

N.R.C.D. 224

GHANA TOURIST CONTROL AUTHORITY ACT, 1973

ARRANGEMENT OF SECTIONS

Establishment of the Authority

SECTION

1. Establishment of the Authority.
2. Functions of the Authority.

Administration

3. Governing body of the Authority.
4. Meetings of the Board.
5. Committees.
6. Staff.

Financial Provisions

7. Funds.
8. Accounts and audit.
9. Transfer of assets and liabilities.
10. Tax exemption.

Miscellaneous

11. Powers of Minister.
12. Regulations.
13. Repeal and savings.
14. Interpretation.

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.

ACT 310

GHANA WATER AND SEWERAGE CORPORATION ACT, 1965

ARRANGEMENT OF SECTIONS

Establishment and Administration

SECTION

1. Establishment of the Corporation.
2. Objects of the Corporation.
3. The Board.
4. Execution of functions.
5. Meetings of the Board.
6. Chief executive.
7. Corporation to be run on practice as a public utility enterprise.

Financial Provisions

8. Borrowing powers.
9. Assets and reserves.
10. liability and responsibility.
11. Accounts.
12. Audit.
13. Auditor's report.

Miscellaneous

14. Regulations.
15. Relations with local authorities.
16. Exemption from tax.
17. Interpretation.
18. Repeal.
19. Commencement.

ACT 310

GHANA WATER AND SEWERAGE CORPORATION ACT, 1965.

AN ACT to establish the Water and Sewerage Corporation, to provide for its functions and maintenance and to provide for related matters.

1. The Act was assented to on 22nd October, 1965 and came into force on 1st September, 1966.

*Establishment and Administration***I. Establishment of the Corporation**

(1) There is hereby established a body corporate to be known as the Water and Sewerage Corporation.

(2) The Corporation is a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name and may, for the purposes of this Act, enter into a contract and any other transaction.

(3) The Corporation 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. Objects of the Corporation

(1) The objects of the Corporation are

- (a) the provision, distribution and conservation of the supply of water for public domestic and industrial purposes, and
- (b) the establishment, operation and control of sewerage systems.

(2) For the purposes of subsection (1), the Corporation shall

- (a) prepare long-term plans in consultation with the appropriate co-ordinating authority established by the President;
- (b) conduct research relative to water, sewerage and connected subjects;
- (c) make engineering surveys and plans;
- (d) construct and operate works;
- (e) set the standards relative to water supply and sewerage in collaboration with the appropriate authorities selected for the purposes of this Act by the President;
- (j) determine adequate rates, charges or fees, and effective methods for collection of the fees for water and sewerage services furnished to users; and
- (g) conduct any other related or incidental activity.

(3) For the purpose of carrying out its objects the Corporation may, by its officers, other employees or agents

- (a) after giving notice to the owner or occupier of any land or premises, enter on that land or premises and dig trenches, lay pipes and do any other acts reasonably necessary for the carrying out of any of those objects, and
- (b) enter a road or place to which the public have access for the carrying out of any of those objects.

(4) The Corporation shall do as little damage as possible in the exercise of its powers under subsection (3), and shall pay compensation for damage caused by the exercise of those powers, and the liability for, and the amount of the compensation shall, in case of a dispute, be settled in accordance with the Arbitration Act, 1961 (Act 38).

3. The Board

- (1) The governing body of the Corporation is a Board consisting of,
- (a) the chairman,
 - (b) the person appointed as the managing director of the Corporation or the representative of that director,
 - (c) the Chief Director of the Ministry responsible for the Corporation, or the representative of the Director,
 - (d) the Chief Director of the Ministry of Economic Affairs, or the representative of the Director, and
 - (e) three other persons.²

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

(3) The chairman and the other members of the Board specified under subsection (2) (e) shall hold office for a period of three years.³

(4) A person is not qualified to be a member of the Board who is a member of a District Assembly or any other body having authority to enact laws which have effect throughout the Republic.

(5) A person is not qualified to be a member of the Board if, having been declared as insolvent or bankrupt under a law in force in the Republic or in any other country, is an undischarged insolvent or bankrupt.

(6) A person shall not be appointed as the chairman or member of the Board unless that person has experience of, and has demonstrated competence in, public utility operation and practice, industry, trade, finance, science and administration and is not an employee of the Corporation and not more than one of those persons is employed by the Government.⁴

(7) The Board may pay to its members, other than the managing director, subsistence, travelling and any other allowances at the rates approved by the Minister.

(8) The managing director shall be appointed for the period and on the terms and conditions determined by the Presidents

(9) The chairman and a member of the Board appointed under subsection (1) (e) may resign from office by notice in writing addressed to the President, and may be removed from office by the President if that person

- (a) becomes a person of unsound mind,

2. Substituted by the Ghana Water and Sewerage Corporation Act, 1961 (Amendment) Decree, 1969 (N.L.C.D.391).

3. Amended by the Ghana Water and Sewerage Corporation Act, 1965 (Amendment) Decree, 1969 (N.L.C.D.391).

4. Subsections (4), (5) and (6) were inserted by the Ghana Water and Sewerage Corporation Act, 1965 (Amendment) Decree, 1969 (N.L.C.D. 391) as subsection (3) (a), (b) and (c).

5. Amended by the Ghana Water Sewerage Corporation Act, 1965 (Amendment) Decree, 1969 (N.L.C.D. 391). This subsection was subsection (5).

- (b) is declared insolvent or bankrupt under a law in force in the Republic or in any other country,
- (c) suspends payment or compounds with the creditors of that person,
- (d) is absent from three consecutive meetings of the Board without a reason that appears to the President to be sufficient,
 - (e) is sentenced to death or to imprisonment for a term exceeding twelve months without the option of a fine or is convicted of an offence involving dishonesty,
- (j) is guilty of serious misconduct in relation to the functions as chairman or member of the Board, or
- (g) being a person possessed of professional qualifications is disqualified or suspended, otherwise than at the personal request of that person, from practicing that person's profession in the Republic or in any other country by order of a competent authority made in respect personally of that person.

(10) Where the office of the chairman or a member of the Board appointed under subsection (1) (e) becomes vacant before expiration of the term of office, the President shall, without prejudice to subsection (12), appoint another person to hold office for the unexpired portion of that term of office.

(11) Where it appears to the President that a member of the Board is unable, owing to absence from the Republic, or illness or any other sufficient cause to perform the functions of office under this Act, the President may appoint another person to hold that office until the President is satisfied that the member is able to perform those functions or until the term of that member expires, whichever occurs first

(12) A member is eligible for re-appointment.

4. Execution of functions

The Corporation shall perform its functions in accordance with this Act, being guided by the Minister in matters of general policy.

5. Meetings of the Board

(1) The Board shall meet at least once in every month 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 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 second or casting vote.

(4) The quorum at a meeting of the Board is four.

6. Amended by the Ghana Water and Sewerage Corporation Act, 1965 (Amendment) Decree, 1969 (N.L.C.D.391). "

(5) The Board may make by-laws or any other instruments, not inconsistent with this Act, for the purpose of regulating its business or any other matter falling within the scope of its functions.

(6) The Board may co-opt a person to act as adviser at any of its meetings but a person co-opted is not entitled to vote at the meeting on a matter for decision by the Board.

(7) The validity of a proceeding of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.

6. Chief executive

Subject to the directions given by the Board on matters of general policy the managing director is the chief executive officer of the Corporation and is charged, subject to those directions, with the conduct of its business, its administration and organisation, and subject to article 195 of the Constitution with the selection, control and dismissal of the staff and employees of the Corporation and with the determination of their conditions of service.

7. Corporation to be run on practice as a public utility enterprise

The Corporation shall manage its affairs in accordance with the practices observed in public utility enterprises and in particular shall perform its functions under this Act so as to ensure that, taking one year with another, its revenues are equal to or greater than its outgoings.

Financial Provisions

8. Borrowing powers

(1) Subject to article 181 of the Constitution, the Corporation may obtain loans and other credit facilities on the guarantee of the Government from the National Investment Bank or from any other bank approved by the Minister responsible for Finance.

(2) In addition to subsection (1), the Corporation may, with the prior approval of the Minister responsible for Finance, borrow money from any other source.

(3) For the purposes of the technical arrangements in connection with the raising of a loan under subsection (2), the Corporation shall, if the National Investment Bank agrees, use the services of that Bank.

9. Assets and reserves

(1) There shall be vested in the Corporation the assets that are transferred to the Corporation by the Minister by executive instrument and any other assets transferred to it by any other persons.

(2) The Corporation may receive grants from the Government for development and as working capital.

(3) The Corporation shall establish and maintain by annual payments from its earnings a depreciation fund for the replacement of fixed assets which become worn out or become obsolete, and shall establish the capital sinking funds required for expansion and development financing.

10. Liability and responsibility

(1) The Corporation is responsible for the liabilities and contracts incurred or entered into by any other person or authority before the date of the commencement of this Act in respect of an object of the Corporation and specified in an executive instrument made by the Minister under this subsection and the matters relating to those liabilities and contract shall be carried out on and after that date by the Corporation as if the Corporation were the other person or authority.

(2) The Corporation shall continue in employment the employees of that other person or authority on and after that date on the terms and conditions fixed by the Corporation.

11. Accounts

(1) The Corporation shall keep proper books of account and proper records in relation to the accounts in the form approved by the Auditor-General.

(2) Subject to the directions as to form that the Minister responsible for Finance, and the Minister may jointly give, the Corporation shall prepare, in respect of each financial year, a statement of accounts which shall include

- (a) a balance sheet, a statement of income and expenditure and a statement containing the information which, had the Corporation been a company registered under the Companies Act, 1963 (Act 179) , would be required to be laid before the company by the directors at an annual meeting, and
- (b) . any other information in respect of the financial affairs of the Corporation required by the Minister or the Minister responsible for Finance.

(3) The Corporation shall, as soon as possible, but within six months⁷ after the end of each financial year, submit an annual report to the Minister, in the form that the Minister prescribes, which shall include the statements of account specified in subsection (2) and the Minister shall as soon as practicable lay the report before Parliament.

(4) The Corporation shall submit to the Minister any other report of its financial affairs required by the Minister.

12. Audit

(1) The books and accounts of the Corporation shall be audited each year by the Auditor-General.

(2) The Auditor-General shall, not later than six months after the end of each financial year forward to the Minister a copy of the audited accounts of the Corporation for the financial year immediately preceding.

13. Auditor's report

(1) The Auditor-General shall report annually to the Minister the result of the examination of the accounts and financial statement of the Corporation, and the report shall state whether

- (a) proper books of account have been kept by the Corporation;

7. "Six" has been Substituted for "three" in view of clause (5) of article 187 of the Constitution. 8. See footnote 7.

(b) the financial statement of the Corporation

- (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account;
- (ii) in the case of the balance sheet, gives a true and fair view of the state of the Corporation's affairs as at the end of the financial year; and
- (iii) in the case of the statement of income and expenses, gives a true and fair view of the income and expenses or profit and loss of the Corporation for the financial year,

and the Auditor-General shall call the attention of the Minister to any other matter falling within the scope of the examination which should be brought to the attention of Parliament.

(2) The Auditor-General shall from time to time make to the Corporation or to the Minister any other reports necessary or that the Minister responsible for Finance or the Minister may require.

Miscellaneous

14. Regulations

The Board may, with the approval of the Minister, by legislative instrument, make Regulations

- (a) in respect of a matter required under this Act to be prescribed;
- (b) fixing water rates, sewerage charges and other fees necessary for giving effect to a matter specified in this Act;
- (c) for the prevention of the wastage of water;
- (d) for the suspension of water supply;
- (e) for the prevention of the pollution of water;
- (f) for the inspection of the appliances by which or in connection with which water is supplied or sewerage systems are established;
- (g) for the conditions of service of the staff of the Corporation including conditions for the establishment of a provident fund or pension fund scheme; and
- (h) for any other matter for carrying out the principles and provisions of this Act.

15. Relations with local authorities

(1) A council within the meaning of the Local Government Act, 1993 (Act 462) shall exercise an object conferred or deemed to be conferred under that Act, subject to the directions given by the Corporation, if the object is connected with or incidental to an object of the Corporation specified in section 2.

(2) The Corporation shall have preference over any other authority in the use of water resources for public, domestic and industrial purposes and where there is a doubt as to the meaning of the expression "public domestic and industrial purposes" in section 2 the doubt shall be resolved by the Minister.⁹

9. The words "whose decision shall be final" have been omitted as offending clause (3) of article 125 of the Constitution.

16. Exemption from tax

Subject to article 174 of the Constitution, the Corporation shall be exempt from the payment of income tax or any other prescribed tax.

17. Interpretation

In this Act, unless the context otherwise requires,

"**Auditor-General**" includes an auditor appointed by the Auditor-General;

"**Board**" means the governing body established under section 3;

"**Corporation**" means the Corporation established under section 1;

"**District Assembly**" includes a Municipal or Metropolitan Assembly;

"**financial year**" means the financial year of the Government;¹¹

"**functions**" include powers and duties;

"**Minister**" means the Minister to whom the functions under this Act have been assigned by the President.

18. Repeal

*Spent*¹¹

19. Commencement

*Spent*¹²

10. Substituted by section 1 of the Ghana Water and Sewerage Corporation ACT, 1965 (Amendment) Decree, 1968 (N.L.C.D. 247). The Decree further provided that,
- "2. (1) Notwithstanding anything in the principal enactment before the commencement of this Decree the period beginning with the commencement of the principal enactment and ending on the 31 day of December, 1966 shall for all purposes be deemed to have been the first financial year of the Water and Sewerage Corporation.
- (2) For the purposes of the definition of the financial year of the said Corporation as substituted by paragraph] of this Decree the period beginning with the 1st day of January, 1968 and ending on the 30th day of June, 1968 shall be deemed to be a financial year."
11. This section provided that,
- "The Waterworks Ordinance, (Cap. 67) is hereby repealed:
- Provided that any statutory instrument made under that Ordinance, and in force on the day immediately before the date of commencement of this Act shall, until such instrument is amended or rescinded, continue in force under the corresponding provisions of this Act."
12. This section provided that,
- "The Act should come into force on a date appointed by legislative instrument. The Ghana Water and Sewerage Corporation Act, 1965 (Commencement Instrument) 1966 (LI. 5)9 appointed the 1st day of September, 1966, as the day on which the Act shall come into force."

CAP. 149
GOLD MINING PRODUCTS PROTECTION ACT, 1909
ARRANGEMENT OF SECTIONS

SECTION

1. Dealing in gold mining products prohibited.
2. Restriction on imported gold.
3. Business of a goldsmith not to be carried on without a licence.
4. Power of search.
5. Revocation of goldsmith's licence on conviction.
6. Purchases and sales by banks of gold mining products.
7. Gold security permit.
8. Interpretation.

SCHEDULE

Forms of Licence

CAP 149
GOLD MINING PRODUCTS PROTECTION ACT, 1909¹

AN ACT to provide for the protection of gold mining products and for related matters.

1. Dealing in gold mining products prohibited

(1) A person shall not, without the consent of the Minister in writing, deal in or purchase a gold mining product.

(2) Subsection (1) does not apply to gold mining products passing under an assignment or transfer by a concession holder of the concession or a part of the concession.

(3) A person who contravenes subsection (1), and a person found in possession of gold reasonably suspected of being a gold mining product, and who does not prove to the satisfaction of the Court that the gold was obtained in a lawful manner commits an offence and is liable,

(a) on a first conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment² not exceeding two years, or to both the fine and the imprisonment; and

1. The Act was enacted in 1909, it came into force on 15th February, 1909 as the Gold Mining Products Ordinance, 1909 (No. 1 of 1909), and was reproduced as Cap. 149 of the Laws of the Gold Coast.

2. The words "with or without hard labour" in paragraphs (a) and (b) have been omitted as the practice of hard labour infringes article 15 of the Constitution.

(b) on each subsequent conviction, to a fine not exceeding one thousand penalty units or to a term of imprisonment with or without hard labour not exceeding five years, or to both the fine and the imprisonment, and the gold mining product unlawfully dealt in, purchased or obtained shall be forfeited unless within six months from the date of conviction a person applies for the restoration of the product and proves ownership or lawful entitlement to the custody or possession of the gold mining product to the satisfaction of the High Court.³

(4) The jurisdiction conferred by subsection (3) on the High Court may be exercised by a District Magistrate; but the Magistrate shall not impose a fine of more than two hundred and fifty penalty units or a term of imprisonment for which the District Magistrate does not have jurisdiction to impose.⁴

(5) The forfeited gold mining products shall be disposed of for the benefit of the Consolidated Fund in the manner directed by the Minister.

(6) Dealing in or purchasing or possession by an employee in the service of a goldsmith is prima facie dealing in or purchasing or possession by the goldsmith, the proof of which to the contrary lies on the goldsmith.

2. Restriction on imported gold

(1) A person shall not sell or attempt to sell personally or by any other person in the service or on behalf of that person an imported gold except with the prior consent in writing of the Minister.

(2) A police officer not below the rank of Assistant Superintendent of Police may, on due application being made to that officer by a goldsmith, issue to the goldsmith a permit to purchase imported gold which permit is subject to the conditions endorsed on the permit.

(3) A person shall not personally or by any other person in the service or on behalf of that person purchase or attempt to purchase an imported gold unless under the authority of a permit.

(4) A person who contravenes a provision of subsection (1), (2) or (3), and a person found in possession of an imported gold without the consent of the Minister in writing to sell imported gold, or a permit to purchase imported gold, and who does not prove possession of the imported gold prior to the coming into force of this Act, to the satisfaction of the Court commits an offence and is liable on conviction to a fine not exceeding five hundred penalty units or to a term of imprisonment not exceeding two years, or to both the fine and the imprisonment and the imported gold shall be forfeited and shall be dealt with as provided in subsection (5) of section 1.

(5) For the purposes of this section, gold other than gold jewellery, shall be deemed to be imported gold, proof to the contrary of which lies on the person selling, purchasing or in whose possession the gold is found.⁶

3. Amended by the Gold Mining Products Protection Amendment Act, 1938 (No. 15, section 2).

4. Added by Gold Mining Products Protection Amendment Act, 1929 (No. 18, section 2), and amended by Ordinances Extension Act (No. 30, section 2) and revised to conform with the Courts Act.

5. Substituted by the Administration Amendment Act, 1910 (No.2, section 2).

6. The subsection was added by the Gold Mining Products Protection (Amendment) Act, 1947 (No.4, section 4).

3. Business of a goldsmith not to be carried on without a licence

(1) A person shall not carry on the business of a goldsmith unless that person has obtained a licence issued in that behalf.

(2) A licence under subsection (1), other than a hawking licence, shall be granted by the competent police authority for the district in which the business premises of the goldsmith are situated, and shall specify the name, residence, and business premises of the goldsmith, and the licence shall only have effect in respect of the premises named in the licence.⁷

(3) A hawking licence shall be granted by the competent police authority for the district in which the hawker resides, and shall specify the name and residence of the hawker, and the licence shall have effect throughout the Republic.⁸

(4) The fee for a goldsmith's licence shall be,

(a) ₵1,000,000 and ₵100,000 for a medium scale industry and a traditional goldsmith respectively for first registration;

(b) ₵500,000 and ₵100,000 for a medium scale industry and traditional goldsmith respectively for annual renewal of the licence which shall be on the 31st December.⁹

(5) A licence shall be in the form set out in the Schedule.

(6) A person carrying on the business of a goldsmith without the prescribed licence or, being the holder of a licence, otherwise than in accordance with the terms of the licence commits an offence and is liable on conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months, or to both the fine and the imprisonment.

(7) The competent police authority may refuse to grant a licence, but the Minister may nevertheless on petition by the applicant direct a licence to be granted

(8) The holder of a licence, other than a hawking licence, shall keep suspended or fixed on the outside of the licensed premises a sign-board inscribed in legible letters with the name of the holder and the words "licensed goldsmith," and the holder of a hawking licence shall produce the licence when required so to do by a person in the service of the Government.

(9) A person who contravenes a provision of subsection (8) commits an offence and is liable on a first conviction to a fine not exceeding fifty penalty units and on a subsequent conviction, in addition to the fine, to the forfeiture of the licence.

7. Amended by section 3 of the Mineral Rights Amendment Act, 1923 (No.2).

8. Amended by section 2 of the Constabulary Amendment Act, 1923 (No.2) and section 2 of the Ordinances Extension Act, 1935 (No. 35).

9. Substituted by section 2 of the Gold Mining Products Protection (Licence Fees) Act, 1932 (No.3) and further amended by the Gold Mining Production Protection Ordinance (Amendment) Law, 1983 (P.N.D.C.L 54) which was deemed to have come into force on the 21st day of April, 1983 and by the Ghana Gold Mining Production Protection Ordinance (Amendment) Act, 2001 which was deemed to have come into force on 31st August, 2001.

10. Amended by section 3 of the Arms and Ammunitions Amendment, 1923 (No.2).

(10) This section does not prevent a goldsmith from carrying on business at more than one place or from trading in different districts as a goldsmith where separate licences are obtained.

4. Power of search

(1) The Regional Minister or the District Chief Executive or an officer authorised by one of them in writing, or a member of the Police Service not below the rank of Sub Inspector, may between the hours of 6 a.m. and 6 p.m., search the premises or residence or stock-in-trade of a goldsmith for gold mining products.

(2) A person who obstructs the Regional Minister, the District Chief Executive, an officer or a member of the Police Service in the exercise of the power conferred under subsection (1) commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty penalty units, or to a term of imprisonment not exceeding three months, or to both the fine and the imprisonment and if the holder of a licence, shall forfeit the licence.¹¹

5. Revocation of goldsmith's licence on conviction

A Court before which a holder of a goldsmith's or hawker's licence is convicted of an offence under this Act or of an offence involving dishonesty in relation to the business of the holder may, subject to section 3 (8) and (9) order the licence to be revoked.²

6. Purchases and sales by banks of gold mining products

(1) Despite any other provision of this Act, and subject to the Regulations made under subsection (6) of this section a commercial bank

(a) may purchase gold mining products from a company engaged in the gold mining industry in the Republic, and

(b) may sell a gold mining product so purchased to a goldsmith who holds a valid licence granted under section 3 and who produces to the bank an appropriate permit signed personally by a police officer not below the rank of Assistant Superintendent of Police and granted by that police officer authorising the goldsmith to purchase gold mining products under this section.¹³

(2) A purchase or sale of gold mining products or imported gold shall not exceed, in quantity or in value, the quantity or value specified in the permit or otherwise than in accordance with the terms of the permit.

(3) A purchase or sale which contravenes subsection (2) of this section constitutes an offence against subsections (2) and (3) of section 2.¹⁴

(4) A permit shall be issued in the prescribed form.

11. Amended by section 2 of the Ordinances Extension Act, 1935 (No. 30).

12. Added by section 2 of the Gold Mining Products Protection (Amendment) Act, 1940 (No. 48).

13. Amended by section 2 of the Gold Mining Products Protection Amendment Act, 1927 (No. 29) and section 2 of the Ordinances Extension Act, 1935 (No. 30).

14. Substituted by section 4 of the Gold Mining Products Protection (Amendment) Act, 1947 (No.4).

(5) A bank purchasing or selling gold mining products under subsection (1) and a person selling imported gold under section 2 and a goldsmith purchasing gold mining products or imported gold under this section and section 4 shall keep records in connection with the purchases and sales respectively in accordance with this subsection.

(6) The Minister may, by legislation instrument, make Regulations for the further, better, or more convenient effectuation of the provisions and purposes of this section.¹⁵

(7) *Omitted*¹⁶

(8) A person who does an act or omits to do an act which constitutes a contravention of a provision of the Regulations, commits an offence, and on conviction is liable to a fine not exceeding two hundred penalty units, or to a term of imprisonment not exceeding three months.¹⁷

7. Gold security permit

(1) Despite anything to the contrary in this Act, the competent police authority may issue a gold security permit to a person engaged in trade, business or the pursuit of a profession, or to an employer.

(2) The holder of a gold security permit may, while the permit is in force,

(a) receive articles made of gold as security for the payment of goods delivered or to be delivered to a customer;

(b) receive articles made of gold as security for the faithful service of an employee of the holder; and

(c) exercise a power of sale in respect of an article made of gold and received under paragraph (a) or (b) which the holder would lawfully be entitled to exercise if the articles were not made of gold.

(3) An holder of a gold security permit shall keep and use a register in the Form C set out in the Schedule, and the failure by the holder to comply with this requirement renders the holder liable on summary conviction to a fine of fifty penalty units or, in default of payment, to a term of imprisonment for one month.¹⁸

(4) A police officer not below the rank of corporal may, between the hours of 6 a.m. and 6 p.m., enter the business premises of the holder of a gold security permit for the purpose of examining the register, a document relating to an entry in the register and the articles made of gold received as security.

(5) The holder of a gold security permit or the holder's clerk who fails to produce the register, a document relating to an entry in the register or an article on demand by the police officer, or a person who obstructs the police officer in the execution of these duties

15. Amended by section 4 of the Gold Mining Products Protection Act, 1947 (No.4).

16. Omitted as in conflict with clause (7) of article 11 of the Constitution. The subsection reads: "All such regulations shall be published in the *Gazette*, and shall thereupon have the same force and effect as if enacted herein, either immediately or from such later date as may therein or in that regard be provided."

17. Added by section 3 of No. 14 of 1986.

18. Amended by section 2 of the Gold Mining Products Protection (Amendment) Act, 1942 (No.16).

commits an offence and is liable on summary conviction to a fine of fifty penalty units or, in default of payment, to a term of imprisonment for one month.⁹

(6) The competent police authority may on giving two months notice to the holder, revoke a permit issued under subsection (1).

(7) A person aggrieved by the refusal of the competent police authority to grant a permit or by the revocation of a permit by the competent police authority may within one month appeal to the Minister.^{2u}

8. Interpretation

In this Act, unless the context otherwise requires,

"competent police authority" includes a police officer authorised by the Inspector General of Police to issue licences under section 3;²¹

"gold mining product" includes a product obtained by gold mining or gold dredging worked according to European methods, and gold, gold bullion, retorted gold, gold ore, gold amalgam, gold alloy, precipitates containing gold, slag, concentrates, tailings, and residues, but not an indigenous gold coin, or articles manufactured of gold;

"goldsmith" means except as provided in section 6 a worker or dealer in gold which is not a gold mining product and a seller of articles manufactured of gold;²²

"imported gold" means gold imported into the Republic, but does not include gold jewellery;²

"indigenous gold" means gold obtained by washing or mining according indigenous methods;

"Minister" means the Minister responsible for the Interior.

SCHEDULE

[Section 3 (5)]

Forms of Licence

FORM A

Goldsmith's Licence (not Authorising Hawking)

Goldsmith's licence

Licence is hereby granted to (*name*) of (*residence*) to carry on the business of a goldsmith at (*describe store by its name, situation or other particulars of identity*) until the 31st day of December, 20

19. Added by section 2 of the Gold Mining Products Protection (Amendment) Act, 1942 (No. 16).

20. Added by section 3 of the Gold Mining Products Protection (Amendment), 1940 (No. 48). The provision

relating to the finality and conclusiveness of the Minister's decision has been omitted as it is in conflict

with clause (3) of article 125 of the Constitution.

21. Added by section 2 of the Mineral Rights Amendment Act, 1923 (No.2).

22. Amended by section 2 of the Gold Mining Products Protection Amendment Act, 1926 (No. 14).

23. Added by section 2 of the Gold Mining Products Protection (Amendment), 1947 (No.4).

FORM A--*continued*

Dated at.....this.....day of, 20
 Fee

.....
Competent Police Authority

FORM B

Goldsmith's Hawking Licence

Hawking licence

Licence is hereby granted to *(name)* of *(residence)* to hawk articles manufactured of gold within the Gold Coast until the 31st day of December, 20.....

.....
Competent Police Authority

FORM C

Gold Security Permit Register
 [Section 7 (3)]

<i>Date of deposit</i>	<i>Name and address of depositor</i>	<i>Full description of articles deposited with weight of each</i>	<i>Purpose of deposit</i>	<i>Signatures of depositor, permit holder and witness</i>	<i>Signatures of depositor on final return of articles to him</i>

ACT 324
GRAINS DEVELOPMENT AUTHORITY ACT, 1970

ARRANGEMENT OF SECTIONS

SECTION

1. Establishment of the Authority.
2. Governing body.
3. Functions of the Authority.
4. Terms of membership of the Board.
5. Meetings of the Board.
6. Staff.
7. Funds of the Authority.
8. Accounts and audit.
9. Remuneration.
10. Regulations.
11. Interpretation.

ACT 324

GRAINS DEVELOPMENT AUTHORITY ACT, 1970

AN ACT to establish and incorporate the Grains Development Authority, to provide for its functions and maintenance and to provide for related matters.

1. Establishment of the Authority

(1) There is hereby established a body corporate which shall be known as the Grains Development Authority.

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

(3) The Authority may, for the performance of its functions, acquire and hold property, movable or immovable and dispose of the property and enter into a contract or any other transaction.

(4) Where there is a hindrance to the acquisition of property, 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 that Act shall apply with the modifications that are necessary to provide for the vesting of the property acquired in the Authority and for the costs of the acquisition to be defrayed by the Authority.

1. The Act was assented to on 17th April 1970.

2. Governing body

(1) The governing body of the Authority is a Board consisting of

- (a) the chairman,
- (b) the Executive Secretary,
- (c) one representative of the Ministry responsible for Agriculture,
- (d) four other members representing farming, business, financial, consumer and any other interests whose representation on the Board will assist its work, and
- (e) two other members to be nominated by the farmers' associations.

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

3. Functions of the Authority

(1) The functions of the Authority are,

- (a) to undertake the multiplication of improved seeds and supply them to farmers;
- (b) to organise grain and legume farmers into farmers' associations through which credit and production requisites can be channeled to the producers and to assist the farmers' associations to market their produce until they can manage most of the services themselves;
- (c) to create marketing facilities for grain and legume crops;
- (d) to collect statistical data on grains and legumes, to plan the production of these crops to meet local demand and for export; and
- (e) to co-ordinate and assist research into problems of grains and legumes and the organisation of extension work on them.

(2) Further to subsection (1) the Authority may

- (a) develop lands suitable for large scale production of grain and legume crops and give them out in viable farm units to farmers on conditions of tenure that will help the Board to achieve its objects and assure the farmers security of tenure; and
- (b) mobilise funds from local and foreign sources to run small scale schemes for farmers' associations which produce grain and legumes.

4. Terms of membership of the Board

(1) The chairman and members of the Board shall hold office for three years and are eligible for re-appointment.

(2) The chairman or any other member, may resign from the Board by notice in writing addressed to the President through the Minister.

(3) A member, including the chairman, may be removed from office by the President

- (a) for unsound mind;
- (b) for absence from three consecutive meetings of the Board without permission;

- (c) if proved guilty of serious misconduct in relation to the performance of a function as chairman or member of the Board;
- (d) if sentenced to death or to imprisonment for a term exceeding twelve months without the option of a fine or if convicted of an offence involving dishonesty;
- (e) if declared insolvent or bankrupt under a law in force in the Republic or in any other country; or
- (f) if disqualified or suspended from practising professionally by a competent authority otherwise than on personal initiative.

5. Meetings of the Board

(1) The Board shall meet at least once every month and the times and places decided by the chairman.

(2) The chairman shall, on the written request of not less than five members of the Board, call an extraordinary meeting at a time and place determined by the chairman.

(3) The chairman shall preside at the meetings of the Board, and in the absence of the chairman a member of the Board, designated by the chairman, shall preside at the meeting.

(4) Where a member is not designated, the members of the Board who are present shall elect one of their number to preside at the meeting.

(5) The quorum at a meeting of the Board is five.

(6) Subject to any other provision of this Act, questions proposed at a meeting of the Board shall be determined by a simple majority of the members present and voting, and where there is an equality of votes, the chairman or the person presiding shall have a casting vote.

(7) The Board may request the attendance of a person to act as an adviser at a meeting of the Board but that person shall not vote on a question before the meeting and whose presence at the meeting does not count towards the constitution of a quorum.

(8) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or a defect in the appointment of a member.

(9) Subject to this section the Board may regulate its own procedure.

6. Staff

(1) In accordance with article 195 of the Constitution, the President shall appoint the officers and staff including the executive secretary as are necessary for the proper performance of the functions of the Authority.

(2) The officers and staff shall be paid the salaries or remuneration approved by the Minister in consultation with the Minister responsible for Finance.

(3) Public officers may be transferred or seconded to the Authority on the terms and conditions determined by the Board, in consultation with the Minister.

(4) The Authority may engage the services of consultants, advisers and other persons on the conditions determined by the Board, in consultation with the Minister.

7. Funds of the Authority

(1) The funds of the Authority include

- (a) the grants received from the Government by the Authority for the performance of its functions,
- (b) the loans granted to the Authority by the Government or any other body or person, and
- (c) the moneys accruing to the Authority or the gifts given to it in the course of the performance of its functions under this Act.

(2) Moneys received by or on or behalf of the Authority shall be deposited to the credit of the Authority in a bank approved by the Board.

8. Accounts and audit

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

(2) The Authority shall submit to the Minister the report of the Authority's financial affairs as required by the Minister.

(3) The books and accounts of the Authority shall be submitted for audit to the Auditor-General within three months after the end of every financial year.

(4) The Auditor-General shall make available to the Board or to the Minister the necessary reports.

9. Remuneration

Remuneration shall not be paid to a member of the Board by reason of membership of the Board, but a member shall be reimbursed for traveling, transport and subsistence expenses approved by the Board and incurred by the member in attending a meeting of the Board or an authorised conference abroad on behalf of the Authority.

10. Regulations

The Minister may, by legislative instrument, make Regulations to give effect to the provisions and principles of this Act which may include provisions relating to matters falling within the scope of the functions of the Authority.

11. Interpretation

In this Act, unless the context otherwise requires,

"**Auditor-General**" includes an auditor appointed by the Auditor-General;

"**Authority**" means the Grains Development Authority established by section 1;

"**Board**" means the governing body established under section 2;

"**financial year**" means the financial year of the Government.

"**Minister**" means the Minister responsible for Agriculture.

ACT 660 INDUSTRIAL DESIGNS ACT, 2003

ARRANGEMENT OF SECTIONS

Industrial Designs

SECTION

1. Definition of industrial design.
2. Registrable industrial design.
3. Right to registration.
4. Naming the creator.
5. Application.
6. Examination.

Registration

7. Opposition to registration. Registration and
8. publication.
9. Rights conferred by registration.
10. Duration and renewal of registration.
11. Surrender of registration.
12. Cancellation of registration.
13. Changes in ownership.
14. Licence contracts.

Administration

15. Registrar.
16. Register.
17. Correction of errors.
18. Extension of time.
19. Exercise of discretionary powers.
20. Representation.
21. Appeals.

Miscellaneous

22. Infringement and offences.
23. Application of international treaties.
24. Harare Protocol.
25. Regulations.
26. Interpretation.
27. Repeals and savings.

SCHEDULE

ACT 660**INDUSTRIAL DESIGNS ACT, 20031**

AN ACT to revise the enactments on the protection of industrial designs and to provide for related matters.

*Industrial Designs***1. Definition of industrial design**

(1) For the purpose of this Act,

- (a) a composition of lines or colours, a three-dimensional form or a material, whether or not associated with lines or colours, or
- (b) a textile design,

is an industrial design where the composition, form or material gives a special appearance to a product of industry or handicraft and can serve as a pattern for a product of industry or handicraft.

(2) The protection under this Act is not applicable to anything in an industrial design which serves solely to obtain a technical result to the extent that it leaves no freedom as regards arbitrary features of appearance.

2. Registrable industrial design

(1) An industrial design is registrable if it is new.

(2) An industrial design is new or original if it significantly differs from known designs or combinations of known design features.

(3) For the purposes of subsection (2), disclosure to the public of an industrial design shall not be taken into consideration if the disclosure

(a) occurred within twelve months preceding the filing date or where applicable, the priority date of the application, and

(b) was as a result of acts committed by the applicant or the applicant's predecessor-in-title or of an abuse committed by a third party with regard to the applicant or the applicant's predecessor-in-title.

(4) An industrial design which is contrary to public order or public morality is not registrable.

3. Right to registration

(1) Where a person creates an industrial design, the right to the registration of that industrial design belongs to the creator.

(2) Where two or more persons create the same industrial design, the right to registration of that industrial design belongs to them jointly.

(3) Where two or more persons have created the same industrial design independently of each other, the person whose application has the earliest filing date or, if priority

1. The Act was assented to, and notified in the *Gazette* on 31st December, 2003.

is claimed, the earliest validly claimed priority date, shall have the right to register the industrial design, as long as the application is not withdrawn, abandoned or rejected.

(4) The right to an industrial design may be assigned, transferred or devolved by succession.

(5) Where an industrial design is created in execution of an employment contract, the right to registration of the industrial design belongs, in the absence of contractual provisions to the contrary, to the employer.

4. Naming the creator

(1) The creator shall be named the creator in the registration of the industrial design unless the creator indicates in a special written declaration signed by the creator and addressed to the Registrar that the creator does not wish to be named.

(2) A promise or an undertaking by the creator made to any person to the effect that the creator will make a declaration referred to in subsection (1) is void.

5. Application

(1) A person may apply to the Registrar for the registration of an industrial design.

(2) The application is subject to the payment of the prescribed fees and it shall contain

(a) a request, drawings, photographs or any other adequate graphic representations of the industrial design, and

(b) an indication of the article which constitutes the industrial design or in relation to which the industrial design is to be used.

(3) Where the applicant is not the creator, the application shall contain a statement justifying the applicant's right to the registration of the industrial design.

(4) The application may contain

(a) a specimen of the articles embodying the industrial design, where the industrial design is two-dimensional, and

(b) a declaration claiming priority, as provided for in the Schedule, of one or more earlier national or regional applications or international deposits filed by the applicant or applicant's predecessor-in-title in or for a State party to that Convention or member of the World Trade Organisation.

(5) Where an application contains a declaration referred to in subsection (4) (b), the Registrar may require the applicant to furnish, within the prescribed time limit, a copy of the earlier application or international deposit, certified as correct by the office with which it was filed, and the effect of that declaration shall be as provided for in the Schedule.

(6) Where the Registrar finds that the requirements under this section and the Regulations pertaining to a declaration are not fulfilled, the declaration shall be considered not to have been made.

(7) Two or more industrial designs may be the subject of the same application if they relate to the same class of the International Classification or to the same set or composition of articles.

(8) The applicant may withdraw the application during its pendency.

6. Examination

(1) The Registrar shall record as the filing date, the date of receipt of the application, where, at the time of receipt, the application contains indications allowing the identity of the applicant to be established and the required graphic representations of the industrial design.

(2) Where the application did not at the time of receipt, fulfill the requirements retimed to in subsection (1), the Registrar shall invite the applicant to file the required correction and shall record as the filing date the date of receipt of the required correction, but if no correction is made the application shall be treated as if it had not been filed.

(3) After recording the filing date, the Registrar shall ascertain whether

(a) the application complies with the requirements of section 5, (b)

the prescribed application fee has been paid, and

(c) the industrial design complies with sections 1 and 2 (4).

Registration

7. Opposition to registration

(1) An interested person may within the prescribed period and in the prescribed manner give notice to the Registrar of an opposition to the registration of an industrial design on the ground that one or more requirements of sections 1 and 2 have not been fulfilled or that the applicant does not have a right to the registration of the industrial design.

(2) The Registrar shall send a copy of the notice to the applicant within the prescribed period.

(3) The applicant shall within the prescribed period and in the prescribed manner, send to the Registrar a counter-statement of the grounds on which the applicant relies for the application.

(4) Where the applicant fails to send a counter-statement under subsection (3), the applicant shall be considered to have abandoned the application.

(5) If the applicant sends a counter-statement, the Registrar shall on receipt of the counter-statement send a copy of the counter-statement to the person giving the notice of opposition.

(6) The Registrar shall hear the parties if either or both wish to be heard and after considering the merits of the case, decide whether the industrial design is registrable.

8. Registration and publication

(1) Where the Registrar finds that the conditions referred to in sections 1 and 2 (4) are fulfilled and the registration of the industrial design

(a) has not been opposed within the prescribed time limit, or

(b) has been opposed and the opposition has been decided in the applicant's favour,

the Registrar shall register the industrial design, publish a reference to the registration and issue to the applicant a certificate of registration of the industrial design.

(2) Where the Registrar is satisfied that the industrial design is not registrable the Registrar shall refuse the application.

9. Rights conferred by registration

(1) The exploitation of a registered industrial design by persons other than the registered owner shall require the consent of the owner.

(2) For the purposes of subsection (1), "exploitation" of a registered industrial design means the making, selling, importing or otherwise distributing for commercial purposes, articles bearing or embodying a design which is a copy or substantially a copy of the industrial design.

(3) The rights conferred by registration are not applicable to acts in respect of articles which have been put on the market in any country by the registered owner or with the registered owner's consent.

(4) The registered owner may, in addition to any other rights, remedies or actions available under an enactment, institute court proceedings against a person who infringes the industrial design or who performs an act which makes it likely that infringement will occur.

10. Duration and renewal of registration

(1) The registration of an industrial design shall be for a period of five years from the filing date of the application for registration.

(2) The registration may be renewed for two further consecutive periods of five years on the payment of the prescribed fee.

(3) A grace period of six months shall be allowed for the late payment of the renewal fee on payment of the prescribed surcharge.

11. Surrender of registration

(1) A registered owner may surrender the industrial design by written declaration to the Registrar who shall record the surrender in the register and publish it in the prescribed manner.

(2) The surrender is effective from the date on which it is recorded.

12. Cancellation of registration

(1) An interested person may apply to the Court to cancel the registration of an industrial design.

(2) The Court shall cancel the registration of an industrial design if the person requesting the cancellation proves that a requirement of sections 1 and 2 has not been fulfilled or if the registered owner is not the creator or successor in title.

(3) A cancelled registration of an industrial design or part of it is void from the date of the registration.

(4) The Registrar of the Court shall notify the Registrar of the decision of the Court and the Registrar shall record it and publish a reference to it.

13. Changes in ownership

(1) A change in the ownership of the registration of an industrial design or in the ownership of an application for an industrial design, shall be in writing and shall, on the request of an interested party made to the Registrar, be recorded and, except in the case of an application, be published by the Registrar.

(2) A change under subsection (1) is of no effect against third parties until it has been recorded and published.

14. Licence contracts

(1) A copy of each licence contract concerning

(a) a registered industrial design,

(b) an application for the registration of an industrial design,

shall be submitted to the Registrar who shall keep its contents confidential but shall record it and publish a reference of the licence contract.

(2) A licence contract is of no legal effect against third parties until it has been recorded in accordance with this section.

*Administration***15. Registrar**

The Registrar is responsible for the functions relating to the procedure for the registration of industrial designs and for the administration of registered industrial designs as specified in this Act.

16. Register

(1) The Registrar shall maintain a register in which shall be recorded the matters required by this Act to be recorded.

(2) The register may be consulted by any person and extracts from the register may be obtained subject to the prescribed conditions.

(3) The Registrar shall publish in the prescribed manner the publications provided for under this Act.

17. Correction of errors

The Registrar may correct an error or a translation or transcription, clerical error or mistake in an application or a document filed with the Registrar or in a matter recorded pursuant to this Act.

18. Extension of time

(1) The Registrar on being satisfied that the circumstances justify it, may, on receiving a written request, extend the time for doing an act or taking a proceeding under this Act, on notice to the parties concerned and on the terms as the Registrar may direct.

(2) The extension may be granted though the time for doing the act or taking the proceedings has expired.

19. Exercise of discretionary powers

The Registrar shall, in exercising a discretionary power conferred by this Act, comply with article 296 of the Constitution.

20. Representation

If the ordinary residence or principal place of business of an applicant under this Act is outside the country, the applicant shall be represented by a legal practitioner resident and practising in the country.

21. Appeals

A decision taken by the Registrar in the performance of the functions under this Act, is subject to appeal as of right by an interested party to the Court.

22. Infringement and offences

(1) Subject to section 9 (3) an act specified in section 9 (2) and performed by a person other than the registered owner, and without the consent of the owner, constitutes an infringement of the industrial design.

(2) On the application by

(a) the registered owner, or

(b) a licensee who has requested the registered owner to institute court proceedings for a specific relief and the registered owner has refused or failed to do so,

the Court may grant an injunction to prevent an infringement or an imminent infringement, award damages and grant any other remedy as the Court considers appropriate in the circumstances.

(3) A person who knowingly performs an act which constitutes an infringement as defined in subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand penalty units or to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

23. Application of international treaties

An international treaty in respect of industrial property to which the country is a party is applicable to matters dealt with by this Act, and in the case of a conflict with a provision of this Act, the provisions of the international treaty shall prevail.

24. Harare Protocol

An international application may designate Ghana for an industrial design under the Harare Protocol.

25. Regulations

The Minister may, by legislative instrument, make Regulations for the effective implementation of this Act, and in particular, prescribing

(a) the fees payable in respect of applications and other matters;

Miscellaneous

- (b) the details of the requirements and procedures on the filing and examination of applications;
- (c) the details in relation to the consultation of the Register; the
- (d) procedure for extracting copies from the Register; and other
- (e) particulars required to be prescribed under this Act.

26. Interpretation

In this Act, unless the context otherwise requires,

"**Court**" means the High Court;

"**creator**" means the person who creates the industrial design;

"**Harare Protocol**" means the Protocol on Patents and Industrial Designs adopted in 1982 in Harare, Zimbabwe and ratified by the Government of Ghana on 20th September, 1983;

"**International Classification**" means the classification according to the Locarno Agreement of October 8, 1968 establishing an International Classification for Industrial Designs;

"**Minister**" means the Minister responsible for Justice;

"**Paris Convention**" means the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised;

"**priority date**" means the date of the earlier application that serves as the basis for the right of priority provided for in the Paris Convention;

"**register**" means the Register of Industrial Designs;

"**registered owner**" means the registered owner of an industrial design; and

"**Registrar**" means the Registrar-General.

27. Repeals and savings

(1) The United Kingdom Designs (Protection) Ordinance (Cap. 182) and the Textile Designs (Registration) Decree, 1973 (N.R.C.D. 213) are repealed.

(2) Subsidiary legislation made under the repealed laws shall remain in force until revoked.

(3) Despite the repeal of the Textile Designs (Registration) Decree, 1973 (N.R.C.D. 213), a textile design registered under it and in force immediately before the coming into force of this Act, shall remain in force for the unexpired portion of the period of protection provided under this Act subject to the payment of the renewal fees provided for under this Act.

(4) A person who, on the coming into force of this Act, is the proprietor of an industrial design which has been registered in the United Kingdom, or has filed an application for the registration of an industrial design in the United Kingdom, may, within twelve months from the date of the coming into force of this Act, file an application for the registration of the same industrial design under this Act and the application shall be accorded the filing date or priority date accorded to the application or registration in the United Kingdom.

(5) An industrial design registered under subsection 3 shall, subject to section 10 (2), enjoy a term of protection not exceeding five years from the filing date.

SCHEDULE [Section 5

(4) (b) and (5)]

ARTICLE 4

[A to F, Hand 1: Patents, Utility Models, Industrial Designs, Marks, Inventors' Certificates: Right of Priority -G. Patents: Division of the Application]

A-(1) Any person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successor in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter fixed.

(2) Any filing that is equivalent to a regular national filing under the domestic legislation of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognised as giving rise to the right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the subsequent fate of the application.

B-Consequently, any subsequent filing in any of the other countries of the Union before the expiration of the periods referred to above shall not be invalidated by reason of any acts accomplished in the interval, in particular, another filing, the publication or exploitation of the invention, the putting on sale of copies of the design, or the use of the mark, and such acts cannot give rise to any third-party right or any right of personal possession. Rights acquired by third parties before the date of the first application that serves as the basis for the right of priority are reserved in accordance with the domestic legislation of each country of the Union.

C-(1) The periods of priority referred to above shall be twelve months for patents and utility models, and six months for industrial designs and trademarks.

(2) These periods shall start from the date of filing of the first application: the day of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application concerning the same subject as a previous first application within the meaning of paragraph (2) above, filed in the same country of the Union, shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, if, at the time of filing the subsequent application, the said previous application has been withdrawn, abandoned, or refused, without having been laid open to public

inspection and without leaving any rights outstanding, and if it has not yet served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

(1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country shall determine the latest on which such declaration must be made.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (description, drawings, etc.) previously filed. The copy, certified as correct by the authority which received such application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each country of the Union shall determine the consequences of failure to comply with the formalities prescribed by this Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required.

Any person who avails himself of the priority of a previous application shall be required to specify the number of that application; this number shall be published as provided for by paragraph (2), above.

E - (1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be the same as that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F-No country of the Union may refuse a priority or a patent application on the ground that the applicant claims multiple priorities, even if they originate in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the application or application whose priority is claimed, the filing of the subsequent application shall give rise to a right of priority under ordinary conditions.

G-(1) If the examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application and preserve as the date of each divisional application the date of the initial application and the benefit of the right of priority, if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorised.

H-Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

I-(1) Applications for investors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an investor's certificate shall give rise to the right of priority provided for by this Article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this Article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model, or an inventor's certificate.

ARTICLE 4bis

Patents: independence of Patents Obtained for the Same Invention in Different Countries

(1) Patents applied for in the various countries of the Union by nationals of countries of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) The foregoing provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for nullity and forfeiture, and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents inexistence on either side at the time of accession.

(5) Patents obtained with the benefit of priority shall, in the various countries of the Union, have a duration equal to that which they would have, had they been applied for or granted without the benefit of priority.

ARTICLE 4ter

Patents: Mention of the Inventor in the Patent The inventor shall have the right to be mentioned as such in the patent.

ARTICLE 4quater

Patents: Patentability in case of Restrictions of Sale by Law

The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of a patented process is subject to restrictions or limitations resulting from the domestic law.

CAP. 78
INFECTIOUS DISEASES ACT, 1908
ARRANGEMENT OF SECTIONS

SECTION

1. Infectious or contagious diseases.
2. Declaration of infected area.
3. Power to stop vehicles.
4. Spirit and wine and beer licences in evacuated area.
5. Post mortem examinations.
6. Marking of houses.
7. Disinfection.
8. Destruction of house or building.
9. Destruction of animals.
10. Detention of infected persons and suspects.
11. Isolation of contacts.
12. Compensation boards.
13. Claims.
14. Restriction on civil proceedings.
15. Presumption of knowledge of disease.
16. Penalties.
- 17.. Regulations.
18. Application of section 2 to Ashanti.
19. Modifications in application of sections 8, 9, 10, 11 and 14.
20. Interpretation.

CAP. 78

INFECTIOUS DISEASES ACT, 19081

AN ACT to provide for the prevention of the spread of infectious and contagious diseases, for the settlement of claims for compensation and damages in connection with measures taken to prevent the spread of those diseases, for the control of diseases of a communicable nature and for related matters.

1. Infectious or contagious diseases

The Minister may, by legislative instrument, declare a disease to be a disease of an infectious or contagious nature, and on that declaration, this Act shall apply.

2. Declaration of infected area

(1) The Minister may, by legislative instrument,

(a) declare a clearly defined area in which an infectious disease has occurred as an infected area, and

1. The Act, enacted as an Ordinance, Cap. 78 of the 1951 Edition of the Laws of the Gold Coast, was assented to on 24th April, 1908.

- (b) order the evacuation from the whole or a part of the infected area, of a person or class of persons whom the Minister considers should be evacuated considering the exigencies of a particular case.

(2) A person shall not

- (a) reside or carry on business within an infected area or a part of an infected area in contravention of an order for evacuation, or to enter or be in an infected area, except when passing along a thoroughfare;
- (b) allow that person's business to remain open to the public, without an order in writing to that effect signed by a medical officer, and on the conditions directed by the medical officer.

(3) A person who contravenes a provision of subsection (2) commits an offence and is liable on conviction,

- (a) for a first offence, to a fine not exceeding one hundred and fifty penalty units, or to a term of imprisonment not exceeding three months, and
- (b) for a second or subsequent offence, to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

3. Power to stop vehicles

(1) A medical officer, sanitary inspector or police officer may stop a vehicle travelling to or from or suspected to be traveling to or from an infected area, and may detain the persons or any of the persons traveling or being in or on the vehicle with a view to their undergoing a medical examination.

(2) A person suffering or suspected to be suffering from an infectious disease, or a corpse or an article suspected to be capable of spreading infection may be removed from the vehicle and dealt with as prescribed by the Regulations.

(3) The driver of a vehicle who refuses or neglects to stop when called on to do so by any of the officers mentioned in subsection (1), commits an offence, and is liable on summary conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months or to both fine and the imprisonment.

4. Spirit and wine and beer licences in evacuated area

A person licensed to sell spirits or wine and beer in a store situated in an infected area or a part of an infected area specified in an order for evacuation, and to whom the order applies

- (a) may transfer the licence to a store situated in a place to which the order for evacuation does not extend, and where a higher licence fee is not payable; or
- (b) may be awarded by a compensation board a refund of the whole or a part of the fee paid for the licence.

5. Post mortem examinations

Where a medical officer suspects that a person has died of an infectious disease, whether in an infected area or not, the medical officer shall order that the body of the deceased person shall be conveyed to a place appointed by the medical officer for an examination which the medical officer considers necessary.

6. Marking of houses

(1) A medical officer may place or cause to be placed on the door or wall of a house or building in which a case of infectious disease has occurred, whether in an infected area or not, a mark which the medical officer considers advisable for the purpose of denoting the occurrence of the disease, and shall keep the mark affixed for the time that the medical officer considers necessary.

(2) A person who removes or obliterates that mark without the authority of a District Magistrate commits an offence and is liable on conviction to a fine not exceeding twenty-five penalty units.

7. Disinfection

A medical officer may order the disinfection of a house or building in which a case or suspected case of infectious disease has occurred, whether in an infected area or not, and of the property belonging to a person residing or being in the house or building.

8. Destruction of house or building

(1) A medical officer may order the destruction of a house or building where a case of infectious disease has occurred, whether in an infected area or not, or of anything in that house or building or elsewhere, which the medical officer considers necessary in the interests of public health.

(2) An order under subsection (1) shall be carried out in the manner, and by the persons, directed by the medical officer.

(3) A claim for compensation in respect of the destruction of a house, building or thing under this section shall be determined by the compensation board.

9. Destruction of animals

A medical officer may order the destruction of an animal, whether in an infected area or not, which the medical officer has reason to believe is likely to be an agent in the transmission of an infectious disease, and may dispose of the carcass of that animal in the appropriate manner.

10. Detention of infected persons and suspects

A medical officer may cause a person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be removed to a government hospital or any other place provided by the Government, and detain that person until that person can be safely discharged.

11. Isolation of contacts

(1) A medical officer may order a person living in the same house or compound as, or otherwise brought into contact with, a person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be isolated in a place that the Government may provide, until that person is safely discharged.

(2) A person authorised by the medical officer to carry out the order may use necessary force to compel obedience to the order.

12. Compensation boards

(1) A claim for refund of spirit licence fees under section 4, and for damages or compensation for destruction of property under section 8, 9, or 17 (1) (d), shall be heard and determined by a compensation board to be appointed in writing by the Minister, consisting of two persons, one of whom is not a public officer or unconnected with a Government service.

(2) The unofficial member of the board is entitled to actual out-of-pocket expenses; and the Minister may allow a further remuneration as the Minister considers fit.

(3) In appointing a compensation board the Minister shall

(a) define the limits of the jurisdiction of the board, (b)

appoint a member by name or ex officio,

(c) appoint a secretary to the board, and

(d) in case a person appointed is or becomes unable or unwilling to act, or dies, appoint another member instead.

(4) An appointment made under this section shall be published in the *Gazette*.

(5) A compensation board shall have the powers of the High Court to summon witnesses, and to call for the production of books, plans or documents, and to examine witnesses and parties on oath.

(6) A person summoned to attend and give evidence or to produce books, plans or documents shall obey the summons served on that person as a witness is bound to obey a subpoena from the High Court. and is entitled to the like expenses as if summoned to attend the High Court on a criminal trial, if the same is allowed by the board, but the board may disallow the whole or a part of those expenses.

(7) Where the members of a compensation board are equally divided the matter shall be referred to a Justice of the High Court, who shall for the purposes of the reference be deemed to be a member of the compensation board, and whose decision shall be deemed to be the award of the board.

(8) The award of a compensation board shall be in writing signed by the members or by the Justice, and the amount awarded shall be paid in accordance with the award by the Government.²

2. The words "and shall be final" appearing after the word, "Justice", have been moiled in lieu of subsection (9) and clause (1) of article 137 of the Constitution.

(9) For the purposes of the Criminal Offences Act, 1960 (Act 29) a compensation board shall be deemed to be a Court.

13. Claims

(1) A claim for damages or compensation shall be made within six months after the happening of the event in respect of which the claim is made.

(2) A claim may be sent in the first instance to the compensation board or to the Minister, who shall refer the claim to the compensation board appointed to deal with the claim.

(3) A claim shall not be entertained of which notice has not been received by the compensation board or the Minister within the time specified by this section.

14. Restriction on civil proceedings

An action, a suit, or a civil proceeding shall not, without the written consent of the Attorney-General, be brought against a person in a Court for damages or compensation

(a) in respect of a measure taken or to be taken to prevent the spread of an infectious disease, or

(b) in respect of an act which may be done in the execution or intended execution of the Regulations.

15. Presumption of knowledge of disease

A person in charge of or in attendance on or living with a person suffering from an infectious disease charged with an offence against this Act or the Regulations, shall be presumed to have known of the existence of the disease in that person, unless it is shown to the satisfaction of the Court that the person charged did not have knowledge and could not with reasonable diligence have obtained that knowledge.

16. Penalties

A person who, without lawful authority or excuse, the proof of which lies on that person,

(a) contravenes a provision of this Act or of the Regulations for which a punishment is not provided, or

(b) does or omits to do anything which, under this Act or the Regulations ought not to be done or omitted to be done, or

(c) obstructs or impedes or aids or incites any other person to obstruct or impede a medical officer, police officer, health officer, or any other person lawfully acting in the execution of a provision of the Regulations, commits an offence, and is liable on conviction to a fine not exceeding one hundred and fifty penalty units or to a term of imprisonment not exceeding three months, or to both the fine and the imprisonment.

17. Regulations

- (1) The Minister may, by legislative instrument, make Regulations
- (a) prescribing the mode of burial or disposal of the body of a person who dies from an infectious disease;
 - (b) establishing a cordon around an infected area or part of an infected area where an infectious disease has occurred or is suspected to have occurred or otherwise preventing persons departing from or going to that area or a part of that area;
 - (c) prohibiting building on, or habitation of, or tillage, or any other disturbance of, the soil in an area, or in a part of that area, in which plague has occurred, or in which the bodies of persons who have died of plague, or are suspected to have died of plague, have been buried;
 - (d) for closing, destroying, disinfecting, cleansing, or otherwise rendering harmless any houses, buildings, latrines, wells, cesspits, dustbins, dumping grounds, and places considered to be injurious or dangerous to health;
 - (e) for the removal of persons from a part of an infected area the evacuation of which has been ordered by the Minister;
 - (j) prescribing the form and mode of service or delivery of notices and any other documents under this Act;
 - (g) for isolating persons suffering or suspected to be suffering from an infectious disease, or brought into contact with a person so suffering or so suspected;
 - (h) for the appointment of the authority by whom the provisions of this Act and of the Regulations are to be carried out, and of inspectors and other necessary officers, and for the execution of their duties;
 - (i) prescribing the procedure to be adopted in the proceedings of the compensation board, and the form of witness summonses and other documents to be used in connection with those proceedings;
 - (j) for preventing, in a place where an infectious disease exists, or is suspected to exist, the holding of public meetings or the performance of funerals or any other customs likely to tend to the dissemination of the infectious disease;
 - (k) for the publication within the area infected by beating of gong-gong, or in any other manner, of an order or the Regulations;
 - (l) for the disposal or destruction of refuse or sewage;
 - (m) prohibiting the removal of property from an infected house;
 - (n) prescribing the reporting of cases of sickness and deaths;
 - (o) for the erection of temporary huts, mortuaries, and similar buildings by the appropriate authorities of towns or villages, and the provision of subsistence for a person suffering from an infectious disease;

- (P) for inspecting and granting passports to persons travelling by sea or land from a town, village or place where an infectious disease has occurred, and for disinfecting their clothing and effects;
 - (q) for the destruction of rats, mice, and any other kinds of vermin, and of mosquitoes, and for the closing of holes made by rats and mice and for the rendering of floors and plinths of houses rat-proof; and
 - (r) generally for the better carrying into effect of the provisions of this Act.
- (2) The Regulations may apply generally to the whole of the Republic or to an infected area.
- (3) The Regulations may provide for the better control of a disease of a communicable nature, which is not an infectious disease and in particular with respect to
- (a) the conditions precedent to the compulsory removal to a hospital sanatorium, or any other suitable place, of a person suffering from a communicable disease;
 - (b) the reporting by medical practitioners of cases of a communicable disease;
 - and
 - (c) the supply of medical and any other assistance and facilities for the treatment of persons suffering from, and for the detection of, a communicable disease.

18. Application of section 2 to Ashanti

.Spent³

19. Modifications in application of sections 8, 9, 10, 11 and 14

Spent⁴

20. Interpretation

In this Act, unless the context otherwise requires,

"**compensation board**" means a board appointed under section 12;

3. The section reads,

"21. Section 2 shall in Ashanti have effect as if the reference in the definition of "Sanitary Inspector" to a Town Council was instead a reference to the Kumasi Public Health Board."

4. The section reads,

"22. In the application of this Ordinance to Ashanti and the Northern Region, the following modifications shall have effect:

- (1) After the words "Medical Officer" wherever they occur in sections 8, 9, 10, and the words "or District Commissioner" shall be inserted.
- (2) The words "in the town of Accra (as defined under section 3 of the Town Council Ordinance) by the Minister and elsewhere by the Provincial Commissioner of the Province and to consist of two person, one of whom shall", where they occur in section 14 (1) shall be replaced by the words "by the Chief Commissioner and to consist of two persons one of whom shall, if practicable".
- (3) The words "Minister or Provincial Commissioner, as the case may be," where they occur in section 14 (2) and (3) shall be replaced by the words "Chief Commissioner".

"Court" means a court of competent jurisdiction;

"infectious disease" includes plague, cholera, small-pox, yellow fever, and any other disease of an infectious or contagious nature which the Minister may declare as an infectious disease within the meaning of this Act;

"medical officer" means a medical practitioner in the service of the Government;

"Minister" means the Minister responsible for Health;

"police officer" means a police officer in the Police Service;

"Regulations" means the Regulation made under this Act;

"sanitary inspector" means an officer serving as an inspector of nuisances whether in the medical or health department of the Government or in the service of a Municipal or Metropolitan Assembly.

.

