



THE FOUR HUNDRED AND FIFTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA

ENTITLED

## THE GHANA FORESTRY COMMISSION ACT, 1980

AN ACT to establish a Forestry Commission in accordance with article 191 of the Constitution and for other purposes connected therewith.

DATE OF ASSENT: *22nd March, 1980*

BE IT ENACTED by Parliament as follows:—

### PART I—ESTABLISHMENT OF GHANA FORESTRY COMMISSION

1. (1) There is hereby established a Ghana Forestry Commission, in this Act referred to as "the Commission".

Establishment of the Ghana Forestry Commission.

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

(3) The Commission shall have power, for the discharge of any of its functions, to acquire and hold any movable or immovable property and to dispose of such property and to enter into any contract or other transaction.

(4) Where there is any hindrance to the acquisition of any property under subsection (3) of this section, the property may be acquired for the Commission under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125).

Composition  
of the  
Commission.

2. (1) The Commission shall consist of:—
- (a) a Chairman who shall not be a Minister or Deputy Minister;
  - (b) the Chief Administrator referred to in section 11 of this Act;
  - (c) as *ex officio* members, Heads of Departments of the Commission, without the right of vote;
  - (d) one representative each of the following:
    - (i) Ministry responsible for Natural Resources;
    - (ii) Ministry responsible for Trade;
    - (iii) Ministry responsible for Industries;
    - (iv) the Bank of Ghana;
    - (v) the National House of Chiefs; and
    - (vi) the Lands Commission.
  - (e) a person who possesses knowledge and experience of the wildlife trade; and
  - (f) two representatives of the Ghana timber trade and industry.

(2) The Chairman and other members of the Commission shall be appointed by the President acting in accordance with the advice of the Council of State.

Qualifica-  
tions of  
members of  
Commission.

3. (1) No person shall be qualified to be a member of the Commission who—
- (a) is not a citizen of Ghana;
  - (b) has been adjudged or otherwise declared—
    - (i) a bankrupt under any law in force in Ghana and has not been discharged;
    - (ii) to be of unsound mind; or
  - (c) is detained as a criminal lunatic under any law for the time being in force in Ghana; or
  - (d) has been convicted—
    - (i) for high crime under the Constitution or treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude, or
    - (ii) for any other offence on indictment; and has not been granted a free pardon; or
  - (e) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or in respect of whom a commission

or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or misused or abused his office, or wilfully acted in a manner prejudicial to the interests of the State, and such findings have not been set aside on appeal or judicial review; or

- (f) has had his property confiscated as the result of the findings of a commission or committee of inquiry; and such findings have not been set aside on appeal or judicial review; or
- (g) is under sentence of death or sentence of imprisonment imposed on him by any court; or
- (h) is otherwise disqualified by any law for the time being in force.

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

- (a) he is absent from three or more consecutive meetings of the Commission without sufficient reason; or
- (b) in the case of a person possessed of professional qualifications, he is disqualified, otherwise than at his own request, from practising his profession in Ghana by order of any competent authority made in respect of him personally.

4. (1) All the members of the Commission other than the Chief Administrator and Heads of Divisions referred to in paragraph (c) of subsection (1) of section 2 of this Act shall, subject to subsections (2) and (3) of this section hold office for a period of four years. Tenure of office.

(2) A member may at any time resign his office in writing addressed to the President and may be removed from office by the President acting in accordance with the advice of the Council of State for disability, neglect of duty or misconduct.

(3) A member nominated by any authority as its representative on the Commission shall cease to be a member if the President, on the recommendation of the authority by writing addressed to him and copied to the Chairman of the Commission, revokes his appointment.

(4) The Chairman of the Commission shall notify the President of all vacancies occurring in the membership of the Commission.

(5) Members of the Commission ceasing to hold office shall subject to sections 2 and 3 of this Act, be eligible for reappointment.

(6) Where any member of the Commission is incapacitated by illness or any other cause from performing the functions of his office the President may acting in accordance with the advice of the Council of State appoint another person to act in his office until the member is able to resume the performance of his functions.

Emoluments  
of members  
of Com-  
mission.

5. There shall be paid to members of the Commission in respect of their membership such subsistence, travelling and other allowances as the Minister responsible for Finance may approve in relation to them.

#### PART II—OBJECTS AND FUNCTIONS OF COMMISSION

Objects of  
Commission.

6. The Commission shall be responsible for the regulation and management of the utilisation of all forestry and wildlife resources of Ghana and the co-ordination of the policies in relation thereto.

Functions  
of Com-  
mission.

7. (1) Without prejudice to the general effect of section 6 of this Act, it shall be the responsibility of the Commission in relation to forestry,—

- (a) to manage, maintain and protect forests as an economic resource in perpetuity and to promote the interests of forestry, develop natural and artificial regeneration, and control, develop and promote the production and marketing of timber and the manufacture of wood-based products;
- (b) to cause to be established a permanent forest estate made up of reserved areas upon which scientific forestry will be practised;
- (c) to manage the utilisation of all forest lands so as to achieve their most productive use for the permanent good of the whole nation considering both direct and indirect value;
- (d) to stop needless waste and destruction of the forest and associated natural resources and bring about the profitable harvesting of all timber and other wood products while ensuring that supplies of these products are perpetuated;
- (e) to establish systems to protect timber and more specifically, to salvage abandoned timber wherever found;
- (f) to correlate forestry with all other land use and adjust the forest economy to the overall national economy;

- (g) to conduct essential research in conservation of forest and pattern action programmes upon the results of such research;
- (h) to give training in the practice of forestry and the promotion and marketing of timber and other wood products, offer technical assistance to all persons engaged in forestry activities and spread knowledge of forestry and the acceptance of conservation of natural resources throughout the country;
- (i) subject to the provisions of article 190 of the Constitution, to collect royalties and other revenues in respect of forests, timber exploitation and forest products;
- (j) to liaise with the Lands Commission with a view to avoiding fragmentation of forest concessions;
- (k) to control and supervise the production for export and the exporting or sale in Ghana of all species of timber and wood products;
- (l) to control the number of timber mills and factories and their siting;
- (m) to declare species of timber that should be turned into finished and semi-finished products for exports or for use in Ghana or for both;
- (n) to publish journals and periodicals reporting results of market surveys, current demands of species, quality and prices of all buying countries for the benefit of the timber trade and industry;
- (o) to advertise Ghana timber, especially the commercially unknown species, to the world market and generally promote the sale of Ghana timber throughout the world;
- (p) to establish prices of, and secure the most favourable returns for logs, lumber, plywood and other wood products;
- (q) to regulate the felling of species in accordance with market demands;
- (r) in co-operation with the authority or authorities responsible for railways and harbours, to exercise control over the allocation of railway facilities and pond space in any harbour and to acquire space for stock-piling of timber and other wood products;
- (s) to assist in the settlements of all disputes within the timber trade and industry;

- (t) to ensure that adequate compensation is paid in respect of all damage to crops and farms resulting from the felling of timber trees;
- (u) to standardize within the timber trade, the conversion factor for the various species of logs;
- (v) to carry out research on scientific and technological matters pertaining to the proper utilization and conservation of the forest resources of Ghana;
- (w) to encourage and assist the research efforts of individuals and organisations engaged in research activities of interest to the timber trade and industry of Ghana;
- (x) to co-operate and liaise with national and international organisations in any part of the world on matters of research into forestry, forest conservation and utilisation; and
- (y) to publish journals and periodicals reporting results of scientific research work.

(2) Without prejudice to the general effect of section 6 of this Act it shall be the responsibility of the Commission in relation to wildlife—

- (a) to establish, develop, control and conserve recreational and wildlife resources of Ghana;
- (b) to establish or cause to be established, conserve, develop, control, manage and protect strict nature reserves, national parks, game production reserves, natural history conservation areas, zoological gardens and recreational areas;
- (c) to conduct surveys, assessments, investigations and inquiries in connection with the wildlife and recreational resources and zoological gardens of Ghana;
- (d) to control, develop, manage and exploit or cause to be exploited the wildlife and recreational resources of Ghana;
- (e) to establish, maintain and improve the wildlife and recreational resources and zoological gardens of Ghana;
- (f) to advise and disseminate information on all wildlife, recreational and zoological matters;
- (g) to promote education and training in wildlife, recreational and zoological garden matters;

- (h) to conduct and promote research into all matters pertaining to wildlife, recreational and zoological gardens of Ghana and to publish the results of such research;
- (i) subject to the provisions of article 190 of the Constitution, to collect royalties and other revenue in respect of wildlife resources, by-products and industries, hunting and hunting licences, animal trophies and levies on exportation and importation of wild animals (dead or alive) and trophies and other products relating thereto;
- (j) to control pests and other factors which prevent the full development of the wildlife resources of Ghana;
- (k) to declare any species of wildlife as pests and to control them.

(3) The Commission may also do all such acts as may appear to it expedient, for the purposes of achieving the objects set out in section 6 of this Act and implementing the functions specified in subsections (1) and (2) of this section.

(4) The Commission shall further supervise the administration of all laws relating to forestry, wildlife, recreational resources and zoological gardens.

8. (1) The Commission shall ordinarily meet for the despatch of business at such times and places as the Chairman may from time to time appoint, but shall meet at least once in every month. Meetings of Commission.

(2) The Chairman shall upon the request in writing signed by not less than four members of the Commission summon a special meeting of the Commission within fourteen days on receipt of such request.

(3) At every meeting of the Commission the Chairman shall preside and in his absence, the members present shall elect a person from among their number to preside at that meeting.

(4) Every question coming before the Commission at any meeting shall be decided by a majority of the votes of members present.

(5) The quorum at any meeting of the Commission shall be not less than half the number of members of the Commission.

(6) The Chairman or other person presiding at any meeting shall have an original as well as a casting vote.

(7) The Commission may co-opt any person as an adviser to attend any meeting of the Commission so however that a person so co-opted shall not have the right to vote on any matter coming before the Commission for decision at that meeting.

Appoint-  
ment of  
Committees  
by Com-  
mission.

9. The Commission may appoint committees of the Commission comprising members of the Commission or non-members as the Commission may think fit and may assign to such committees such functions relating to the objects and functions of the commission as the Commission may determine.

Relationship  
with other  
authorities.

10. (1) In the discharge of its functions under this Act, the Commission shall, subject to the provisions of this Act, so far as practicable, co-operate fully with all Government departments and agencies and other public authorities.

(2) Subject to the provisions of the Constitution, no person or authority shall exercise any statutory power or duty inconsistent with the exercise of any powers or duties conferred on the Commission by or under this Act.

### PART III—MANAGEMENT AND STAFF OF COMMISSION

Chief  
Adminis-  
trator.

11. (1) The Commission shall have an officer to be designated "the Chief Administrator".

(2) The Chief Administrator shall be appointed in accordance with article 157 of the Constitution and shall hold office upon such terms and conditions as may be specified in his instrument of appointment.

(3) Where the office of the Chief Administrator becomes vacant the Commission shall notify the President and the Public Services Commission thereof.

(4) Where the Chief Administrator is incapacitated from the performance of his functions under this Act the Commission may, subject to subsection (7) of section 4 of this Act authorise any employee of the Commission to perform those functions for the duration of the incapacity.

(5) Subject to the provisions of this Act, the Chief Administrator shall be the chief executive of the Commission and shall, subject to the general control of the Commission on matters of policy, be charged with the direction and day-to-day business of the Commission and of its administration and the organisation and control of all the employees of the Commission.

(6) Subject as aforesaid the Chief Administrator may delegate to any employee of the Commission or to any other person any of his functions under this Act and may impose with respect to the exercise of such delegated functions such conditions as he may think fit:

Provided that nothing in this subsection shall be construed so as to absolve the Chief Administrator from ultimate responsibility for any act done by any person in pursuance of any such delegation.



12. (1) The Commission may from time to time engage such employees as may be necessary for the proper and efficient conduct of the business and functions of the Commission. Staff of the Commission.

(2) The Commission may also engage the services of such consultants and advisers as the Commission may upon the recommendation of the Chief Administrator determine.

(3) The staff of the Commission shall be appointed in accordance with the provisions of article 157 of the Constitution.

(4) Subject to the provisions of the Constitution the employees, consultants, and advisers of the Commission shall be appointed upon such terms and conditions as the Commission may, on the recommendations of the Chief Administrator determine.

(5) Public officers may be transferred or seconded to the Commission or may otherwise give assistance thereto;

13. (1) The Commission shall have an officer to be designated as the "the Secretary" of the Commission. Secretary of Commission.

(2) The Secretary shall act as Secretary to the Commission at its meetings and shall, subject to the directions of the Commission, arrange the business for and cause to be recorded and kept minutes of all meetings of the Commission.

(3) The Secretary shall also perform such other functions as the Commission may by writing direct or as the Chief Administrator may by writing delegate to him and shall be assisted in his functions by such of the employees of the Commission as the Commission may, on the recommendations of the Chief Administrator direct.

14. (1) The Commission shall have an Internal Auditor. Internal Auditor.

(2) Subject to the provisions of this Act the Internal Auditor shall be responsible to the Chief Administrator for the performance of his functions.

(3) As part of his functions under this Act the Internal Auditor shall, at intervals of three months, prepare a report on the internal audit work carried out by him during the period of three months immediately preceding the preparation of the report and submit the report to the Chief Administrator.

(4) Without prejudice to the general effect of subsection (3) of this section, the Internal Auditor shall make in each report such observations as appear to him necessary as to the conduct of the financial affairs of the Commission during the period to which the report relates.

(5) The Internal Auditor shall send a copy of each report prepared by him under this section to the Minister and also to the Minister responsible for Finance, the Auditor-General, and the Chairman and each of the other members of the Commission.

#### PART IV—FINANCIAL PROVISIONS

**Funds of Commission.** 15. (1) The funds of the Commission shall include all revenue accruing to the Commission from its operations from any source whatsoever and subventions and appropriations from whatever source made to the Commission.

(2) For the purpose of providing further capital for the running of the Commission and for other functions incidental thereto the Commission may levy such reasonable charges as it may think fit in respect of anything required or authorised to be done under this Act.

**Estimates of expenditure.** 16. (1) The Commission shall submit to the Minister at such times and in such form as the Minister may, in consultation with the Minister responsible for Finance direct, detailed estimates of its income and expenditure for the next following financial year.

(2) Subject to the provisions of the Constitution, the expenditure of the Commission shall be in accordance with the said estimates as approved by the Minister acting in consultation with the Minister responsible for Finance.

**Financial year.** 17. (1) The financial year of the Commission shall be the same as the financial year of the Government.

(2) Notwithstanding subsection (1) of this section the period commencing with the coming into force of this Act and ending on the 30th day of June, 1981 shall be deemed to be the first financial year of the Commission.

**Bank accounts and borrowing powers of Commission.** 18. (1) The Commission may have bank accounts in such banks as the Minister responsible for Finance may approve.

(2) Subject to the provisions of clause (2) of article 146 of the Constitution, the Commission may open and operate foreign exchange accounts including accounts outside Ghana into which may be paid a percentage approved by the Bank of Ghana of the earnings of the Republic through the export of Ghana timber and other wood products and wildlife and wildlife products.

(3) The Commission may obtain loans and other credit facilities on the guarantee of the Government from the National Investment Bank or from such other bank as the Minister and the Minister responsible for Finance may approve.

(4) Apart from the powers of the Commission under subsection (3) of this section, the Commission may, with the approval of the Minister and the Minister responsible for Finance borrow from any other source.

(5) For the purpose of any technical arrangement in connection with the raising of any loan under subsection (3) of this section the Commission shall, if the National Investment Bank agrees, use the services of the Bank.

(6) The Commission may borrow temporarily by way of overdraft or otherwise such sums as it may require for meeting its current obligations or discharging its functions.

(7) The Minister responsible for Finance may, on behalf of the Government, guarantee the performance of any obligation or undertaking of the Commission under this Act.

(8) The Minister responsible for Finance may, from time to time, in consultation with the Minister, prescribe the maximum sums which the Commission may borrow under subsection (3) or (4) of this section.

19. The Commission shall be exempt from income tax imposed under the provisions of the Income Tax Decree, 1975 (S.M.C.D. 5). Exemption from income tax.

20. At the end of each financial year, after the Commission has made provision for bad and doubtful debts, depreciation, interest charges, contribution to staff and superannuation funds, and for other contingencies (if any) and after appropriation has been made for the staff welfare fund (if any) such part of the excess of income over expenditure of the Commission still remaining as the Minister responsible for Finance, after consultation with the Commission, may by writing direct, shall be paid into a reserve fund to be established by the Commission. Payment into reserve fund.

21. (1) The Commission shall keep proper accounts and proper records in relation thereto and the accounts books and records of the Commission shall be in such form as the Auditor-General may approve. Accounts and audit.

(2) The books and accounts of the Commission shall, within three months after the end of each financial year, be audited by the Auditor-General or by an auditor authorised by him in accordance with article 151 of the Constitution.

(3) The Commission shall pay in respect of such audit, such fees (if any) as the Auditor-General may agree.

26. (1) The Commission may by legislative instrument, make such regulations as it may think fit for the purposes of giving full effect to the provisions of this Act. Regulations.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made thereunder may—

- (a) prescribe the form of all licences, permits, agreements and other instruments dealing with the conservation of recreational forest, wildlife and recreational resources;
- (b) regulate the control of the issue of such instruments and determine the conditions under which they may be managed, exercised, produced, revoked or returned;
- (c) prescribe fees in respect of such instruments;
- (d) with the prior approval of the Minister acting in consultation with the Minister responsible for Finance, provide for the establishment and operation of a staff welfare fund.

(3) Regulations made under this section may prescribe in relation to any contravention of the regulations,—

- (a) penalties not exceeding a fine of ₵50,000.00 or five years' imprisonment or both;
- (b) additional penalties not exceeding ₵200.00 per day in respect of continuing offences;
- (c) forfeiture to the State and disposal of any articles with which or in connection with which the offences are committed.

27. (1) The functions of the Ghana Timber Marketing Board, the Forest Products Research Institute of the Council for Scientific and Industrial Research, the Forestry Department and the Department of Game and Wildlife shall be exercised subject to the control and direction of the Commission and the said organisations shall continue in existence as Divisions within the Commission. Functions,  
etc. of  
certain  
existing  
bodies  
transferred  
to Com-  
mission.

(2) All assets, rights, obligations and liabilities of the bodies referred to in subsection (1) of this section shall be taken over by the Commission.

(3) The employees of such bodies shall be taken over by the Commission but on terms and conditions of service not less favourable than the terms and conditions of service they enjoyed immediately before such take over.

Existing enactments to have effect with modifications.

28. (1) The following enactments, and also, any other enactments relating to forestry, wildlife or recreational resources, shall have effect with such modifications as may be necessary to give effect to this Act—

Forests Ordinance (Cap 157),  
Forest Improvement Fund Act, 1960 (No. 12),  
Administration of Lands Act, 1962 (Act 123),  
Concessions Act, 1962 (Act 124),  
Forest Protection Decree, 1974 (N.R.C.D. 243),  
Trees and Timber Decree, 1974 (N.R.C.D. 273) and  
Wild Animals Preservation Act, 1961 (Act 43).

(2) The Council for Scientific and Industrial Research Decree, 1968 (N.L.C.D. 293) is hereby amended by the deletion from subparagraph (2) of paragraph 13 thereof of the words

“(f) Forest Products Research Institute” . . .

(3) The Ghana Timber Marketing Board Instrument, 1970 (L.I. 661) is hereby revoked.

Interpretation.

29. In this Act, “Minister” means the Minister responsible for forestry and wildlife.