

**ACT 735**  
**MINISTRIES, DEPARTMENTS AND AGENCIES(RETENTION OF FUNDS) ACT, 2007**

ARRANGEMENT OF SECTIONS

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*Schedules*

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Ministries Empowered to Internally Generate and Retain Funds

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**ACT 735**  
**MINISTRIES, DEPARTMENTS AND AGENCIES(RETENTION OF FUNDS) ACT, 2007(1)**

**AN ACT to authorise the generation and retention by Ministries, Departments and Agencies of a percentage of the moneys they realise in the course of the performance of their functions and to provide for related matters.**

**1. Retention of percentage of collections**

(1) The preparation and submission of estimates and the reporting and accounting for them are subject to the Financial Administration Act, 2003 (Act 654).

(2) The retention of moneys is subject to the Financial Administration Act, 2003(Act 654).

(3) Ministries, Departments and Agencies specified in the first column of the First Schedule shall retain out of the revenues and other moneys realised or received by them in the performance of their functions, the percentage specified in the second column of the First Schedule.

**2. Existing enactments amended**

The enactments specified in the first column of the Second Schedule are hereby amended as stipulated

in the second column.

### 3. Ministries, Departments and Agencies empowered to internally generate and retain funds

A Ministry, Department and Agency specified in the first column of the Third Schedule may,

- (a) raise or receive moneys in respect of the performance of its functions, and
- (b) retain out of moneys raised or received, the percentage stipulated in the second column of the Schedule.

### 4. Accounts and audit

The provisions of article 187 of the Constitution which relate to the Auditor-General shall apply to the moneys retained under this Act.

### 5. Utilisation of internally generated funds

Despite any other provision in any enactment to the contrary

- (a) internally generated funds can only be utilised when the activities on which the expenditure will be incurred have been programmed and approved in that Ministry's, Department's and Agency's expenditure budget by Parliament;
- (b) Ministries, Departments and Agencies which have approval to retain and utilise internally generated funds can only incur expenditure funded by internally generated funds for a particular month if the records of collection for the previous month, bank lodgments, and expenditure returns for the previous month have been submitted to the Ministry of Finance;
- (c) internally generated funds shall not be used for the payment of salaries, staff benefits and other allowances except where the allowances are directly related to the provision of services that will lead to increased revenue.

### 6. Amendment of Schedules

The Minister for Finance may by legislative instrument amend the Schedules to this Act.

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## SCHEDULES

### FIRST SCHEDULE

[Section 1]

<i>Ministries, Departments and Agencies</i>	<i>Proposed Percentage (%) Retention</i>
Ministry of Women and Children Affairs (Efua Sutherland Children's Park) .....	50%
Regional Centres for National Culture .....	50%
National Council on Tertiary Education .....	100%
Prisons Service .....	60%
Ghana Library Board .....	100%
Public Records and Archives Administration .....	50%

Ministry of Foreign Affairs .....	25%
Narcotic Control Board .....	50%
Driver and Vehicle Licensing Authority .....	15%
Ghana Immigration Service .....	20%
National Museum .....	100%
Food and Drugs Board .....	50%

## SECOND SCHEDULE

[Section 2]

<i>Existing Act</i>	<i>Amending Provision</i>
<p>National Council for Tertiary Education Act, 1993 (Act 454)</p> <p>Ghana Library Board Act, 1970 (Act 327)</p>	<p>Section 12 is amended by the insertion of a new section 12A;</p> <p><b>“Retention of internally generated funds</b></p> <p><b>12A.</b> The National Council for Tertiary Education may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>Section 10 is amended by the addition of a new paragraph (g);</p> <p>“(g) The Board may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p>
<p>National Museum Decree, 1969 (N.L.C.D. 387)</p> <p>Public Records and Archives Administration Act, 1997 (Act 535)</p>	<p>Paragraph 25 is amended by the insertion of a new paragraph 25A;</p> <p><b>“Retention of internally generated funds</b></p> <p><b>25A.</b> The National Museum may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>Section 15 is amended by the addition of a new section 15A;</p> <p><b>“Retention of percentage of internally generated funds</b></p>

<p>Narcotic Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L. 236)</p>	<p><b>15A.</b> The Department may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>Section 55 is amended by the insertion of a new section 55A;</p> <p><b>“Retention of percentage of internally generated funds</b></p> <p><b>55A.</b> The Narcotic Control Board may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p>
<p>Consular Fees Act, 1964 (Act 231)</p>	<p>Section 8 is amended by the insertion of a new section 8A;</p> <p><b>“Retention of percentage of internally generated funds</b></p> <p><b>8A.</b> The Ministry of Foreign affairs may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance its functions.”</p>
<p>Driver and Vehicle Licensing Authority Act, 1999 (Act 569)</p>	<p>Section 18 is amended by the substitution for section (1) of;</p> <p><b>“18.</b> (1) The Funds of the Authority shall include</p> <ul style="list-style-type: none"> <li>(a) moneys provided to the Authority by Parliament in the performance of its functions,</li> <li>(b) loans granted to the Authority,</li> <li>(c) grants, and</li> <li>(d) moneys accruing to the Authority for service provided to the public.</li> </ul>
	<p>(2) The Authority may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p>
<p>Immigration Service Law, 1989 (P.N.D.C.L. 226)</p>	<p>Section 4 is amended by the substitution for paragraph (h) of;</p>

<p>Prisons Service Decree, 1972 (N.R.C.D. 46)</p> <p>National Commission on Culture Law, 1990 (P.N.D.C.L. 238)</p> <p>Food and Drugs Board Act, 1992 (P.N.D.C.L. 305B)</p>	<p>“(h) The Immigration Service may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>Section 4 is amended by the addition of;</p> <p>“(3) The Prisons Service may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>Section 21 is amended by the addition of a new paragraph (e)</p> <p>“(e) The Commission may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.”</p> <p>1. Section 28 is amended by the insertion of</p> <p>(a) a new paragraph (d) (i) as follows;</p> <p>“(d) (i) Charge fees for services rendered under this Act.”;</p> <p>(b) subsection (3) as follows</p> <p>“(3) The Board may retain the percentage specified in the Second Schedule out of the money realised in the performance of its functions.”;</p> <p>2. Section 47 is amended by the addition of a new paragraph to (b) (vii) as follows:</p> <p>“(b) (vii) specifying fees to be charged for services rendered under this Act;”.</p>
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**THIRD SCHEDULE**

[Section 3]

*Ministries Empowered to Internally Generate and Retain Funds*

<i>Ministries, Departments and Agencies</i>	<i>Proposed Percentage (%) Retention</i>
Ministry of Water Resources, Works & Housing	0%
Ministry of Trade, Industry and PSI	0%
Ministry of Road Transport	0%
Police Hospital	100%
Motto Traffic Transport Unit (MTTU) Spot Fine	25%
37 Military Hospital	100%
Plant Protection and Regulatory Service	20%
Opportunity Industrialisation Centre	100%
Public Works Department	50%
Kwame Nkrumah Memorial Park	100%
Registrar-General's Department	20%
Institute of Accountancy Training	100%
Northern Region Rural Integrated Programme (NORRIP)	0%
Department of Parks and Gardens	0%
Government Technical Training Centre	100%
Veterinary Service Department	25%
Department of Feeder Roads	50%
Department of Urban Roads	50%
Department of Rural Housing	100%
Office of State Protocol	50%

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## Endnotes

### 1 (Popup - Footnote)

1. This Act was assented to on 18th May, 2007 and notified in the *Gazette* on 24th May, 2007.