

NEW

GHANA'S
MUSEUMS
& CULTURAL
HERITAGE

MUSEUMS



SACT

PRESIDENTIAL COMMITTEE
ON GHANA'S MUSEUMS &
CULTURAL HERITAGE

An Act to alter the Ghana Museums and Monuments Board: to provide for the separation of public monuments from public museums; to make new provision with respect to the regulation of museums and monuments; to make new provision for national parks and reserves; and to provide for related matters.

PART I THE NATIONAL MUSEUM

1. The Museum Board

1.1

From the commencement of this Act, the body known as the Ghana Museums and Monuments Board will now be known as the National Museum Board (“the Board”).

1.2

The Board will continue to exist as a body corporate with perpetual succession and a common seal.

1.3

The Board may sue or be sued in its own name.

1.4

The Board shall have power to acquire, hold or dispose of land and other property and enter into any contractual or other transaction.

2. The Board Members

2.1

The National Museum Board shall consist of ten persons appointed as follows:

- a. Seven members appointed by

- b. the President of Ghana
- b. Three members appointed by the Board.

2.2

A person appointed to the Board must have at least ten years’ standing in one or more of the following fields:

- a. Art
- b. Archaeology
- c. Anthropology
- d. Ethnography
- e. History
- f. Music
- g. Science
- h. Archival Sciences
- i. Education
- j. Finance
- k. Law
- l. Traditional Leadership.

2.3

A person appointed to the National Museum Board shall hold that position for a period of five years. They may be reappointed for a further term of five years.

2.4

The Board shall elect a Chairperson from among its members who shall preside over the Board’s activities for a period of five years.

3. Mission, aims, and objectives

3.1

The mission and vision of the National Museum Board is the cultivation of a new and vibrant culture of museum use and enjoyment in Ghana, through which a new, inclusive and empowering national narrative of Ghanaian identity and personhood will be crafted and inculcated.

3.2

For the purposes of achieving its vision, the Board aims to:

- a. Promote community ownership and participation in the establishment, use and sustenance of museums across the country

- b. Cultivate the use of public museums and museum spaces for entertainment
- c. Make public museums centres of rewarding and enjoyable learning
- d. Foster knowledge-seeking and knowledge-sharing; inclusiveness, and interactive experiences.

4. Functions of the Board

4.1

The Board shall therefore:

- a. Make acquisitions pursuant to its aims and objectives
- b. Keep a record of all acquisitions in its collections
- c. Preserve and maintain collections pursuant to its objectives
- d. Engage with communities to create and display aspects of the life and culture of the communities of Ghana, and other parts of the world
- e. Exhibit and interpret collections for the enjoyment and edification of the public
- f. Foster, sponsor, facilitate or engage in research pursuant to its mission
- g. Sponsor, produce, facilitate, collaborate or organise events and activities to achieve its mission.

5. Powers of the Board

5.1

The Board shall have the power to:

- a. Acquire and hold property, including for financial gain
- b. Assume control over any material, with the consent of the current owner or person who otherwise controls it
- c. Properly insure any object or material owned by the Board or under its control
- d. Undertake the excavation, examination, study or collection of aspects of any site

on which materials of interest to the museum are to be found, provided that prior written permission is obtained from the owner or person otherwise controlling a site or monument; which permission shall not be unreasonably withheld. Fair and adequate compensation shall be payable to the owner or person controlling the site for damage occasioned to the site or property thereon by the activities of the Board.

- e. Borrow from or loan materials to person(s) or institution(s) whether private or public; except that:
- » The loan shall be on commercial terms and shall be profitable to the museum from which it is loaned in instances in which a material or object is loaned to a private person or institution
 - » The loan may be on terms that do not generate a profit if the loan is to a public institution. However, all costs shall be borne by the borrowing institution including all transportation costs, and all costs of maintaining the condition and safety of the object or material for the duration of the loan.
- * Hire such staff as it deems necessary on such terms as it can reasonably support from its own resources.

5.2

The Board shall by Legislative Instrument make regulations to provide for the submission, gifting, borrowing or returning of an object under its control, or for the application of any permit required under this Part of the Act.

5.3

The Board shall by Legislative

Instrument publish regulations for an application and criteria for the approval of an application required under this Part of the Act.

6. Meetings of the Board

6.1

The Board shall meet at least once every quarter at such reasonable places and times as the Chairperson of the Board may determine.

6.2

The Chairperson may, by written request sent by no fewer than five members of the Board, convene a special meeting of the Board at such reasonable time and place as he or she may determine.

6.3

A request made by members of the Board for a special meeting shall be addressed to the Chairperson at least five working days before the date of the meeting, together with an agenda of the business to be addressed.

6.4

The Chairperson shall preside over all meetings of the Board and, in his or her absence, a member chosen by other members present shall preside at that meeting.

6.5

A decision of the majority of the members of the Board present at any meeting of the Board shall be deemed to be a decision of the Board, and, in the event of an equality of votes, the Chairperson or the presiding member shall have the casting vote.

6.6

The quorum at any meeting of the Board shall be five.

7. Committees

7.1

The Board may appoint from among its members such committees as it may consider necessary and may delegate to any committee such of

its powers as it may specify.

7.2

A committee of the Board may co-opt additional members not exceeding one-third of the total number of members of the committee.

7.3

No vacancy among the members of the Board, or defect in the appointment of any such member, shall affect the validity of any act or proceeding of the Board.

8. Allowances

The Chairperson and other members of the Board shall be paid such allowances as it shall determine, except that such allowances shall be paid by the National Museum from its own funds and after it has paid its expenses.

9. Administration and management of the national museum

The National Museum shall have such divisions, sites or departments as the Board shall determine to be necessary for the efficient and effective functioning of the Museum.

9.1

The Board shall, pursuant to a rigorous and competitive recruitment process, and in consultation with the Public Services Commission, appoint the following:

- a. Director, who will be the chief executive of the National Museum
- b. Curator, who will be the head and administrator of a museum site
- c. The Head of a unit or department, who will be the lead expert and coordinator of programmes, projects and talent within a given field of expertise in the National Museum.

9.2

The Director shall, subject to the general direction of the Board, be responsible for the day-to-day administration of the National Museum and ensure the efficient and effective implementation of corporate policies and approved programmes and other decisions of the Board.

9.3

A person appointed by the Board under section 9 (1a) of this Act shall hold office for a period of five years and shall be eligible for two further terms of five years provided that a person shall not be appointed or reappointed to the position of Director unless he or she is able to serve at least four years of the term before attaining the age of compulsory retirement.

9.4

The officers of the Museum appointed under section 10 (1) of this Act shall be responsible to the Board in the performance of their functions under this Act.

10. Other officers and employees**10.1**

Without prejudice to section 9 of this Act, the Museum shall employ such other officers and employees as may be reasonably necessary for the proper and effective discharge of its functions.

10.2

The other officers and employees of the Museum shall be appointed by the Board in consultation with the Public Services Commission.

10.3

The Board may create such lower structures as it may consider necessary to facilitate the operations of the Museum.

11. Financial provisions**11.1**

The funds of the Museum shall include:

- a. Subventions from the Government of Ghana
- b. Monies that accrue to the Museum in the performance of its functions consisting of:
 - » fees, charges and dues in respect of services rendered by or through the Museum
 - » proceeds from the sale of publications produced by the Museum
 - » grants, subscriptions, rents and royalties
- c. Interest from investments
- d. Endowments, donations and gifts
- e. Monies from any other source approved by the Board.

11.2

Any sum of money received by or on behalf of the Museum shall be paid into a bank account of the Museum opened by or on the authority of the National Museum Board.

11.3

For the avoidance of doubt, monies received by or standing to the credit of the Museum or one of its establishments shall form part of the funds of the Museum as defined under this Act.

11.4

The Board may invest the funds of the Museum that are not required for immediate use as it considers appropriate.

12. Accounts and auditing**12.1**

The Board shall ensure that the Museum keeps books of account and proper records in relation to them in the form approved by the Auditor-General.

12.2

The Board shall submit the annual accounts of the Museum to the

Auditor-General for audit within three months after the end of the financial year and shall cause the accounts to be published at the time and in the manner that it considers appropriate.

12.3

The accounts shall be under the signature of the Director and the Finance Officer

12.4

The Auditor-General shall, no later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the relevant minister.

12.5

The financial year of the Museum shall be the same as the financial year of the Government.

13. Triennial parliament report**13.1**

The Board shall present to Parliament a report covering the activities of the Museum every three years and make that report available to the public.

13.2

The report shall cover the operations, admissions, sources, use of funds, challenges, significant events and major policies of the Museum and shall include the report of the Auditor-General for the years to which the report relates.

14. Tax exemptions

The Museum is exempt from the payment of tax, duties and other charges that the minister responsible for finance may determine with the prior approval of Parliament.

15. Disclosure of interest

A member of the Board or an organ of the Museum who has an interest, whether directly or indirectly, in

a matter for consideration by the Board or organ of the Museum:

- a. shall disclose the nature of that interest; the disclosure shall form part of the record of the consideration of the matter
- b. shall not participate in the deliberations of the Board or organ of the Museum in respect of that matter.

15.2

A member ceases to be a member of the Board, or organ of it, if that member has an interest in a matter before the Board or organ and:

- a. fails to disclose that interest, or
- b. knowingly participates in the deliberations of the Board or organ in respect of the matter.

15.3

The Board may nullify a decision taken in which the interested member participated, to the extent necessary.

PART II THE CENTRE FOR NATIONAL MONUMENTS

- » There is hereby established a Centre for National Monuments, which shall be a body corporate with perpetual succession and a common seal, and which may sue or be sued in its own name.
- » The Centre shall have power to acquire, hold or dispose of land and other property and enter into any contractual or other transaction.

16. The National Monuments Board

16.1

There is hereby established a National Monuments Board which shall consist of ten persons appointed as follows:

- a. Seven members appointed by the President of Ghana
- b. Three members appointed by the Board.

16.2

A person appointed to the Board must have at least ten years' standing in one or more of the following fields:

- a. Art
- b. Archaeology
- c. Anthropology
- d. Ethnography
- e. History
- f. Music
- g. Science
- h. Archival Sciences
- i. Education
- j. Finance
- k. Law
- l. Traditional Leaders.

16.3

A person appointed to the National Monuments Board shall hold that

position for a period of five years. They may be reappointed for a further term of five years.

16.4

The Board shall elect a Chairperson from among its members who shall preside over the Board's activities for a period of five years.

17.

Missions, aims, and objectives Board

17.1

The mission and vision of the Centre for National Monuments is the cultivation of a new and vibrant culture of monument use and enjoyment in Ghana, through which a new, inclusive and empowering national narrative of Ghanaian identity and personhood will be crafted and inculcated.

17.2

For the purposes of achieving its vision, the Board aims to:

- a. Promote community ownership and participation in the establishment, use, and sustenance of monuments across the country
- b. Cultivate the use of public monuments and their spaces for entertainment
- c. Make public monuments centres of rewarding and enjoyable learning
- d. Foster knowledge-seeking and knowledge-sharing; inclusiveness, and interactive experiences.

18. Functions of the Board

18.1

The Board shall therefore:

- a. Identify and include in the Register of Monuments any site which ought to be preserved as a monument or heritage site
- b. Keep a record of all existing National Monuments
- c. Keep a register of all

monuments, sites, groups of buildings and cultural landscapes of outstanding national and universal value which it acquires or are brought to its attention

- d. Preserve, protect and maintain monuments pursuant to its objectives
- e. Engage with communities to create and display monuments, their history and impact on the life and culture of the communities of Ghana, and other parts of the world
- f. Foster, sponsor, facilitate or engage in research pursuant to its mission
- g. Sponsor, produce, facilitate, collaborate or organise events and activities to achieve its mission.

19. Powers of the Board

19.1

The Board shall have the power to:

- a. Acquire and hold property, including for financial gain
- b. Assume control over any monument, with the consent of the current owner or person who otherwise controls it
- c. Properly insure any object or material which is owned by the Board or is under its control
- d. Undertake the excavation of any site or monument and authorise any act to be done which it considers necessary for the purpose of preserving, restoring and documenting the site or monument, provided that prior written permission is obtained from the owner or person otherwise controlling a site or monument; which permission shall not be unreasonably withheld. Fair and adequate compensation shall be payable to the owner or person controlling the site for damage occasioned to the

site or property thereon by the activities of the Board.

- e. Erect notices or tablets in suitable places to provide information about a monument or site, with the prior consent in writing of the owner or person who otherwise controls it
- f. Prohibit any encroachment on any archaeological site or monument
- g. Secure easements with respect to properties near archaeological sites, historic buildings and monuments in order to protect and/or safeguard their aesthetic features or general appearance
- h. Grant a licence to export an archaeological or paleontological object or any meteorite
- i. Hire such other staff as necessary to achieve
- j. Borrow from or loan materials to person(s) or institution(s) whether private or public; except that:
 - » The loan shall be on commercial terms and shall be profitable to the museum from which it is loaned in instances in which a material or object is loaned to a private person or institution
 - » The loan may be on terms that do not generate a profit if the loan is to a public institution. However, all costs shall be borne by the borrowing institution including all transportation costs (including from and to the lending institution), and all costs of maintaining the condition and safety of the object or material for the duration of the loan.
- k. The Board shall by Legislative Instrument make regulations to provide for the submission, gifting, borrowing or returning of an object under its control,

or for the application of any permit required under this Part of the Act.

- l. The Board shall by Legislative Instrument publish regulations for an application and criteria for the approval of an application required under this Part of the Act.

20. Meetings of the Board

20.1

The Board shall meet at least once every quarter at such reasonable places and times as the Chairperson of the Board may determine.

20.2

The Chairperson may, in a written request sent to no fewer than five members of the Board, convene a special meeting of the Board at such reasonable time and place as he or she may determine.

20.3

A request made by members of the Board for a special meeting shall be addressed to the Chairperson at least five working days before the date of the meeting, together with an agenda of the business to be addressed.

20.4

The Chairperson shall preside over all meetings of the Board but, in his or her absence, a member chosen by other members present shall preside at that meeting.

20.5

A decision of the majority of the members of the Board present at any meeting of the Board shall be deemed to be a decision of the Board, and, in the event of an equality of votes, the Chairperson or the member presiding shall have the casting vote.

20.6

The quorum at any meeting of the Board shall be five.

21. Committees

21.1

The Board may appoint from among its members such committees as it may consider necessary and may delegate to any committee such of its powers as it may specify.

21.2

A committee of the Board may co-opt additional members not exceeding one-third of the total number of members of the committee.

21.3

No vacancy among the members of the Board, or defect in the appointment of any such member, shall affect the validity of any act or proceeding of the Board.

22. Allowances

The Chairperson and other members of the Board shall be paid such allowances as it shall determine except that such allowances shall be paid by the Centre from its own funds and after it has paid its expenses.

Archaeological and Paleanthropological Sites, Meteorites and Other Heritage Resources**23. Listed buildings****23.1**

The Centre may identify as worthy of protection and conservation, for the purpose of including in the register of listed buildings:

- a. a building
- b. an architectural style of building
- c. a part of a building
- d. a feature of a building.

23.2

The Centre shall publish in the Gazette a notice of a listing in respect of a building, part of a building or feature of a building it seeks to protect.

23.3

The notice of listing shall include:

- a. a detailed description of the building, architectural style, part of a building or feature of a building being listed
- b. a detailed explanation of cultural, heritage or other significance in the listed building that merits protection
- c. the obligations and liabilities of owners of listed buildings under subsections 7 of this Section

23.4

A building, or the part or feature of a building, that has been published in the Gazette as a listed building becomes a protected site.

23.5

The Centre shall give notice of the listing:

- a. in the case of a building situated within a local authority area, to the relevant local authority
- b. in the case of an architectural style, or feature of a building to:
 - » the Minister responsible for arts and culture
 - » the Lands Commission
 - » such other person or authority as the Centre may deem necessary.

23.6

A local authority shall give notice to every owner of a listed building situated within its local authority area of the fact of the listing of that building under this section.

23.7

An owner of a listed building to whom notice has been given in accordance with this Act shall not carry out, or cause or permit to be carried out, any work towards the alteration or development of that building without prior written consent obtained in accordance with this Act.

24. Applications for development**24.1**

- a. An application for consent under subsection (7) must be made at least 60 days before work for the alteration or development of the listed building is proposed to begin and must be submitted to the relevant local authority.
- b. A local authority must determine the application within 60 days of the receipt of the application.
- c. A local authority shall, no later than seven days after granting consent under subsection (1) (b) of this section, give notice to the Centre of the details of the consent given.

24.2

The local authority may require the owner or occupier of a listed building who alters or develops that building in contravention of sections 23 & 24 of this Act to cease the alteration or development of that building and to restore it to its previous condition or design.

24.3

Where an owner or occupier fails to comply with the requirement of a local authority under subsection 2, the local authority may without further notice:

- a. take possession of the building
- b. cause the necessary restoration work to be carried out, and
- c. recover from that owner or occupier the cost of the restoration work.

25. Archeological or paleontological objects or meteorites**25.1**

All archaeological and paleontological objects and meteorites are the property of the State, except in instances of private possession and ownership in which the archaeological or paleontological object or meteorite:

- a. was not acquired in contravention of an existing law at the time of its acquisition
- b. is acquired by virtue of a consent issued under this section.

25.2

A person who discovers any archaeological or paleontological objects or meteorites shall report the discovery to the Centre.

25.3

The Centre shall take such steps as are reasonably necessary to ascertain and secure the heritage resource identified, or believed to exist, on the site and shall, where necessary, assist the person undertaking, or causing to be undertaken, an activity or development that could adversely affect the heritage resource to apply for a permit in accordance with section 23(7) of this Act.

25.4

A person who is in possession of an item which is an archaeological or paleontological object or meteorite on the date of commencement of this Act must, within the period as the Centre may determine by notice in the Gazette, notify the Centre of his or her possession of that item and provide the information prescribed in the notice in relation to the item.

25.5

An item in respect of which a person, without reasonable cause, does not give the notification under subsection (1) of this section, is deemed to have come into that person's possession after the commencement of this Act.

25.6

A person who gives notification under subsection (1) of this section in respect of an item of which that person or any other person acquired possession, otherwise than as contemplated in section 23, shall,

unless the Centre directs otherwise, retain possession of that item:

- a. in the case of an individual, until the person's death, or
- b. in the case of a body corporate or trust or an association of persons, until the date determined by the Centre by notice in the Gazette, and subject to such conditions for its preservation and protection as may be stated in the notice.

26. Permits

26.1

Unless authorised by a permit under section 23(7), a person shall not:

- a. export or attempt to export archaeological or paleontological objects or meteorites from Ghana
- b. have in his or her possession for the purpose of sale or export any archaeological or paleontological objects or meteorites.

26.2

An application for a permit to export an archaeological or paleontological object or a meteorite shall be made to the Centre in accordance with the terms specified by the Centre.

27. Administration and management of the National Centre for Monuments

The National Centre for Monuments shall have such divisions, sites or departments as the Board shall determine to be necessary for the efficient and effective functioning of the Centre.

27.1

The Board shall, pursuant to a rigorous competitive recruitment process, and in consultation with the Public Services Commission, appoint the following:

- a. a Director, who shall be the chief executive of the Centre
- b. a Curator, who shall be the head and administrator of a monument site
- c. the Head of a unit or department, who shall be the lead expert and coordinator of programmes, projects and talent within a given field of expertise in the Centre.

27.2

The Director shall, subject to the general direction of the Board, be responsible for the day-to-day administration of the National Centre and ensure the efficient and effective implementation of corporate policies and approved programmes and other decisions of the Board.

27.3

The officers of the Centre appointed under section 10(1) of this Act shall be responsible to the Board in the performance of their functions under this Act.

28. Other officers and employees

28.1

Without prejudice to section 16 of this Act, the Centre shall employ such other officers and employees as may be reasonably necessary for the proper and effective discharge of its functions.

28.2

The other officers and employees of the Centre shall be appointed by the Board in consultation with the Public Services Commission.

28.3

The Board may create such lower structures as it may consider necessary to facilitate the operations of the Centre.

29. Financial provisions

29.1

The funds of the Centre shall

include:

- a. subventions from the Government of Ghana
- b. monies that accrue to the Centre in the performance of its functions consisting of:
 - » fees, charges and dues in respect of services rendered by or through the Centre
 - » proceeds from the sale of publications produced by the Centre
 - » grants, subscriptions, rents and royalties
- c. interest from investments
- d. endowments, donations and gifts
- e. monies from any other source approved by the Board.

29.2

Any sum of money received by or on behalf of the Centre shall be paid into a bank account of the Centre opened by or on the authority of the Monuments Board.

29.3

For the avoidance of doubt, monies received by or standing to the credit of an establishment of the Centre shall form part of the funds of the Centre as defined under this Act.

29.4

The Board may invest the funds of the Centre that are not required for immediate use as it considers appropriate.

30. Accounts and auditing

30.1

The Board shall ensure that the Centre keeps books of account and proper records in relation to them in the form approved by the Auditor-General.

30.2

The Board shall submit the annual accounts of the Museum to the Auditor-General for audit within three months after the end of the financial year and shall cause the

accounts to be published at the time and in the manner that it considers appropriate.

30.3

The accounts shall be under the signature of the Director and the Finance Officer.

30.4

The Auditor-General shall, no later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the relevant minister.

30.5

The financial year of the Centre shall be the same as the financial year of the Government.

31. Triennial parliament report

31.1

The Board shall present to Parliament a report covering the activities of the Centre every three years and make that report available to the public.

31.2

The report shall cover the operations, admissions, sources, use of funds, challenges, significant events and major policies of the Centre and shall include the report of the Auditor-General for the years to which the report relates.

32. Tax exemptions

The Centre is exempt from the payment of tax, duties and other charges that the minister responsible for finance may determine with the prior approval of Parliament.

33. Disclosure of interest

33.1

A member of the Board or an organ of the Centre who has an interest, whether directly or indirectly, in a matter for consideration by the Board or organ of the Centre:

- a. shall disclose the nature of that interest; the disclosure shall form part of the record of the consideration of the matter
- b. shall not participate in the deliberations of the Board or organ of the Centre in respect of that matter.

33.2

A member ceases to be a member of the Board, or organ of it, if that member has an interest in a matter before the Board or organ and:

- a. fails to disclose that interest, or
- b. participates in the deliberations of the Board or organ in respect of the matter.

33.3

The Board may nullify a decision taken in which the interested member participated to the extent necessary.

PART III

NATIONAL PARKS AGENCY

- » There is hereby established a National Parks Agency, referred to in this Act as the “Agency”, which shall be a body corporate with perpetual succession and a common seal, and which may sue or be sued in its own name.
- » The Agency shall have power to acquire, hold or dispose of land and other property and enter into any contractual or other transaction.

34. The National Parks Board

34.1

The National Parks Board
There is hereby established a National Parks Board which shall consist of ten persons appointed as follows:

- a. Seven members appointed by the President
- b. Three members appointed by the Board.

34.2

A person appointed to the Board shall be of not less than ten years' standing in at least one of the following fields:

- a. Landscape Engineering and related disciplines
- b. Archaeology
- c. Anthropology and related disciplines
- d. Science
- e. Archival Sciences
- f. Education
- g. Finance
- h. Law
- i. Traditional Leadership
- j. Geography and related disciplines
- k. Conservation.

34.3

A person appointed to the National Parks Board shall hold that position for a period of five years and may be reappointed for a further term of five years.

34.4

The Board shall elect a Chairperson from among its members and a Chairperson so elected shall preside over the Board's activities for a period of five years.

35. Mission, aims, and objectives

35.1

The mission and vision of the National Parks Agency shall be the cultivation of a new and vibrant culture of the use and enjoyment of national parks and reserves in Ghana, through which a new, inclusive and empowering national narrative of Ghanaian identity and personhood shall be crafted and inculcated.

35.2

For the purposes of achieving its vision, the Board aims to:

- a. promote community ownership and participation in the establishment, use and sustenance of parks and reserves across the country
- b. cultivate the use of public parks for entertainment
- c. make public parks and reserves places of rewarding and enjoyable learning
- d. foster knowledge-seeking and knowledge-sharing about the vegetation, wildlife and ecology of the territory of Ghana.

36. Functions of the Board

36.1

The Board shall therefore:

- a. identify sites which ought to be preserved as parks or reserves
- b. keep a record of all existing national parks and reserves
- c. preserve, protect and maintain

- d. parks and reserves pursuant to its objectives
- d. engage with communities to create and display parks and reserves; their wildlife or ecosystems, their history and impact on the life and culture of the communities of Ghana and other parts of the world
- e. foster, sponsor, facilitate or engage in research pursuant to its mission
- f. sponsor, produce, facilitate, collaborate or organise events and activities to achieve its mission.

37. Powers of the Board

37.1

The Board shall have the power to:

- a. acquire and hold property, including for financial gain
- b. assume control over any site worthy of preservation as a park or reserve with the consent of the person having ownership or control thereof
- c. erect notices or tablets in suitable places to provide information about parks, provided that prior written permission is obtained from the owner or person otherwise controlling a site or monument; which permission shall not be unreasonably withheld.
- d. prohibit any encroachment, poaching, farming or other commercial activity on a park or reserve
- e. enter into transactions with private person(s) for the purposes of achieving its mission and objectives
- f. hire such staff as it deems necessary on such terms as it can reasonably support from its own resources.

37.2

The Board shall by Legislative Instrument make regulations to provide for the submission, gifting,

borrowing or returning of an object to or under its control, or for the application of any permit required under this Part of the Act.

37.3

The Board shall by Legislative Instrument publish regulations for an application and criteria for the approval of an application required under this Part of the Act.

38. Meetings of the Board

38.1

The Board shall meet at least once every quarter at such reasonable places and times as the Chairperson of the Board may determine.

38.2

The Chairperson may, in a written request sent to no fewer than five members of the Board, convene a special meeting of the Board at such reasonable time and place as he or she may determine.

38.3

A request made by members of the Board for a special meeting shall be addressed to the Chairperson at least five working days before the date of the meeting with an agenda of the business to be addressed.

38.4

The Chairperson shall preside over all meetings of the Board but, in his or her absence, a member chosen by members present from among themselves shall preside at that meeting.

38.5

A decision of the majority of the members of the Board present at any meeting of the Board shall be deemed to be a decision of the Board, and, in the event of an equality of votes, the Chairperson or the member presiding shall have the casting vote.

38.6

The quorum at any meeting of the Board shall be five.

39. Committees

39.1

The Board may appoint from among its members such committees as it may consider necessary and may delegate to any such committee such of its powers as it may specify.

39.2

A committee of the Board may co-opt additional members not exceeding one-third of the total number of members of the committee.

39.3

No vacancy among the members of the Board, or defect in the appointment of any such member, shall affect the validity of any act or proceeding of the Board.

40. Allowances

The Chairperson and other members of the Board shall be paid such allowances as it shall determine except that such allowances shall be paid by the Agency from its own funds and after it has paid its expenses.

41. Conservation areas

41.1

The Agency may, after consultations with the relevant local authority and traditional leaders, by notice in the Gazette, declare any area defined in the notice to be a conservation area on the ground of its historic, aesthetic or scientific interest.

41.2

A person must apply for a permit to undertake the following kinds of work within a conservation area no less than 90 days before the work is planned to begin:

- a. a development which exceeds 10,000 sq. m
- b. the construction of a road, railway, wall, powerline, pipeline, canal or any other similar form of linear

- development or barrier exceeding 300m in length
- c. the construction of a bridge or similar structure exceeding 50m in length.

41.3

The Agency shall, not later than 30 days after receipt of the notification, publish a notice of the application and thereafter take representations from the general public as to the impact of the development or construction on the community where it is located as well as on the national community.

41.4

The Agency shall make a decision in respect of the application no more than 60 days after the date of receipt of the application.

41.5

In making its decision, the Agency shall take the objections raised into consideration, paying particular attention to the views of the community in which it is located.

42. Administration and management of the National Parks Agency

The Agency shall have such divisions, sites or departments as the Board shall determine to be necessary for the efficient and effective functioning of the Agency.

42.1

The Board shall, pursuant to a rigorous competitive recruitment process, and in consultation with the Public Services Commission, appoint the following:

- a. a Director, who shall be the chief executive of the Agency
- b. a Custodian, who shall be the head and administrator of a Park or Reserve
- c. the Head of a unit or department, who shall be the lead expert and coordinator of programmes, projects and talent

within a given field of expertise in the Agency.

42.2

The Director shall, subject to the general direction of the Board, be responsible for the day-to-day administration of the National Agency and ensure the efficient and effective implementation of corporate policies and approved programmes and other decisions of the Board.

42.3

A person appointed by the Board under section 34 (1) of this Act shall hold office for a period of five years and shall be eligible for two further terms of five years provided that a person shall not be appointed or reappointed to the position of Director unless he or she is able to serve at least four years of the term before attaining the age of compulsory retirement.

42.4

The officers of the Agency appointed under section 43(1) of this Act shall be responsible to the Board in the performance of their functions under this Act.

43. Other officers and employees

43.1

Without prejudice to section 10 of this Act, the Agency shall employ such other officers and employees as may be reasonably necessary for the proper and effective discharge of its functions.

43.2

The other officers and employees of the Agency shall be appointed by the Board in consultation with the Public Services Commission.

43.3

The Board may create such lower structures as it may consider necessary to facilitate the operations of the Agency.

44. Financial provisions

44.1

The funds of the Agency shall include:

- a. subventions from the Government of Ghana
- b. monies that accrue to the Centre in the performance of its functions consisting of:
 - » fees, charges and dues in respect of services rendered by or through the Agency
 - » proceeds from the sale of publications produced by the Agency
 - » grants, subscriptions, rents and royalties
- c. interest from investments
- d. endowments, donations and gifts
- e. monies from any other source approved by the Board.

44.2

A sum of money received by or on behalf of the Agency shall be paid into a bank account of the Agency opened by, or on the authority of, the National Parks Board.

44.3

For the avoidance of doubt, monies received by or standing to the credit of an establishment of the Agency shall form part of the funds of the Agency as defined under this Act.

44.4

The Board may invest the funds of the Agency that are not required for immediate use as it considers appropriate.

45. Accounts and auditing

45.1

The Board shall ensure that the Agency keeps books of account and proper records in relation to them in the form approved by the Auditor-General.

45.2

The Board shall submit the annual accounts of the Agency to the Auditor-General for audit within three months after the end of the

financial year and shall cause the accounts to be published at the time and in the manner that it considers appropriate.

45.3

The accounts shall be under the signature of the Director and the Finance Officer.

45.4

The Auditor-General shall, no later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the relevant minister.

45.5

The financial year of the Agency shall be the same as the financial year of the Government.

46. Triennial parliament report

46.1

The Board shall present to Parliament a report covering the activities of the Museum every three years and make that report available to the public.

46.2

The report shall cover the operations, admissions, sources, use of funds, challenges, significant events and major policies of the Agency, and shall include the report of the Auditor-General for the years to which the report relates.

47. Tax exemptions

The Agency is exempt from the payment of tax, duties and other charges that the minister responsible for finance may determine with the prior approval of Parliament.

48. Disclosure of interest

48.1

A member of the Board or an organ of the Agency who has an interest, whether directly or indirectly, in a matter for consideration by the Board or organ of the Agency:

- a. shall disclose the nature of that interest; the disclosure shall form part of the record of the consideration of the matter
- b. shall not participate in the deliberations of the Board or organ of the Agency in respect of that matter.

48.2

A member ceases to be a member of the Board, or organ of it, if that member has an interest in a matter before the Board or organ and:

- a. fails to disclose that interest, or
- b. participates in the deliberations of the Board or organ in respect of the matter.

48.3

The Board may nullify a decision taken in which the interested member participated to the extent necessary.

49. Offences

49.1

A person who contravenes, or fails to comply with an order, a notice or other condition imposed under this Act commits an offence and is liable to a fine not exceeding 10% of the value of the building, site or object to which the non-compliance relates.

49.2

A person who exports or causes to be exported an archaeological or paleontological object or a meteorite without a permit commits an offence and is liable to a fine not exceeding 10% of the value of the building or object to which the non-compliance relates.

49.3

A person who is found with an archaeological or paleontological object or a meteorite without a permit (proof of which shall be on him or her) commits an offence and is liable to a fine not exceeding 10% of the value of the building or object to which the non-compliance

relates; or to a term of mandatory community service for a period of not less than six months and not exceeding two years; or both a fine and mandatory service.

49.4

A person found within or near a park or reserve who is in possession of a specimen, whether organic or inorganic, without a permit (proof of which shall be on him or her) commits an offence and is liable to a fine not exceeding 10% of the value of the specimen to which the non-compliance relates; or to a term of mandatory community service for a period of not less than six months and not exceeding two years; or both a fine and mandatory service.

49.5

A person, who is found in possession of a specimen which is traced to a park or reserve, whether organic or inorganic, without a permit (proof of which shall be on him or her) commits an offence and is liable to a fine not exceeding 10% of the value of the building or object to which the non-compliance relates; or to a term of mandatory community service for a period of not less than six months and not exceeding two years; or both a fine and mandatory service.

49.6

An owner of a listed building to whom notice has been given in accordance with this Act who carries out, or causes or permits to be carried out, any work for the alteration or development of a listed building without prior written consent obtained in accordance with this Act commits an offence and is liable to a fine not exceeding 10% of the value of the building or object or site to which the alteration or development relates.