

GHANA EXPORT PROMOTION AUTHORITY ACT, 1969 N.L.C.D. 396

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N.L.C.D. 396

GHANA EXPORT PROMOTION AUTHORITY ACT, 1969(1)

AN ACT to provide for the promotion and development of export and for related matters.

Establishment

1. Establishment of Export Promotion Authority

(1) There is hereby established for the purposes of this Act a body corporate to be known as the Export Promotion Authority.

(2) The Authority is, by the name assigned to it by subsection (1), autonomous and outside the Civil

Service; and has perpetual succession and a common seal, may sue and be sued in its corporate name and

for the purposes of this Act enter into a contract and any other transaction.

(3) The Authority may, for the performance of its functions under this Act, acquire and hold movable

or immovable property, and may sell, lease, mortgage or otherwise alienate or dispose of that property.

2. Governing body of the Authority

(1) The governing body of the Authority is a Council consisting of the part-time chairman, and

(a) one representative of the Ghana Manufacturers' Association,

(b) one representative of the National Chamber of Commerce,

(c) one representative of the Ghana Export Company Limited,

(d) one representative of the Bank of Ghana,

(e) one representative of the Capital Investments Board,

(f) one representative of the Standards Board,

(g) one representative of the Ministry responsible for Agriculture,

(h) one representative of the Ministry responsible for Foreign Affairs,

(i) one representative of the Ministry responsible for Information,

(j) one representative of the Ministry responsible for Industries,

(k) one representative of the Ministry responsible for Trade and Tourism, and

(l) the executive secretary of the Authority.

(2) The members of the Council including the chairman shall be appointed by the President.

(3) The Council may co-opt a person to act as an adviser at a meeting in respect of a matter under discussion by the Council but the co-opted person is not entitled to vote at that meeting.2(2)

3. Tenure and termination of office

(1) A member of the Council shall hold office on the terms and conditions, including the payment of

remuneration or allowances, determined by the Minister in consultation with the Minister responsible for

Finance.

(2) The appointment of a member of the Council, other than the chairman, may be terminated by the

Minister if the Minister is of the opinion that it is in the interest of the Council to do so.

(3) A member may resign by notice in writing to the Council.

(4) The appointment of the chairman may be terminated by the President if the President is of the opinion that it is in the interest of the Council to so do.

(5) There shall be an executive secretary to the Council who shall be a member of the Council as required under section 2.

(6) The executive secretary is the chief executive of the Authority and is charged, subject to the directions given by the Council on matters of general policy, with the direction of the business of the

Authority and of its administration and organisation and with the control of its officers and employees.

4. Functions of the Authority

(1) The Authority shall promote, assist and develop exports in a manner which the Council considers

necessary or desirable.

(2) Without prejudice to subsection (1), the Authority has the sole power

(a) to obtain information on the products with export potential and to determine the extent and location of the market for those products outside the Republic;

(b) to call the attention of potential customers to the availability of goods of Ghanaian origin;

(c) to organise trade fairs in the Republic and overseas and to arrange for the attendance at foreign trade fairs where the promotion of the sale of Ghanaian products can be made;

- (d) to bring Ghanaian sellers in touch with foreign customers and to encourage exploratory discussions between them;
- (e) to create interest in, and goodwill for, Ghanaian products by promotional activities, which may include advertising, exhibiting and providing information about those products;
- (f) to make available expert advice and assistance to Ghanaian businessmen concerning export procedures, credit and collection arrangements, shipping documentation, marine insurance and similar matters;
- (g) to assist Ghanaian businessmen travelling abroad by supplying advance information and, where possible, on-the-spot advice;
- (h) to assist foreign visitors coming to the Republic to examine business opportunities involving goods made in the Republic;
- (i) to find out and recommend to the Government the trade agreements and pacts that will have the effect of promoting the sale of Ghanaian goods in overseas markets;
- (j) to organise an insurance credit guarantee scheme for the protection of the interest of Ghanaian exports;
- (k) to act as a centre of information for the Ghana Export Company Limited, and for the individual exporters;
- (l) to find out and recommend to the Government the assistance that should be given to Ghanaian exporters to enable them to compete effectively in overseas markets;
- (m) to apply for, and to receive in the Republic or elsewhere, any trade marks, licences, protections or concessions and in relation to any of those matters, to do any other things which the Council considers necessary or desirable for the development of exports; and
- (n) to perform any other function which may be prescribed by the Regulations.

(3) Where under an enactment an authority or a person has power for the regulation or development

of exports, the President may delegate the exercise of that power to the Council which shall exercise that

power.

5. Meetings of the Council

(1) The Council shall meet at least once a quarter for the dispatch of its business at the times and at

the places appointed by the chairman.

(2) The chairman shall preside at meetings of the Council and in absence of the chairman, a member

of the Council appointed by the members present from among themselves, shall preside.

(3) Questions proposed at a meeting of the Council shall be determined by a simple majority of the

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 a meeting of the Council is nine.

(5) The validity of the proceedings of the Council shall not be affected by a vacancy amongst its members or by a defect in the appointment of any of them.

(6) Subject to this Act and to the Regulations, the Council may regulate its own procedure.

6. Officers and employees

(1) Public officers may be transferred or seconded to the Authority or otherwise give assistance to the

Authority.

(2) Public officers transferred or seconded may be appointed at that point in the salary scale which

approximates as closely as possible to the point in the salary scale applicable to officers or employees of

the Authority of a similar class, category or description.

(3) Where a public officer receiving a pensionable emolument in the public service within the

meaning of the Pensions Act, 1950(3) is transferred or seconded to the Authority, the period of service

with the Authority shall, for the purposes of the computation of time and the amount of the pension under

that Act be deemed to be service in a pensionable office.

(4) Subject to article 195 of the Constitution the Authority may appoint any other persons as officers

and employees of the Authority.

(5) Subject to this section, officers or employees appointed by the Authority and officers or

employees deemed to be officers or employees of the Authority shall hold their offices or posts on the

terms and conditions, including terms relating to the payment of remuneration and allowances,

determined by the Council.

(6) The remuneration, allowances and other payments payable to officers and employees of the

Authority shall be paid by the Authority out of funds at its disposal, unless other arrangements have been

made for the payments.

(7) The Authority may terminate the appointment of any of its officers and employees.

7. Disclosure of interest

A member of the Council who has

(a) an interest in a company or concern with which the Authority proposes to make a contract, or

(b) an interest in a contract which the Authority proposes to make,

shall disclose to the Council the nature of that interest, and shall not take part in a deliberation or decision

of the Council relating to the contract and the disclosure shall be recorded in the minutes of the Council.

8. Delegation of functions

The Council may by a resolution made at a meeting of the Council delegate any of its functions under

this Act to a member of the Council, a sub-committee consisting of members of the Council or of any of

its officers or employees; and on delegation, the member, sub-committee or officers or employees shall

perform the function delegated.

9. Furnishing of information

The Council shall submit to the Minister information regarding the performance of the functions of the

Authority required by the Minister.

Finance

10. Funds of the Authority

The funds and property of the Authority consist of

- (a) the moneys granted by the Government for the purposes of the Authority,
- (b) the moneys paid to the Authority by way of grants, subsidies, donations, gifts, fees, subscriptions, rents, interest or royalties,
- (c) the moneys derived from the sale of property held by or on behalf of the Authority,
- (d) any other moneys and property lawfully received by the Authority for the purpose of the Authority, and
- (e) the accumulations of income derived from those moneys or that property.

11. Borrowing powers

Subject to article 181 of the Constitution and with the prior consent in writing of the Minister responsible for Finance, the Authority may borrow money from the Government or from a corporation,

local authority or person and for the purposes of securing the money so borrowed, may mortgage, charge,

or pledge a right, title or an interest in any of its property.

12. Accounts and audit

(1) The Authority shall keep, in the form approved by the Auditor-General accounts of the moneys

received and expended by it and, in particular, shall keep in the form approved by the Minister the special

accounts directed by the Minister.

(2) Accounts kept in pursuance of subsection (1) shall be submitted annually by the Council to the

Auditor-General for audit.

(3) The Council shall furnish a copy of the audited accounts together with a copy of the report of the

Auditor-General, within thirty days after the audit, to the Minister who shall submit copies of the accounts and the report to Parliament.

Miscellaneous

13. Annual report

The Council shall in each year, at the date directed by the Minister, make a report to the Minister of

the activities of the Authority during the preceding year and the Minister shall submit copies of the report

to Parliament.

14. Inspection and returns

(1) An officer or employee authorised in that behalf by the Council

(a) shall inspect the premises of a person for the purposes of performing any of its functions under this Act, and

(b) may request in writing that a person furnish returns and any other documents for those purposes.

(2) A person who prevents an officer or employee from inspecting the premises in the exercise of powers under subsection (1), or who fails to furnish a return or document which is requested under

subsection (1) within the period specified in the request, or who furnishes under subsection (1) a false or

incorrect return or document, commits an offence and is liable, on summary conviction, to a fine not

exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to

both the fine and the imprisonment.

15. Regulations

The Minister may, by legislative instrument, make Regulations

(a) in respect of a matter required to be prescribed under this Act;

(b) subject to the other provisions of this Act, in respect of the grant of pensions, gratuities and retiring allowances to officers and employees of the Authority; and

(c) in respect of matters for the purpose of carrying out the principles and provisions of this Act.

16. Interpretation

In this Act, unless the context otherwise requires,

“Council” means the governing body of the Authority;

“Export Promotion Authority” means the Authority established under section 1;

“Minister” means the Minister responsible for Trade and Tourism;

“Regulations” means the Regulations made under this Act.

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the Ghana Export Promotion Council Decree, 1969 (N.L.C.D. 396) made on the 15th

day of September, 1969 and notified in the Gazette on 29th September, 1969.

2 (Popup - Footnote)

2. Amended by section 1 of the Ghana Export Promotion Council (Amendment) Decree, 1975 (N.R.C.D. 310)

which was also repealed by section 3 of the Ghana Export Promotion Council (Amendment) Decree, 1972

(N.R.C.D. 41).

3 (Popup - Footnote)

3. Cap. 30 of the 1951 Edition of the Laws of Ghana.