

N.R.C.D. 224

GHANA TOURIST CONTROL AUTHORITY ACT, 1973

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N.R.C.D. 224

GHANA TOURIST CONTROL AUTHORITY ACT, 1973

AN ACT to establish a tourist control board and to provide for related matters.

Establishment of the Authority

1. Establishment of the Authority

(1) There is hereby established a body corporate to be known as the Ghana Tourist Authority.

1. This Act was issued as the Ghana Tourist Control Board Decree, 1973 (N.R.C.D. 224) made on the 25th day of October, 1973 and notified in the *Gazette* on 2nd November, 1973. The name was changed to the Ghana Trust Board by section 1 of the Ghana Tourist Control Board (Amendment) Decree, 1977 (S.M.C.D. 80). The term "Authority" has now been used in view of the definition of "public corporation" in articles 190 and 295 of the Constitution.

(2) The Authority shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Authority shall have power for the performance of any of its functions, or for any of its purposes, under this Act to acquire and hold movable and immovable property and may dispose of the property, and to enter into a contract or any other transaction.

(4) Where there is a hindrance to the acquisition of property under subsection (3), the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A. 6) or under the State Lands Act, 1962 (Act 125) and each Act shall apply with respect to the acquisition, with the modifications that are necessary to provide for the vesting of the property acquired in the Authority and for the cost of the acquisition to be defrayed by the Authority.

2. Functions of the Authority

The Authority is responsible for the performance of the following functions:

- (a) the formulation of policy and co-ordination of activities on tourism;
- (b) the regulation and control of the tourist industry;
- (c) the marketing of tourism, both in Ghana and outside Ghana, including the publication of brochures;
- (d) research and studies on trends in the tourist industry;
- (e) registration, classification, licensing and control of standards in hotel accommodation and catering enterprises;
- (f) participation in the construction of tourism infrastructure and superstructure particularly in pilot schemes, either by itself or in joint venture with Ghanaian or foreign investors or both through the setting up of subsidiaries for specific projects as it considers necessary; and
- (g) any other matters affecting tourism generally.²

Administration

3. Governing body of the Authority

- (1) The governing body of the Authority is a Board consisting of a chairman and
- (a) one representative of the Ministry of Trade and Tourism,
 - (b) one representative of the Ministry of Information,
 - (c) one representative of the Ministry of Finance and Economic Planning,
 - (d) the person appointed Executive Director under section 6,
 - (e) one representative of the Bank of Ghana,
 - (f) *omitted*
 - (g) the Managing Director of the Ghana Tourist Development Company,
 - (h) one representative of the Armed Forces,

2. Substituted by section 2 of the Ghana Tourist Control Board (Amendment) Decree, 1977 (S.M.C.D. 80).

3. The paragraph provided for one representative of the Ghana Airways Corporation. The Corporation docs not exist now.

- (1) the Managing Director, State Hotels Corporation,⁴ and two
- 0) distinguished Ghanaians in the field of tourism

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

(3) The members of the Board shall hold office for two years, but a member may, at any time, by writing addressed to the President resign from office, or be removed by the President acting on the advice of the Minister.

(4) A member of Board ceasing to hold office is eligible for re-appointment.

(5) The chairman and the other members of the Board shall be appointed in accordance with article 70 of the Constitution, and shall hold office on the terms and conditions relating to the payment of remuneration and allowances determined by President.

4. Meeting of the Board

(1) The Board shall meet at least once a month.

(2) The chairman of the Board shall preside at the meetings of the Board, and in the absence of the chairman, 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 the members present and voting and, in the event of an equality of votes, the person presiding shall have a casting vote.

(4) The quorum at any meeting of the Board is five.

(5) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in their appointments.

5. Committees

The Board may appoint the committees which it considers necessary, consisting solely of its members or partly of its members and partly of other persons selected by the Board to perform any of its functions.

6. Staff

(1) The Authority shall have an executive director, who shall be chief executive and who shall be appointed by the President in accordance with article 195 of the Constitution on the terms and conditions specified in the letter of appointment.

(2) The executive director is responsible for the day-to-day management and administration of the activities of the Authority and shall act subject to the general directions given by the Board.

(3) The Authority shall employ officers and employees on the terms and conditions that the Minister in consultation with the Minister responsible for Finance may approve for the performance of its functions.

4. The Corporation is now defunct.

5. Substituted by section 3 of the Ghana Tourist Control Board (Amendment) Decree, 1977 (S.M.C.D. 80).

*Financial Provisions***7. Funds**

The funds of the Authority include

- (a) annual budgetary allocations made by the Government, and
- (b) any other moneys accruing to the Authority in performance of its functions, including endowments, grants and donations.

8. Accounts and audit

(1) The Authority shall, in the form approved by the Auditor-General, keep proper books of accounts and proper records.

(2) The financial year of the Authority shall be the period of twelve months ending on the 30th day of June, in each year.

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

(4) Accounts prepared under this section shall be submitted annually to the Auditor General by the Board and the Auditor-General shall audit the accounts.

(5) The Board shall, not later than three months after the end of the previous financial year, forward to the Minister a report of the activities of the Authority during the preceding financial year together with audited statements of accounts in respect of that year.

(6) The Minister shall transmit copies of the report and audited statement as soon as practicable to the President.

9. Transfer of assets and liabilities

(1) Despite anything to the contrary, the Minister may, by legislative instrument, transfer to any other person, or otherwise deal with any of the assets, rights, liabilities and obligations, which immediately before the commencement of this Act, vested in or subsisted against the Ghana Tourist Corporation, set up by Ghana Tourist Corporation Act, 1970 (Act 349).

(2) Until the Minister exercises the powers conferred by subsection (1), the assets, rights, liabilities and obligations shall vest in or subsist against the Board.

10. Tax exemption

Subject to article 174 of the Constitution, the Authority is for its own purposes exempt from the payment of purchase tax, import duty and any other prescribed tax.

*Miscellaneous***11. Powers of Minister**

(1) The Minister may give directions of a general or specific nature to the Board as to the policy or activities of the Authority and the Authority is bound to comply with those directions.

- (2) The Minister may, by direction in writing generally or addressed to particular person,
- (a) prohibit a tour or charter flight;
 - (b) impose conditions on the operation of a tour or charter flight, including conditions as to the organisation, control or financial administration of that tour or charter flight;
 - (c) vary the conditions on which a tour or charter flight may take place;
 - (d) require an Organiser of a tour or charter flight to make good the loss of public funds arising in respect of a tour or charter flight which takes place;
 - (e) require an Organiser of a tour or charter flight to make good to a tourist a loss to that tourist caused by the unreasonable neglect or default of that Organiser;

and a person to whom the direction is addressed is bound to comply with that direction.

- (3) The Minister may, by legislative instrument, make Regulations in respect of any of the matters referred to in subsection (2).

(4) A person who disregards or fails to comply with a written direction from the Minister given under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five hundred penalty units or in default of payment to a term of imprisonment not exceeding two years.

12. Regulations

The Board may recommend to the Minister the making of Regulations by legislative instrument for the purpose of carrying out the principles and provisions of this Act.

13. Repeal and saving

(1) The Ghana Tourist Corporation Act, 1970 (Act 349) is hereby repealed and accordingly the Board set up under that Act is hereby dissolved.

(2) Despite the repeal of the Act, the Regulations made under that Act shall continue to have effect as if made under the corresponding provisions of this Act until amended or revoked.

14. Interpretation

- (1) In this Act, unless the context otherwise requires, "Authority" means the Authority established by section 1;

"Board" means the governing body of the Authority;

"charter flight" includes a flight, whether taking place wholly within Ghana or partly within Ghana and partly outside Ghana, on which the entire space is hired by one person at a reduced rate on behalf of a group of persons;

"Minister" means the Minister responsible for Tourism;

"tour" includes a conveyance of person by land, sea or air for the purposes of tourism.

(2) A doubt as to whether any thing is a charter flight or a tour for the purposes of this Act shall be determined by the Minister.