

ACT 479
NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994

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ACT 479
NATIONAL DEVELOPMENT PLANNING COMMISSION ACT, 1994(1)

AN ACT to supplement articles 86 and 87 of the Constitution in relation to the National Development Planning Commission and to provide for related matters.

Establishment and Functions of the National Development Planning Commission

1. Establishment of the Commission

The National Development Planning Commission established by article 86 of the Constitution is responsible to the President.

2. Functions of the Commission

(1) In accordance with article 87 of the Constitution, the Commission shall advise the President on development planning policy and strategy, and at the request of the President, Parliament, or on its own initiative, the Commission shall

- (a) study and make strategic analyses of macro-economic and structural reform options;
- (b) make proposals for the development of multi-year rolling plans taking into consideration the resource potential and comparative advantage of the different districts in the country;
- (c) make proposals for the protection of the natural and physical environment to ensure that development strategies and programmes are in conformity with sound environmental principles;
- (d) make proposals to ensure the even development of the districts by the effective utilisation of available resources;
- (e) monitor, evaluate and co-ordinate development policies, programmes and projects;
- (f) undertake studies and make recommendations on development and socio-economic issues;
- (g) formulate comprehensive national development planning strategies and ensure that the strategies including consequential policies and programmes are effectively carried out;
- (h) prepare broad national development plans and keep them keep under constant review in the light of prevailing domestic and international economic, social and political conditions and make recommendations for the revision of existing policies and programmes where necessary; and
- (i) perform any other functions relating to development planning as directed by the President.

Composition, Qualification of Members and Related Provisions

3. Membership of the Commission

(1) In accordance with clause (2) of article 86 the Commission consists of

- (a) the chairman appointed by the President in consultation with the Council of State,
- (b) the vice-chairman elected by the members from among their number,

- (c) the Minister responsible for Finance and any other Ministers of State appointed by the President,
- (d) the Government Statistician,
- (e) the Director-General appointed under section 10,
- (f) the Governor of the Bank of Ghana,
- (g) one representative from each Region appointed by the Regional Co-ordinating Council of the Region, who is a person with experience in development planning, and
- (h) any other persons appointed by the President having regard to their knowledge and experience of the relevant areas and roles pertaining to development, and to economic, social, environmental and spatial planning.

4. Tenure of office of members

(1) A member of the Commission other than an ex officio member, shall hold office for four years and is eligible for reappointment for a further term.

(2) A member of the Commission appointed by a Regional Co-ordinating Council or the President shall cease to be a member if the Regional Co-ordinating Council or the President revokes the appointment by a letter addressed to the chairman of the Commission.

(3) The chairman of the Commission shall notify the President or other appointing authority of vacancies which occur in the membership of the Commission.

(4) Where the chairman is incapacitated by illness or any other sufficient cause from performing as chairman, the vice-chairman shall act until the chairman is able to resume as chairman.

(5) Where a member, other than an ex officio member is incapacitated by illness or any other sufficient cause from performing as member, the President or the appointing authority shall appoint another person to act until the member is able to resume the performance as member.

5. Qualification of members

(1) A person is not qualified to be a member of the Commission if that person

- (a) is not a citizen;
- (b) has been lawfully adjudged or otherwise declared
 - (i) bankrupt and has not been discharged, or
 - (ii) to be of unsound mind or is detained as a criminal lunatic;
- (c) has been convicted
 - (i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude, or
 - (ii) for any other offence punishable by death or by a sentence of not less than ten years; or
- (d) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or

defrauded the Republic or misused or abused public office, or wilfully acted in a manner prejudicial to the interest of the Republic, and the findings have not been set aside on appeal or judicial review; or

- (e) is under sentence of death or other sentence of imprisonment imposed on the person by a Court; or
- (f) is otherwise disqualified by law.

(2) Without prejudice to subsection (1), a member of the Commission shall cease to be a member where that member being in the case of a person possessed of professional qualification, is disqualified or suspended from practising professionally by an order of a competent authority, made in respect of that person personally or if that member ceases to be a member of the profession otherwise than voluntarily.

6. Resignation

(1) The chairman may resign from office by notice addressed to the President.

(2) A member of the Commission, other than an ex officio member, may resign from office by notice addressed to the President through the chairman of the Commission.

7. Removal

(1) The President may, in consultation with the Council of State, remove the chairman from office for inability to perform the functions of chairman or for stated misconduct.

(2) The President may remove a member of the Commission, other than an ex officio member, from office for inability to perform the functions of office as a member or for stated misconduct.

8. Allowance of members

The chairman and the other members of the Commission shall be paid the allowance determined by the President in consultation with the Minister responsible for Finance.

Organisation and Management of the Commission

9. Divisions of the Commission

(1) The Commission may create divisions of the Commission as are necessary for the effective performance of its functions.

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

10. Director-General

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

(2) The Director-General is responsible, subject to the general directions of the Commission, for the efficient organisation and management of the affairs of the Commission.

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

11. Staff of the Commission

(1) The Commission shall have the officers and staff reasonably necessary for the effective performance of its functions.

(2) The officers and staff shall be appointed by the President in accordance with article 195 of the 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.

12. Delegation of power of appointment

The President may delegate the power of appointment of the Director-General, Directors and the other staff in accordance with the article 195 of the Constitution.

13. Committees

The Commission may appoint committees made up of members, non-members or both and may assign a function to a committee but a committee composed exclusively of non-members may only advise the Commission.

14. Relationship with other authorities

(1) Government departments, agencies and any other public authorities particularly those with functions relating to population issues shall co-operate fully with the Commission in the performance of its functions.

(2) A person or an authority shall not exercise a statutory power or duty inconsistent with the functions conferred on the Commission by the Constitution or by this Act.

15. Cross-sectoral planning groups

(1) The Commission shall establish cross-sectoral planning groups which shall integrate and co-ordinate the planning and development activities of sectors of the economy determined by the Commission.

(2) The cross-sectoral planning group shall consist of

(a) representatives of the Commission,

(b) representatives of the relevant sector Ministries,

(c) representatives of appropriate public sector institutions and private sector organisations, and

(d) any other individuals selected for their knowledge and experience as determined by the Commission.

(3) The Commission shall convene meetings of the cross-sectoral planning groups at least once every three months.

16. Meetings of the Commission

- (1) The Commission shall
 - (a) meet at the times and places determined by the chairman,
 - (b) meet at least once in every two months and shall meet prior to the submission of development plan proposals to the President.
- (2) The chairman shall preside at the meetings of the Commission and in the absence of the chairman, the vice-chairman, shall preside.
- (3) In the absence of the chairman and the vice-chairman a member of the Commission elected by the members present shall preside.
- (4) The quorum for a meeting of the Commission shall be not less than half of the membership of the Commission.
- (5) The validity of the proceedings of the Commission shall not be affected by a vacancy in its membership or a defect in the appointment of a member.
- (6) The Commission may co-opt persons as it considers necessary to attend any of its meetings.
- (7) Except as otherwise provided in this Act, the Commission shall regulate its own procedures.

Financial and Miscellaneous Provisions

17. Funds of the Commission

Parliament shall provide the Commission with funds for its operational and administrative expenses and the Commission may receive moneys from any other sources approved by the Minister responsible for Finance.

18. Accounts and audit

- (1) The Commission shall keep proper books of account and proper records in relation to them in the form approved by the Auditor-General.
- (2) The books and accounts of the Commission shall be audited annually by the Auditor-General within six months of the end of the immediately preceding financial year.
- (3) The Auditor-General may appoint an auditor to audit the books and accounts of the Commission.

19. Annual report

The Commission shall, as soon as possible after the expiration of each financial year but within six months after the end of the financial year submit an annual report to the President and Parliament dealing generally with activities of the Commission and including the Auditor-General's report on the accounts.

20. Access to information

The Commission may in writing request a public officer in writing to furnish it with an official document or information within a specified period for the performance of its functions under this Act and the public officer shall comply with the request.

21. Regulations

(1) The Commission may, with the approval of the President, by legislative instrument, make Regulations on the development planning process and generally to give effect to this Act.

(2) The Regulations shall be signed personally by the Chairman.

22. Interpretation

In this Act, unless the context otherwise requires,

“citizen” means a citizen of the Republic;

“Commission” means the National Development Planning Commission;

“functions” includes powers and duties;

“Region” means a Region of the Republic.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 29th August, 1994 and came into force on 2nd September, 1994.