

SUGAR INDUSTRY BOARD ACT, 1981 (ACT 432)

ARRANGEMENT OF SECTIONS

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THE FOUR HUNDRED AND THIRTY-SECOND

ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE SUGAR INDUSTRY BOARD ACT, 1981(ACT 432).

AN ACT to provide for the establishment of the Sugar Industry Board and for other matters connected therewith.

DATE OF ASSENT: 28th May, 1981

BE IT ENACTED by Parliament as follows—

Section 1—Establishment of Sugar Industry Board.

There is established a body to be known as the Sugar Industry Board in this Act referred to as "the Board".

Section 2—Membership of Board.

(1) The Board shall consist of the following persons who shall be appointed by the Cabinet—

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

(2) The Chairman of the Board shall be appointed by the President from among the members specified in subsection (1) of this section.

(3) The Chairman and the other members of the Board shall be eligible for reappointment but subject to the foregoing, shall hold office otherwise on such terms and conditions as the Government may determine.

(4) The Board may, at any time, co-opt any person as an adviser to attend any of its meetings.

Section 3—Qualifications and Disqualifications of Members of Board.

(1) No person shall be qualified to be a member of the Board who—

(a) is not a citizen of Ghana;

(b) has been adjudged or otherwise declared—

(i) a bankrupt under any law in force in Ghana and has not been discharged;

(ii) to be of unsound mind; or

(c) is detained as a criminal lunatic under any law for the time being in force in Ghana; or

(d) has been convicted—

(i) for high crime under the Constitution or for treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence on indictment; or

(e) has been 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 he acquired assets unlawfully or defrauded the State or misused or abused his office or wilfully acted in a manner prejudicial to the interests of the State, and such findings have not been set aside on appeal or judicial review; or

(f) has had his property confiscated as the result of the findings of a commission or committee of inquiry; and such findings have not been set aside on appeal or judicial review; or

(g) is under sentence of death or other sentence of imprisonment imposed on him by any court; or

(h) is otherwise disqualified by any law for the time being in force.

(2) For the purpose of paragraph (d) or (e) or (f) of subsection (1) of this section 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 shall not be disqualified to be a member of the Board by reason only of the provisions of that paragraph.

(3) Without prejudice to subsection (1) of this section, any member of the Board shall cease to be a member if—

(a) by notice in writing under his hand addressed to the President, he resigns his office at any time;

(b) he is absent from three or more consecutive meetings of the Board without sufficient reason;
or

(c) he is removed by the President on grounds of stated misconduct;

(d) in the case of a person possessed of professional qualifications, he is disqualified or suspended, otherwise than at his request, from practising his profession in Ghana by order of any competent authority made in respect of him personally.

Section 4—Functions of Board.

It shall be the duty of the Board to monitor the sugar industry and 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 breeding 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 other necessary measures;

(f) the utilisation of by-products of sugar-cane; and

(g) any other matters affecting the sugar industry.

Section 5—Other Functions of Board.

Without prejudice to section 4 of this Act it shall also be the duty of the Board—

(a) to draw appropriate programmes for the rapid development and expansion of the local sugar industry, and to review the progress of implementation of the programmes;

(b) to collect and analyse in collaboration with other relevant agencies of Government of statistical data on the importation, local production, distribution and consumption of sugar and related products in Ghana;

(c) to promote and co-ordinate research activities into sugar-cane growing, processing and marketing;

(d) to promote, encourage and co-ordinate extension services to farmers including training of sugar experts;

(e) to promote the development of appropriate technologies suitable for the production of sugar and related products in Ghana;

(f) to provide management and business advisory services to Sugar-Cane Planters Association and proprietors of sugar mills; and

(g) to provide any other related services and perform such other functions as the Government may from time to time assign to the Board.

Section 6—Executive Secretary and Staff of Board.

(1) The Board shall have an Executive Secretary who shall be appointed by the Minister responsible for Industries on the advice of the Board.

(2) The Executive Secretary shall be the head of the Secretariat of the Board and shall perform such functions as the Board may determine.

(3) The terms and conditions of employment of the Executive Secretary shall be determined by the Minister responsible for Industry.

(4) The Board shall employ such persons as the Board may reasonably require for the efficient discharge of its functions, subject to such terms and conditions as may be determined by the Board.

Section 7—Regulations of Business.

(1) The Board shall ordinarily meet for the despatch of business at such time and place as the Chairman may from time to time appoint but, shall meet at least once in every three months.

(2) At every meeting of the Board the Chairman of the Board shall preside and in his absence a member chosen for that purpose by a majority of members present shall preside.

(3) The Chairman shall upon a request in writing brought by one third of members of the Board summon a special meeting of the Board within fourteen days upon the receipt of such requests.

(4) The quorum of the Board shall be five.

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

Section 8—Validity of Proceedings.

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

Section 9—Funds.

(1) The funds of the Board shall include:—

(a) any grants received from the Government by the Board for the discharge of its functions;

(b) any loans granted to the Board by the Government;

(c) any moneys accruing to the Board in the course of the performance of its functions under this Act;

(d) gifts; and

(e) funds from any other source.

(2) All sums of money received on account of the Board may be paid into such banks as may be approved by the Board for the credit of the Board's general current or deposit account so however, that the Board may invest as it deems fit any moneys not required for current use.

Section 10—Accounts and Audit.

(1) The Board shall—

(a) cause proper accounts and other records in relation thereto to be kept;

(b) prepare an annual statement of account in such form and containing such particulars as the Auditor-General may from time direct, or as may be required to satisfy its undertakings or engagements.

(2) The Accounts of the Board shall be audited annually by the Auditor-General, who shall make report thereon to the Government.

Section 11—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 responsible for Industries to the Government, a report on its activities during the preceding year.

(2) The financial year of the Board shall be the same as that of the Government.

Section 12—Repeal.

The Sugar Industry Board Decree, 1973 (NRCD 232) is hereby repealed.