

NATIONAL LIBERATION COUNCIL DECREE

COTTON DEVELOPMENT BOARD DECREE, 1969 (NLCD 353)

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Schedule

COTTON DEVELOPMENT BOARD DECREE, 1969

IN pursuance of the Proclamation entitled "Proclamation for the constitution of a National Liberation Council for the administration of Ghana and for other matters connected therewith", published in Gazette No. 11 of 28th February, 1966, this Decree is hereby made:—

Paragraph 1—Establishment of Cotton Board, Etc.

- (1) There is hereby established a body corporate to be known as the Cotton Development Board, in this Decree referred to as the "Board".
- (2) The Board shall have perpetual succession and a common seal and may sue and be sued in the name assigned to it by sub-paragraph (1) of this paragraph.
- (3) The Board shall have power, for the discharge of any of its functions, to acquire and hold any movable or immovable property, to dispose of such property, and to enter into any contract or other transaction.

Paragraph 2—Functions of Board, Etc.

- (1) The function of the Board is to develop cotton production in the country.
- (2) Without prejudice to the generality of the function specified in sub-paragraph (1) of this paragraph, the Board or any other person authorised in that behalf by the Board shall be the exclusive authority to discharge the following functions and no other person shall discharge such functions:—
 - (a) the purchase, handling and transport of seedcotton, the ginning of seedcotton and the sale of ginned cotton;
 - (b) the determination and guarantee from time to time of the prices at which seedcotton shall be purchased by the Board;
 - (c) the purchase, sale, importation, handling, transport, distribution and exportation of cottonseed; and
 - (d) the withholding of assistance at its discretion from growers, who have in the opinion of the Board acted against the common interest of cotton growers or have contravened any regulation made under this Decree.

- (3) The Board or any other person shall discharge the following functions:—

- (a) the growing or the arrangement for the growing of cotton;

- (b) the undertaking of research or the arrangement of research in respect of the problems affecting the cotton industry and for the improvement and utilization of cotton products;
- (c) the giving of advice on all technical, social and economic matters connected with the general development of the cotton industry; and
- (d) the discharge of any other function which has been conferred on the Board or such other person under any regulation made under this Decree.

Paragraph 3—Composition and Tenure of Office of Members of Board.

(1) There shall be a Board consisting of—

- (a) a Chairman appointed by the Executive Council;
- (b) 4 members representing banking, textile, farming and business interests appointed by the Executive Council;
- (c) the Chief Crop Production Officer of the Ministry of Agriculture who shall be an ex officio member, and
- (d) an Executive Director appointed by the Board:

Provided that the first members of the Board, including the first Chairman, shall be as specified in the Schedule attached to this Decree, and shall, with the exception of the first Chairman and the Executive Director, hold office for 3 years.

(2) If a member of the Board appointed by the Executive Council, including the Chairman, ceases to be a member for any reason specified in a subsequent paragraph or otherwise before the expiry of his period of office, another member may be appointed in his place by the Executive Council.

(3) Subject to the provisions of paragraph 3 (4) below, every member of the Board, except the Executive Director and the first members of the Board appointed by the Executive Council for their first term of office, and every Chairman of the Board including the first Chairman, shall hold office for two years.

(4) One year after the expiry of the term of office of the first members as mentioned in subparagraph (3) of this paragraph, two of the four members representing farming, textile, business and banking interests in the country, shall upon the drawing of lots, vacate their seats one year after their appointment as members of the Board, but shall be eligible for re-appointment to the vacant seats so created for a normal term of office of two years.

Paragraph 4—Terms and Conditions of Office of Members of Board.

(1) Subject to the other provisions of this Decree, every member of the Board who has been appointed by the Executive Council, shall hold office on terms and conditions relating to the payment of remuneration and allowances as decided by the Board and confirmed by the Executive Council.

(3) Any member of the Board may resign his appointment by giving one month's notice in writing.

(4) The Chairman and any member of the Board appointed by the Executive Council shall be eligible for re-appointment on the expiry of his period of office.

Paragraph 5—Meetings of Board.

(1) The Board shall meet for the discharge of its functions at such times and places as the Chairman thereof may appoint, so, however, that the Board shall meet at intervals, not exceeding three months.

(2) At any meeting of the Board at which he is present the Chairman shall preside and, in his absence, a member of the Board appointed by the members present from among themselves shall preside.

(3) Questions proposed at a meeting of the Board shall be determined by a simple majority of members present and voting and, in the event of an equality of votes, the person presiding shall have a second or casting vote.

(4) The quorum at any meeting of the Board shall be four.

Paragraph 6—Executive Director.

(1) The Board shall appoint an Executive Director subject to the approval of the Executive Council. The appointment shall be for a fixed period of 5 years and may be renewed after this period. The terms of employment of the Executive Director shall be determined by the Board.

(2) The Executive Director shall be an ex officio member of the Board and shall, in addition to his functions as a member of the Board, be responsible for carrying out day-to-day management of the activities of the Board and of its routine administration and organization, subject to such directions as may be given by the board.

(3) The Executive Director shall, for the purpose of the discharge of his functions, be provided with offices and assisted by personnel as laid down by regulations made under paragraph 12 of this Decree.

Paragraph 7—Officers and Employees of Board.

The Board shall employ such officers and employees as may be necessary for the discharge of its functions, subject to such terms and conditions as may be determined by the Board.

Paragraph 8—Immunity of Members, Offices and Employees of Board from Civil Action.

No member of the Board or any of its officers and employees, including the offices and employees attached to the office or offices of the Executive Director, shall be held personally liable to civil action, suit or other civil proceedings in respect of any matter relating to the discharge of his functions which was done in good faith.

Paragraph 9—Assets and Funds of Board.

(1) The assets of the Board shall consist of all lands, buildings, equipment, stores, furniture, tools and machinery purchased by the Board or granted to the Board by the Government or any other person for the proper discharge of its functions.

(2) The funds and property of the Board shall consist of—

(a) all sums granted to the Board from time to time by the Government with the prior approval of the Commissioner responsible for Finance;

(b) all sums or other property granted to the Board by foreign Governments or foreign institutions;

(c) income derived from the sale of ginned cotton, cotton seed, seedcotton and other by-products; and

(d) any other money or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions.

(3) The Board may borrow from any Corporation, Local Authority or other person such amounts as it may require for the discharge of its functions.

Paragraph 10—Accounts, Etc.

(1) The Board shall keep proper books of accounts and proper records in relation thereto.

(2) The financial year of the Board shall be the period of twelve months ending on the 31st day of March in each year.

(3) The Executive Director shall prepare the budget estimates for any new financial year and present such estimates to the Board for its approval not later than two months before the end of the preceding financial year of the Board.

Paragraph 11—Audit.

(1) The Board shall appoint an external auditor for the auditing of its accounts and for the discharge of such other accounting and audit functions as it may determine.

(2) Accounts kept in pursuance of this Decree shall be submitted annually by the Board to the Auditor-General.

(3) The Board shall furnish a report of its activities during the preceding financial year together with an audited statement of accounts in respect of that year to the Commissioner responsible for Agriculture not later than the 31st day of July immediately succeeding the end of the previous financial year.

(4) The said Commissioner shall transmit copies of this report and audited statement as soon as may be practicable thereafter to the Executive Council.

Paragraph 12—Regulations.

The Board may, with the prior approval of the Commissioner responsible for Agriculture, make regulations in respect of all or any of the following matters:—

- (a) subject to the other provisions of this Decree, relating to the production, purchase, storage and processing of seedcotton, and to the sale and utilisation of cotton lint and cotton seed, which the Board deems to be in the true interest of the country and of the local cotton industry;
- (b) subject to the said provisions, relating to the importation of cotton lint, seedcotton and cotton seed;
- (c) subject to the said provisions, relating to the destruction of contaminated cotton crop, seedcotton and cotton seed;
- (d) any matter required or authorised by this Decree to be made by regulations; and
- (e) any matter for the purpose of carrying out the principles and provisions of this Decree.

Paragraph 13—Offences.

(1) Any person who contravenes any provision of this Decree, or any regulation made under the preceding paragraph shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding Two Hundred New Cedis or to a term of imprisonment not exceeding one year or to both such fine and imprisonment; and the Judge on such conviction may order the destruction of contaminated cotton crop, seedcotton and cotton seed.

(2) In the case of an offence under this Decree committed by a body of persons—

- (a) where the body of persons is a body corporate, every director and officer of that body corporate shall be deemed to be guilty of the offence; and
- (b) where the body of persons is a firm, every partner of that firm shall be deemed to be guilty of that offence:

Provided that no such person shall be deemed to be guilty of an offence under this Decree, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Paragraph 14—Exemption from Taxes.

The Board shall not be liable for the payment of income tax, duty imposed under the Customs Ordinance (Cap. 167) or any other tax exempted by regulation under this Decree.

Paragraph 15—Commencement.

This Decree shall be deemed to have come into force on the 1st day of June, 1968.

SCHEDULE

Paragraph 3 (1) of Decree

1. Mr. A. Adomakoh, Commissioner for Agriculture, who shall be Chairman of the Board;
2. Mr. G.W. Uhlenbroek, Cotton Agronomist from the Food and Agriculture Organisation (FAO), who shall be acting for the Executive Director in addition to being an adviser to the Board;
3. Mr. S.B. Nyame-Adu, Chief Crop Production Officer, Ministry of Agriculture, who shall be an ex-officio member;
4. Mr. Yakubu Mahama, a farmer;
5. Mr. A. Atwereboanda;
6. Mr. T.H. Pao of the Ghana Textile Manufacturing Company, Tema; and
7. Mr. S. Atchulo of the State Tobacco Products Corporation.

Made this 13th day of May, 1969.

BRIGADIER A. A. AFRIFA

Chairman of the National Liberation Council

Date of Gazette Notification: 16th May, 1969.