

**ACT 463**  
**PRESIDENTIAL OFFICE ACT, 1993**

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**ACT 463**  
**PRESIDENTIAL OFFICE ACT, 1993(1)**

**AN ACT to establish the Presidential Office to provide for staff for the President and Vice-President and to provide for their functions and for related matters.**

**1. Establishment of the Office**

There is hereby established an office to be known as the Presidential Office.

**2. Function of the Office**

The function of the Office is to provide the President and the Vice-President with the services they require for the efficient and effective implementation of the executive functions of the President and Vice-President under the Constitution and any other law.

**3. Members of the Office**

(1) The Presidential Office is made up of

- (a) persons appointed as presidential staff under this Act one of whom shall be appointed as head of the Office, and
- (b) any other public officers seconded or transferred to the Office.

(2) Subject to section 2, members of the Office shall be assigned duties as determined by the President.

#### **4. Appointments for the Office**

(1) The President shall, acting in consultation with the Council of State, appoint the persons the President considers necessary to hold office as presidential staff in the Office.

(2) The number of persons that may be appointed under subsection (1) and the grade of the officers shall be determined by the President.

#### **5. Tenure of Office**

A person appointed a presidential staff under section 4 (1) shall hold office at the pleasure of the President and shall cease to hold office on removal or resignation from office or on cessation of the tenure of office of the President.

#### **6. Other conditions of Office**

Presidential staff are entitled to the salaries, allowances, facilities and privileges that are determined under article 71 of the Constitution.

#### **7. Consultants and experts**

The President may appoint for specified periods a consultant or an expert who the President requires for a specific assignment.

#### **8. Qualification of presidential staff**

(1) A person is not qualified to be appointed to be presidential of staff if that person

- (a) has not attained the age of twenty-one years;
- (b) has been adjudged or otherwise declared
  - (i) bankrupt under a law in force in the Republic and has not been discharged, or
  - (ii) to be of unsound mind or is detained as a criminal lunatic under a law in force in the Republic; or
- (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 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 the office held by that person, 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) has not paid the required taxes or has not made arrangements satisfactory to the appropriate authority for the payment of those taxes; or
  - (f) is under sentence of death or other sentence of imprisonment imposed by a Court; or
  - (g) is otherwise disqualified by a law in force in the Republic.
- (2) A person is not disqualified under subsection (1) (c) or (d) if
- (a) ten years or more have passed since the end of the sentence or the date of the publication of the report of the Commission or Committee of Inquiry, or
  - (b) that person has been pardoned.

## **9. Code of conduct**

The code of conduct specified in Chapter Twenty-Four of the Constitution applies to the presidential staff.

## **10. Expenses of the Office**

The administrative and operational expenses of the Office including salaries, allowances and pensions payable to or in respect of persons serving at the Office are charged on the Consolidated Fund.

## **11. Annual report**

The President shall within three months after the end of each financial year, submit to Parliament an annual report containing

- (a) the number of presidential staff employed at the Office,
- (b) the ranks or grades of the staff, and
- (c) employees in the other public services assigned to the Office.

## **12. Accounts and audit**

The President shall keep or cause to be kept books of account and proper records in relation to them, which shall be audited annually by the Auditor-General.

## **13. Regulations**

The President may, by constitutional instrument, make the Regulations that are necessary for the effective implementation of this Act.

## **14. Consequential amendments**

*Spent.2(2)*

## **15. Repeal**

*Spent.3(3)*

## **16. Interpretation**

In this Act, unless the context otherwise requires,

**“Court”** means a court of competent jurisdiction;

**“Office”** means the Office of the President and Vice-President;

**“presidential staff”** means persons appointed under section 4 (1).

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was assented to on 22nd December, 1993.

### 2 (Popup - Footnote)

2. The section provided that,  
“The Civil Service Law, 1993 ([P.N.D.C.L. 327](#)) is amended by the substitution for section 4 (a) (i) of the following:  
“(a) all persons serving in civil capacity in posts designated as civil service posts by or under this Law in  
in (i) the Office of the President.”

### 3 (Popup - Footnote)

3. The section provided that,  
“[Sections 9](#) and [10](#) of the Civil Service Law, 1993 ([P.N.D.C.L. 327](#)) are repealed.”