

Savannah Accelerated Development Act 805

Authority Act, 2010

Establishment, functions and governance of the Authority

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ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

**THE SAVANNAH ACCELERATED DEVELOPMENT AUTHORITY ACT,
2010**

AN ACT to establish the Savannah Accelerated Development Authority, to provide a framework for the comprehensive and long-term

development of the Northern Savannah Ecological Zone and to provide for related matters.

DATE OF ASSENT: *17th September, 2010.*

PASSED by Parliament and assented to by the President:

Establishment, Junctions and governance of the Authority

Establishment of the **Savannah Accelerated Development Authority**

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Savannah Accelerated Development Authority.

2. (2) Where there is a hindrance to the acquisition of property, the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125).

(3) The State Property and Contracts Act, 1960 (C. A. 4) or the State Lands Act, 1962 (Act 125) shall apply in relation to the acquisition with modifications that are necessary to provide the vesting of the property acquired in the Authority and for the cost of the acquisition to be defrayed by the Authority.

Objects of the Authority

2 (1) The objects of the Authority are to

(a) provide strategic planning guidance to government as regards the implementation and review of an accelerated development strategy for the Northern Savannah Ecological Zone;

(b) mobilise human, financial and other resources for the implementation of the accelerated development strategy;

(c) co-ordinate existing and future development and related policies affecting the Northern Savannah Ecological Zone with a view to ensuring coherence in policy-making and implementation.

(2) In furtherance of its objects, the Authority shall be guided by the Constitution.

Functions of the Authority

30 For the purpose of achieving its objects, the Authority shall perform the following functions:

(a) design and periodically review a comprehensive development strategy for the Northern Savannah Ecological Zone;

(b) facilitate processes for consensus-building among key development stakeholders of the Northern Savannah Ecological Zone;

(c) establish a co-ordinated system of resource mobilisation for the North that transcends regional and district boundaries of the Northern Savannah Ecological Zone;

(d) establish a venture capital or other risk-finance instruments;

(e) implement programmes to maximise the economic development potential of the Northern Savannah Ecological Zone;

(f) execute community-driven development actions that will stimulate the modernisation of agricultural development and competitiveness of small holders in the Northern Savannah Ecological Zone through improved technology to promote efficiency for the domestic and export market;

(g) facilitate private sector development initiatives to stimulate investment and business development in the Northern Savannah Ecological Zone to create jobs and increase incomes;

(h) invest in economic and social infrastructure including roads, energy, water resources and communication in order to create the pre-conditions for accelerated development of the Northern Savannah Ecological Zone;

(i) facilitate programmes focused on improved access to food, sustainable livelihoods and safety-net investments for vulnerable areas in the Northern Savannah Ecological Zone;

(j) implement programmes aimed at flood mitigation and environmental renewal to improve water resources management and disaster preparedness

in order to reduce the severity of the perennial floods and droughts in the Northern Savannah Ecological Zone;

(k) co-operate with key statutory institutions including the National Development Planning Commission, Ministries, Departments, Agencies, Metropolitan, Municipal and District Assemblies to ensure conformity with overall national development so as to avoid duplication of functions;

(l) implement programmes to support mainstreaming of gender and other issues of vulnerability through co-operation with the Ministry responsible for Women and Children's Affairs, relevant Ministries, other organisations and civil society; .

(m) serve as agents of the government in public private partnership initiatives in the Northern Savannah Ecological Zone and initiate the public private partnerships directly in the mandated areas;

(n) establish a system of rigorous monitoring and evaluation to ensure that strategic targets and results are met in a timely and appropriate manner; and

(o) perform any other functions conferred on it by this Act or that are ancillary to the achievement of the objects of the Authority.

Powers of the Authority

4. The Authority has the powers that are necessary to enable it to effectively perform its functions and may, in particular

(a) co-ordinate the planning and implementation of integrated development activities for the realisation of the long-term plans for the Northern Savannah Ecological Zone;

(b) pay due compensation for the acquisition of lands for the purpose of accelerating socio-economic development, protection and preservation in the Northern Savannah Ecological Zone; and

(c) undertake directly or represent the government in public private partnerships to facilitate accelerated private investment and reduce the risk exposure for private enterprises in the Northern Savannah.

Independence of the Authority

5. Subject to section 15, the Authority shall be an independent and autonomous statutory corporation.

Governing body of the Authority

6. (1) The governing body of the Authority is a Board consisting of (a) a chairperson,

(b) one representative of the National Development Planning Commission,

(c) one representative of traditional authorities nominated by the Regional House of Chiefs in the programmed areas,

(d) one representative of the Ministry of Finance not below the rank of a Director,

(e) one representative of the civil society organisations in the programme areas nominated by the Minister in consultation with the coalition of Civil Society Organisations,

(f) three other persons with strong professional expertise nominated by the President, one of whom is a woman, and

(g) the Chief Executive of the Authority.

(2) The members of the Board shall be appointed by the President in accordance with Article 70 of the Constitution.

(3) The President shall in appointing a member of the Board have regard to the member's integrity, knowledge, expertise and experience in matters relevant to the objects and functions of the Authority

Functions of the Board

(1) The Board shall

(a) oversee the sound and proper management of the resources of the Authority, and

(b) ensure the proper and effective performance of the functions of the Authority.

(2) The Board has the responsibility to ensure the implementation of the functions of the Authority and the achievement of the objectives of the Authority.

(3) Without limiting sub-clause (2) the Board shall

(a) approve annual operative plans and budget of the Authority;

(b) review the quarterly performance of the Authority including statement of accounts of monies disbursed from the fund;

(c) ensure adequate accountability to the stakeholders;

(d) approve an audit plan and monitor its implementation and seek full implementation of the external auditor's report within the specified time frame for action; and

(e) approve the remuneration of the staff of the Authority.

(4) The Board shall conduct reviews of the Savannah Development Strategy as determined by the Minister.

Tenure of office of members of the Board

8. (1) A member of the Board, shall hold office for a period no exceeding four years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Chief Executive, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 10,

(b) as a result of a declaration under section (6), or

(c) by reason of the death of a member

the Minister shall notify the president of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

9. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairpersons.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board within seven days of the request.

(3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

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

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision by the Board.

Disclosure of interest

10. (1) A member of the Board who has an interest in a matter for consideration by the Board

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and .

(b) shall not participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board, if that , member has an interest in a matter before the Board and

(a) fails to disclose that interest, or

(b) participates in the deliberations of the Board in respect of the matter.

Establishment of committees

11. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform stated functions.

(2) A committee composed entirely of non-members may only advise the Board.

(3) Section 10 applies to members of a committee of the Board.

Stakeholder Co-ordinating Committee

120(I) Without limiting section 11, the Authority shall establish a Stakeholder Co-ordinating Committee which shall provide the mechanism for

(a) effective stakeholder ownership of the policies and programmes of the Authority, and

(b) effective co-operation among public sector agencies, the private sector as well as organisations of civil society concerned directly or indirectly with issues of social and economic development of the Northern Savannah Ecological Zone.

(2) The Committee shall serve as an advisory body to review plans and also provide stakeholders input into policies, programmes and projects of the Authority.

(3) The Stakeholder Co-ordinating Committee comprises

(a) Regional Ministers in the participating regions with each Regional Minister acting as a chairperson and convener on rotation;

(b) one chief from each region in the Northern Savannah nominated by the Regional House of Chiefs;

(c) one person each from the Regional Economic Planning Units of the participating regions in the Northern Savannah Ecological Zone;

(d) one representative from each region in the Northern Savannah from a non-governmental development organisation nominated by a forum of non-governmental organisations in the region;

(e) one representative from each region in the north from the private sector nominated by the private sector forum in that region

(f), three representatives from a District Assembly, one of whom is a presiding member, a planning officer and the other a District Chief Executive nominated by the regional grouping of District Assemblies;

(g) two persons ... ~ representing northern Ghanaian opinion leaders resident in other parts of the country nominated by the forum of northern Ghanaians;

(h) one representative from each region in the north representing women's groups nominated by a forum of women's organisations; and

(i) three persons representing the University of Development Studies, research and other tertiary educational institutions in the programme areas nominated by the Minister; and (j) seven persons representing Members of Parliament, five of whom shall be from the programme area and two from other parts of the country.

(4) Representatives from other relevant Ministries, Departments and Agencies may be co-opted as ex-officio members.

(5) The Stakeholder Co-ordinating Committee shall meet at least two times annually and in a place within the Northern Savannah Ecological Zone.

(6) The cost associated with the annual sessions of the Stakeholder Co-ordinating Committee shall be borne by the stakeholder groups that nominate representatives onto the committee.

Allowances of members of the Board of the Authority

13. Members of the Board, persons co-opted to attend meetings of the Board and members of a committee of the Board other than the Stakeholder Coordinating Committee shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Duties and liabilities of Board members

14. (1) A member of the Board of the Authority has the same fiduciary relationship with the Authority and the same duties to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 1963, (Act 179).

(2) A member of the Board of the Authority has a duty

(a) to act honestly in the performance of the member's functions;

(b) to exercise the degree of care and diligence in the performance of the member's functions that a reasonable person in that position would reasonably be expected to exercise in the circumstances of the Authority;

(c) to avoid making improper use of information acquired by virtue of the member's position as a member of the Board so as to gain, directly or indirectly, a benefit for the member or be to the detriment of the Authority; and

(d) not to make improper use of the member's position so as to gain, directly or indirectly, a benefit for the member or for any other person or cause loss to the Authority.

(3) A member of the Board who contravenes subsections (1) or (2) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units.

(4) Where a court of competent jurisdiction determines that the Authority has suffered loss or damage as a consequence of the act or omission of a member, the court may, in addition to imposing a fine, order the convicted member to pay a sum of money to the Authority as compensation.

Ministerial directives for the Authority

15. (1) The Minister may, give directives in writing to the Board on matters of policy and the Board shall comply.

(2) The directives shall be consistent with the Northern Savannah Development Strategy.

Administration and staff of the Authority

Appointment of Chief Executive Officer

16. (1) The President shall in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Authority.

(2) The Chief Executive Officer shall possess relevant professional competence and experience.

(3) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

(4) The Chief Executive Officer is responsible for the day to day administration of the affairs of the Authority and is answerable to the Board for the performance of functions under this Act.

(5) The Chief Executive Officer may delegate a function to an officer of the Authority but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Appointment of other staff

17. (1) The President shall in accordance with article 195 of the Constitution, appoint for the Authority other staff that are necessary for the proper and effective performance of its functions.

(2) Other public officers may be transferred or seconded to the Authority or may otherwise give assistance to the Authority.

(3) The Authority may engage the services of advisers and consultants as it considers necessary on the recommendation of the Board.

Financial provisions

Sources of funds of the Authority

18. (1) The sources of funds of the Authority include

(a) moneys appropriated for the Authority by Parliament;

(b) loans, loan guarantees and grants;

(c) interest from investments made by the Authority;

(d) rents and royalties accruing to the Authority from property of the Authority, including intellectual property;

(e) fees and charges due to the Authority from services rendered by or through the Authority;

(f) donations and gifts;

(g) seed money specifically allocated for the start-up of the Authority;

(h) levies on non-petroleum imports as may be approved by Parliament; and

(i) any other moneys that the Minister responsible for Finance may approve.

(2) The expenses of the Authority including the remuneration of employees, allowances of the members of the Board and other administrative expenses of the Authority shall be paid by the Authority from the funds provided for the Authority under this section.

(3) Where the Authority has an amount outstanding to its credit after it has provided for

(a) payment of salaries, allowances and other administrative and management expenditure;

(b) programme implementation, services and investment-related expenditure;

(c) depreciation of assets;

(d) repayment of loans, interest; and (e) contingency,

in a financial year, the Authority shall invest in short and long-term instruments for the financial sustainability of the Authority's current and future operations.

Retention and utilisation of internally generated funds

19. (1) Subject to the Ministries, Departments and Agencies (Retention of Funds) Act, 2007 (Act 735), the Authority is authorised to retain moneys realised in the performance of its functions.

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

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

(4) Internally generated funds shall

(a) only be utilised when the activities on which the expenditure will be incurred have been programmed and approved in the Authority's expenditure budget by Parliament; and

(b) 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.

(5) The Authority shall only incur expenditure funded by internally generated funds for a particular month if the records of collection for the previous month, bank lodgements and expenditure returns for the previous month have been submitted to the Ministry of Finance.

Power to contract loans

20. (1) The Authority may obtain loans and credit facilities which the Authority requires for the implementation of its programmes and policies subject to Article 181 of the Constitution and the Loans Act, 1970 (Act 335).

(2) The Authority may with the approval of the Minister of Finance borrow, by way of overdraft or otherwise, sums that it may require to meet its current obligations or to perform its functions. *2010*

(3) The Minister responsible for Finance may provide a sovereign guarantee to the Authority to enable the Authority contract a loan from local and external financial institutions.

Investment activities and income

21. (1) The Authority may in consultation with the Minister responsible for Finance make investments that the Board considers necessary to attain the objects of the Authority.

(2) Without limiting subsection (1), the Authority may by way of investment

(a) issue and redeem bonds and other securities to the public; (b) purchase and hold shares, stocks and other securities through the Ghana Stock Exchange;

(c) enter into joint ventures, acquire interests in public private partnerships or represent the Government of Ghana for the purpose of executing an investment project within the Northern Savannah Ecological Zone; and

(d) provide the necessary infrastructural assistance to enable the private sector make an investment.

(3) Any returns on investments made shall form part of the income of the Authority.

Annual Budget of the Authority

22. (1) The Authority shall not later than three months before the end of each financial year, cause to be prepared and submitted to the Minister for the approval of Parliament, an annual budget in respect of the following financial year comprising estimates of expected income and expenditure in that financial year.

(2) The Authority may before the end of the financial year, prepare and submit estimates supplementary to the estimates for the current financial year.

Exemption from taxes, duties' and other charges

23.(1) The Authority shall be exempted from the payment of taxes.

(2) The Authority may be granted a waiver or obtain a variation of taxes, duties and other charges that the Minister may determine with the approval of Parliament.

(3) The buildings and other tenements of the Authority shall be exempted from the payment of property and other rates levied by a local authority.

Accounts and Audit

24. (1) The Board may open bank accounts that the Board considers necessary with the approval of the Minister of Finance, except that a bank account opened outside the country shall be subject to Article 183(2)(b) of the Constitution.

(2) The Board shall keep books of account and proper records in relation to them in a form approved by the Auditor-General.

(3) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of the financial year.

(4) The Auditor-General shall not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(5) The financial year of the Authority shall be the same as the financial year of the government.

Miscellaneous provisions

Inter-agency co-operation and co-ordination in the Northern Savannah

25. (1) The Authority may co-operate with relevant ministries, departments and agencies of state in appropriate matters and the ministries, departments and agencies shall co-operate fully with the Authority for the purposes of aiding and assisting the Authority in its work.

(2) Ministries, departments and agencies shall furnish the Authority with records, papers, data and information relating to any matter falling within the scope and mandate of the Authority on request.

(3) Subject to section 15, the Authority shall not take directions from a Ministry, Department or Agency in the course of co-operating with the Ministry, Department or Agency.

Incentives for private sector investment

26. (1) The Authority shall extend and expand incentives for private sector and other philanthropic investments in the Northern Savannah in co-operation with

other public agencies to promote accelerated development and protection measures.

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(2) Without limiting subsection (1), the Authority may apply to the relevant agency for the grant or extension of the following incentives:

(a) waiver or variation of duties and other taxes on imports of inputs, machinery and equipment by a private sector company meant exclusively for use in an investment project within the Northern Savannah Ecological Zone;

(b) reduction or remission of corporate taxes for firms and companies investing in the Northern Savannah Ecological Zone under the policies and programmes of the Authority; and

(c) facilitate the acquisition of loans by indigenous firms and companies that locate or relocate their operations in the Northern Savannah Ecological Zone.

Public consultation and notification

27. (1) The Authority shall hold public consultations relating to any major project that it plans to implement and may take into account comments received from the consultations in making its final implementation decision.

(2) The Authority shall publish a notice in the *Gazette* and at least one national newspaper containing the details of the project and the Authority's assessment of the social and economic benefits of the project before the Authority holds public consultations.

Annual reports

28. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Authority for the year to which the report relates.

(2) The annual report shall include the report of the Auditor General.

(3) The Minister shall within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Ministry any other report which the Minister may require in writing.

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(4) The Board shall also submit to the Ministry any other report which the Minister may require in writing.

Offences and penalties

29. A person who without lawful justification or excuse

(a) prevents or attempts to prevent by force, intimidation, threat or in any other manner, an employee or authorised agent of the Authority from performing the functions of the Authority under this Act;

(b) knowingly makes a false statement to, or deliberately misleads or attempts to mislead the Authority or an employee or authorised agent of the Authority;

(c) induces or attempts to induce by any means a member of the Board or Committee of the Board, an employee or authorised agent of the Authority; or

(d) discloses confidential information obtained by or submitted to the Authority in the course of the performance of its functions,

commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment for not more than one year or to both.

Regulations

30. The Minister may, on the advice of the Board, by legislative instrument, make Regulations to provide for

(a) the revision of the Northern Savannah development strategy,

(b) the criteria for the allocation of development priorities in the Northern Savannah development area,

(c) the implementation arrangements including institutional relations,

(d) the disbursement of funds, and

(e) any other matter necessary for the effective implementation of the provisions of this Act.

Interpretation

31. In this Act, unless the context otherwise requires "Board" means the Board of the Authority;

"Chief Executive Officer" means the person appointed under section 16;

"donors" include governmental and non-governmental organisations with development as their core function;

"international organisation" includes a non-profit and charitable organisation which is incorporated outside this country, operated in many countries but is registered in this country as an international organisation or a company limited by guarantee;

"Minister" means the Minister designated by the President, as the Minister of State responsible for the Savannah Accelerated Development Authority;

"National Development Planning Commission" means the Commission established under section I of the National Development Planning Commission Act 1994 (Act 479);

"non-governmental organisation" means a civil society group or non-profit body of persons formed to pursue purposes that are lawful and that are non-profit but oriented towards public interest;

"northern Brong Ahafo" means the districts contiguous to the Northern Region located north of the Brong Ahafo Region; "Northern Savannah" means the Northern Savannah Ecological Zone;

"Northern Savannah Development Strategy" means the longterm policy to develop the Northern Savannah Ecological Zone;

"Northern Savannah Ecological Zone" means the Upper West, Upper East and Northern Regions and the areas contiguous to these regions as determined by the Authority; "northern Volta Region" means the districts contiguous to the Northern Region located north of the Volta Region; and "programmed areas" means the Upper East, Upper West, Northern, Brong Ahafo and Volta Regions.

Repeal and savings

32. (1) The Northern Development Fund Act, 2008 (Act 768) is hereby repealed.

(2) Despite the repeal of Act 768, any authorisation, notice, order, direction, appointment or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) Despite the repeal of Act 768, the total sum of money located in any bank before the commencement of this Act which constitutes money intended for the Northern Development Fund is hereby transferred to the Authority.