

ACT 432
SUGAR INDUSTRY AUTHORITY ACT, 1981

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ACT 432
SUGAR INDUSTRY AUTHORITY ACT, 1981(1)

AN ACT to provide for the establishment of the Sugar Industry Board and for related matters.

1. Establishment of the Authority

There is established a body to be known as the Sugar Industry Authority.

2. Functions of the Authority

The functions of the Authority are to monitor the sugar industry and to advise the Government on

- (a) the price to be paid to producers of sugar-cane, quality grading and the system of premiums and discounts to be adopted;
- (b) the price to be paid to producers of sugar and its by-products;
- (c) the importation of sugar-cane from other countries for propagating and multiplication purposes;
- (d) the import and export of sugar and the co-ordination of production and distribution;
- (e) the protection of the local industry by means of duties, levies, licensing and any other

- necessary measures;
- (f) the utilisation of by-products of sugar-cane; and
- (g) any other matters affecting the sugar industry.

3. Other functions of the Authority

Without prejudice to section 2 the Authority

- (a) shall draw appropriate programmes for the rapid development and expansion of the local sugar industry, and review the progress of implementation of the programmes;
- (b) shall collect and analyse in collaboration with any other relevant agencies of the Government of statistical data on the importation, local production, distribution and consumption of sugar and related products in the Republic;
- (c) shall promote and co-ordinate research activities into sugar-cane growing, processing and marketing;
- (d) shall promote, encourage and co-ordinate extension services to farmers including training of sugar experts;
- (e) shall promote the development of appropriate technologies suitable for the production of sugar and related products in the Republic;
- (f) shall provide management and business advisory services to the Sugar-Cane Planters Association and proprietors of sugar mills; and
- (g) shall provide any other related services and perform any other functions that the Government may assign to the Board.

4. The governing body

The governing body of the Authority is a Board consisting of

- (a) one representative of the Ministry responsible for Industries,
- (b) one representative of the Ministry responsible for Agriculture,
- (c) one representative of the Agricultural Development Bank,
- (d) one representative of the Ghana Sugar Estates Limited, Accra,
- (e) two representatives of the Ghana Sugar-cane Planters' Association,
- (f) one representative of the Crop Research Institute, and
- (g) two other members.

5. Appointments

(1) The chairman and the other members of the Board shall be appointed in accordance with article 70 of the Constitution.

(2) The chairman of the Board shall be appointed from among the members specified in section 4 and is eligible for re-appointment.

(3) The other members of the Board, shall hold office on the terms and conditions determined by the President, and are eligible for re-appointment.

(4) The Board may co-opt a person as an adviser to attend a meeting of the Board.

6. Qualifications and disqualifications of members

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

- (a) is not a citizen;
- (b) is adjudged or otherwise declared
 - (i) a bankrupt under a law in force in the Republic and has not been discharged;
 - (ii) to be of unsound mind; or
- (c) is detained as a criminal lunatic under a law in force in the Republic; or
- (d) is convicted
 - (i) for high crime under the Constitution or for treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude, or
 - (ii) for any other offence on indictment; or
- (e) is found by the report of a commission or a committee of inquiry to be incompetent to hold public office or 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 office or wilfully acted in a manner prejudicial to the interests of the Republic, and the findings have not been set aside on appeal or judicial review; or
- (f) is under sentence of death or any other sentence of imprisonment imposed by a Court; or
- (g) is otherwise disqualified by a law for the time being in force; or
- (h) has had property confiscated as the result of the findings of a commission or committee of inquiry, and the findings have not been set aside on appeal or judicial review.

(2) For the purpose of subsection (1) if ten years or more have elapsed since the end of the sentence or the date of the publication of the report of the commission or committee of inquiry or has been pardoned, that person is not disqualified to be a member of the Council.

(3) Without prejudice to subsection (1), a member shall cease to be a member if

- (a) by notice in writing signed personally by the member, and addressed to the President, the member resigns from office;
- (b) the member is absent from three or more consecutive meetings of the Board without sufficient reason;
- (c) the member is removed by the President on grounds of stated misconduct; or
- (d) in the case of a person possessed of professional qualifications, the member is disqualified or suspended, otherwise than at the request of the member from practising the member's profession in the Republic by order of a competent authority made in respect of that member personally.

7. Executive secretary and staff of the Authority

(1) The Authority shall have an executive secretary who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The executive secretary is the head of the secretariat of the Authority and shall perform the functions determined by the Board.

(3) The President shall determine the terms and conditions of employment of the executive secretary.

(4) The Authority shall, in accordance with article 195 of the Constitution, employ any other persons the Authority reasonably requires for the efficient performance of its functions, subject to the terms and conditions determined by the President.

8. Regulations of business

(1) The Board shall meet at least once in every three months for the dispatch of business at the time and place appointed by the chairman.

(2) The chairman shall preside at meetings of the Board and in the absence of the chairman a member chosen for that purpose by a majority of members present shall preside.

(3) The chairman shall, on a request in writing brought by one third of members summon a special meeting of the Board within fourteen days on the receipt of the request.

(4) The quorum for a meeting of the Board is five.

(5) Subject to subsections (1) and (2) the Board shall regulate its own procedure.

9. Validity of proceedings

The proceedings of the Board shall not be invalidated by reason of a vacancy in the membership of the Board or by a defect in the appointment or qualification of a member.

10. Funds

(1) The funds of the Authority include

- (a) the grants received from the Government by the Authority for the performance of its functions,
- (b) loans granted to the Authority by the Government,
- (c) the moneys accruing to the Authority in the course of the performance of its functions under this Act,
- (d) gifts, and
- (e) funds from any other source.

(2) The sums of money received on account of the Authority may be paid into the banks approved by the Board for the credit of the Authority's general current or deposit account, but that the Board may invest the moneys not required for current use.

11. Accounts and audit

(1) The Authority shall

- (a) keep proper accounts and other records in relation to those accounts,
- (b) prepare an annual statement of accounts in the form and containing the particulars directed by the Auditor-General, or as may be required to satisfy its undertakings or engagements.

(2) The Auditor-General shall audit annually the accounts of the Authority, and shall make a report on the accounts to the President.

12. Annual report

(1) The Board shall annually, not later than six months after the end of its financial year, prepare and submit, through the Minister to the President a report on the activities of the Authority during the preceding year.

(2) The financial year of the Authority is the same as that of the Government.

13. Interpretation

In this Act, unless the context otherwise requires,

“**Authority**” means the Sugar Industry Authority established by section 1;

“**Board**” means the governing body of the Authority;

“**citizen**” means a citizen of Ghana;

“**Minister**” means the Minister responsible for Industry.

14. Repeal

Spent.2(2)

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 28th May, 1981.

2 (Popup - Footnote)

2. The section provided for the repeal of the Sugar Industry Board Decree, 1973 (N.R.C.D. 232).