considers necessary for the purposes of this Act and may for that purpose, in writing, give such directions to such organisation or officer as it may think fit and it shall be the duty of such organisation or officer to provide such information and to comply with such directions.

(5) Without prejudice to the generality of subsection (4) of this section, the National Council may under that section request any such organisation to submit to the Council audited accounts and reports on its activities at such intervals as the Council may specify and may after consultation with the Auditor-General, cause the Auditor-General to audit the accounts of such organisation.

22. Benefit from activities of Legion

An ex-serviceman shall not be afforded a benefit from the activities of the Legion under this Act unless that ex-serviceman is a registered member of the Legion or except where the National Council otherwise directs.

23. Exemption from taxation

The Legion is not liable to pay income tax, rates or any other tax in respect of its property or activities under this Act or any other law.

24. Regulations

The Minister may, after consultation with the National Council, make the Regulations that the Minister considers necessary or expedient for prescribing anything which is required or permitted to be prescribed by Regulations or for the due administration of this Act and in addition for prescribing

- (a) the conditions for eligibility for assistance by the Legion;
- (b) conditions for a registration required under this Act;
- (c) who should be considered an ex-serviceman for the purposes of this Act.

25. Offences

A person who contravenes any of the provisions of sections 15, 20 and 21 commits an offence and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

26. Interpretation

In this Act, unless the context otherwise requires,

“**district council**” means a district council established under section 9;

“**Legion**” means the Ghana Legion as recognised under section 1;

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

“**National Council**” means the National Council established under section 4;

“**regional council**” means a regional council established under section 7.

27. Repeals

Spent.2(3)

28. Transfer of assets and liabilities of the Central Council

The assets, rights, obligations and liabilities of the body known immediately before the commencement of this Act as the Central Council are hereby transferred to the Legion continued under this Act.

29. Transitional provision

(1) Until the National Council of the Legion is duly composed under section 4 of this Act, the affairs of the Legion shall be conducted by the Central Council of the Legion existing immediately before commencement of this Act subject to the directions that the Minister may give in that behalf; accordingly, this section shall cease to have effect when the National Council is duly constituted.

(2) Subject to subsection (1) until the National Council is duly constituted, a reference in this Act to the National Council shall be construed as a reference to the Central Council.

(3) The other provisions of this Act shall, while this section remains in force, be construed with the modifications that will give full effect to the provisions of this section.

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Ghana Legion Decree, 1974 ([N.R.C.D. 285](#)) made on the 23rd day of August, 1974 and notified in the *Gazette* on the 20th September, 1974.

2 (Popup - Footnote)

1a. Repealed by section 57 (1) of the National Lotto Act, 2006 (Act 722).

3 (Popup - Footnote)

2. The section provided for the repeal of the Ghana Legion Act, 1960 (No. 6 of 1960).