

ACT 682

GHANA METEOROLOGICAL AGENCY ACT, 2004

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SCHEDULE

The Official Seal and Emblem of the World Meteorological Organization (W.M.O.)

ACT 682

GHANA METEOROLOGICAL AGENCY ACT, 2004¹

AN ACT to provide for the establishment of a Ghana Meteorological Agency to replace the Meteorological Services Department and for related matters.

Establishment of the Meteorological Agency

1. Establishment of Agency

(1) There is established by this Act a body to be known as the Ghana Meteorological Agency. •

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

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

(4) Where there is a hindrance to the acquisition of an immovable property under subsection (3), the property may be acquired for the Agency under the State Lands Act, 1962 (Act 125).

2. Objects and functions of the Agency

(1) The object of the Agency is to provide meteorological services in the country and ensure the operation and maintenance of international standards and practices in meteorology in the country.

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

- (a) advise the Government on meteorology generally;
- (b) issue weather forecasts for the safe operation of air-craft, ocean going vessels, oil rigs and other socio-economic activities;
- (c) provide meteorological information, advice, and warnings for the benefit of agriculture, civil and military aviation, surface and marine transport, operational hydrology and management of energy and water resources to mitigate the effects of natural disasters such as floods, storms and droughts on socio-economic development and projects;

1. This Act was assented to on 1st December, 2004 and notified in the *Gazette* on 2nd December, 2004.

- (d) promote the services of meteorology in agriculture, prevention of drought and desertification activities;
- (e) establish, organise and manage surface and upper air observational station networks;
- (f) collect, process, and disseminate meteorological information nationally and internationally in accordance with rules, practices and procedures established under international conventions;
- (g) ensure uniform standards of observation of meteorological phenomena in the country;
- (h) train, conduct and undertake research particularly in the field of tropical, agricultural, hydrological and other aspects of meteorology;
- (i) store meteorological data and information for the purposes of planning and implementation of infrastructural projects;
- (j) develop and provide telecommunication systems for meteorological purposes only;
- (k) participate in local and international training and research in meteorology and climatology and in other related fields in co-operation with other relevant institutions and authorities concerned with applied meteorological research;
- (l) collaborate with the relevant foreign and international organisations that the Board considers necessary for the purposes of this Act;
- (m) be the sole authority to approve the establishment of meteorological stations for meteorological observations;
- (n) provide consultancy services in meteorology to the public;
- (o) participate in the global exchange of meteorological and related activities for the welfare of humankind;
- (p) calibrate, develop and fabricate meteorological conventional equipment for internal use and export;
- (q) conduct investigations into meteorological issues and advise the Minister accordingly;
- (r) ensure due compliance with conventions, protocols and any other relevant standards and recommended practices of the World Meteorological Organisation; and perform any other functions as are incidental to the objects of the Agency or as the Minister in consultation with the Board may direct.
- (s)

3. Ministerial responsibility

The Minister responsible for Communications or any other Minister designated by the President shall have ministerial responsibility for the Agency and may give general directions in writing to the Agency on matters of policy.

4. Governing body of the Agency

- (1) Governing body of the Agency is a Board consisting of
- (a) the chairperson,

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- (b) one representative from the Ministries responsible for
 - (i) Communications,
 - (ii) Environment and Science,
 - (c) one representative
 - (i) of the Water Resources Commission not below the rank of a Deputy Director,
 - (ii) of the Ghana Institution of Engineers,
 - (iii) of the Department of Geography and Resource Development of the University of Ghana,
 - (iv) from the air transport industry,
 - (d) three other persons two of whom are women, and
 - (e) the Director-General of the Agency.
- (2) The members of the Board shall be appointed by the Co-president in accordance with article 70 of the Constitution.
- (3) The President shall in making appointments under this section consider the expertise and experience of the persons in matters related to the functions of the Agency.

5. Functions of the Board

The Board is responsible for

- (a) securing the implementation of the objects and functions of the Agency,
- (b) ensuring the implementation of rules, regulations and procedures laid down by the World Meteorological Organisation in accordance with provisions under this Act,
- (c) the management of the National Meteorological Fund, and
- (d) the formulation of policies necessary for the efficient performance of the functions of the Agency.

6. Tenure of office of members

- (1) A member of the Board other than the Director-General, shall hold office for a period not exceeding three years and is eligible for re-appointment.
- (2) A member who is absent from three consecutive meetings of the Board without sufficient cause shall cease to be a member of the Board.
- (3) Where a member of the Board is incapacitated by reason of absence from the country or illness or any other sufficient cause from the performance of functions as a Board member for a period of more than twelve months, the President may, subject to nomination where applicable, appoint another person to hold office until the incapacity of the Board member has terminated or until the expiration of the term of office of that member, whichever occurs first.
- (4) The chairperson of the Board shall, through the Minister, notify the President of vacancies that occur in the membership of the Board within one month from the occurrence of the vacancy.

(5) A member of the Board other than the Director-General may, at any time by letter addressed to the President through the Minister, resign from office.

7. Allowances for members

The chairperson and the other members of the Board shall be paid the allowances that the Board in consultation with the Minister and the Minister for Finance determines.

8. Meetings of the Board

(1) The Board shall meet at least once every three months for the dispatch of business at the times and places determined by the Board.

(2) The chairperson shall, on the written request of the Director-General or not less than one-third of the membership of the Board, convene a special meeting of the Board.

(3) The quorum at a meeting of the Board is six including the Director-General or the person acting in that capacity.

(4) The chairperson shall preside at the meeting of the Board and in the absence of the Chairperson a member of the Board elected by the members present from among their number shall preside.

(5) Questions before the Board shall be decided by a majority of members present and voting and in the event of equality of votes the person presiding shall have a casting vote.

(6) The Board may co-opt a person to act as an adviser at its meetings but a co-opted person is not entitled to vote at the meeting.

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

(8) Except as otherwise expressly provided under this section, the Board shall determine and regulate the procedure for its meetings.

9. Disclosure of interest

(1) A member of the Board who is directly or indirectly interested in a matter being dealt with by the Board shall disclose the nature of the interest at a meeting of the Board and may not take part in the deliberation or decision of the Board with respect to the matter.

(2) A member who fails to disclose an interest shall be removed from the Board.

10. Committees of the Board

The Board may for the performance of its functions appoint committees of the Board comprising members of the Board or non-members or both and assign to a committee any of the functions of the Board that the Board may determine except that a committee composed entirely of non-members may only advise the Board.

11. Offices of the Agency

(1) There shall be established in each regional capital a regional office of the Agency.

(2) Offices of the Agency shall be provided with the public officers that the Board in consultation with the Public Services Commission shall determine.

(3) Offices of the Agency shall perform the functions of the Agency in the Region directed by the Board.

(4) The Agency may establish any other offices within the Region as the Board considers necessary.

National Meteorological Fund

12. Establishment of Meteorological Fund

(1) There is established by this Act a Fund for the Agency known as the National Meteorological Fund.

(2) The sources of money for the Fund are

- (a) the moneys that Parliament may allocate to the Agency for the performance of its functions,
- (b) the fees and charges accruing to the Agency in the performance of its functions,
- (c) the interest from investments,
- (d) loans granted to the Agency,
- (e) grants, donations and gifts, and
- (f) any other moneys that Parliament may approve for payment into the Fund.

13. Object of the Fund

The moneys of the Fund shall be applied for

- (a) publicising and promoting the activities of the Agency,
- (b) research, studies and investigations relating to the functions of the Agency,
- (c) human resource development,
- (d) the development and maintenance of any property vested in or owned by the Agency, and
- (e) any other purposes in connection with the functions of the Agency that the Board in consultation with the Minister shall determine.

14. Management of the Fund

(1) The Fund shall be managed and administered by the Board which shall for this purpose, include the Controller and Accountant-General or a representative of the Controller and Accountant-General.

(2) The Board shall, for the purpose of managing the Fund,

- (a) formulate policies to generate money for the Fund,
- (b) determine the allocation to be made towards the objects of the Fund, and (c) determine annual targets of the Fund.

(3) The moneys for the Fund shall be paid into a bank account for the purpose opened by the Board with the approval of the Controller and Accountant-General.

(4) The provisions in sections 23 and 24 on accounts, audit and annual report shall apply to the Fund.

15. Payments from the Fund

The payments from the Fund shall be by cheque and signed by

- (a) the chairperson of the Board or in the absence of the chairperson a member of the Board designated to do so, and
- (b) the Director-General.

16. Investment of the fund

The Board may invest a part of the Fund that it considers appropriate in the securities approved by the Minister for Finance.

Administrative and General Provisions

17. Director-General of the Agency

(1) There shall be appointed by the President in accordance with article 195 of the Constitution, a Director-General of the Agency who shall be the chief executive of the Agency.

(2) The Director-General shall hold office on terms and conditions specified in the letter of appointment of the Director-General.

(3) The Director-General is responsible for the direction of work of the Agency subject to such general directives as the Board may give.

(4) The Director-General is responsible for the day-to-day administration of the Agency and shall ensure the implementation of the decisions of the Board.

(5) The Director-General may delegate the functions of the office of Director General to an officer of the Agency but is not relieved of ultimate responsibility for the performance of the delegated function.

(6) The Director-General shall be the permanent representative of Ghana with the World Meteorological Organisation in accordance with the provisions of Regulation 6 of the World Meteorological Organisation, Basic Document No. 15.

18. Principal officers of the Agency

(1) The Director-General shall be assisted by two Deputy Director-Generals and other principal officers as the Board may determine.

(2) The President shall, acting in accordance with article 195 of the Constitution, appoint the two Deputy Director-Generals and any other principal officers of the Agency.

19. Secretary of the Board

There shall be a Secretary of the Board who shall be the head of the legal services unit of the Agency, and

- (a) who is a legal practitioner of not less than ten years standing as a lawyer,
- (b) shall be responsible for keeping the books and proper records of proceedings and correspondence of the Board, and
- (c) shall perform any other functions that the Board may assign.

20. Appointment of other Staff

- (1) The Agency shall have any other officers and employees that are necessary for the proper and effective performance of its functions under this Act.
- (2) The Board may on the recommendations of the Director-General engage the services of experts and consultants as determined by the Board.
- (3) The appointment of officers of the Agency shall be made by the President in accordance with article 195 of the Constitution, and on the terms and conditions determined by the appointing authority.

21. Delegation of power of appointment

The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment of public officers under sections 17 to 20.

22. Administrative expenses of the Agency

The administrative expenses of the Agency shall be a charge on the Consolidated Fund.

23. Accounts and audit

- (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.
- (2) The accounts of the Agency shall be audited by the Auditor-General within six months after the end of each financial year by the Auditor-General.
- (3) 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 Agency for the preceding financial year.
- (4) The financial year of the Agency shall be the same as the financial year of the government.
- (5) The Director-General shall prepare budget estimates for each ensuing financial year and present the estimates to the Board for its approval not later than three months before the end of the preceding financial year.

24. Annual report and other reports

- (1) The Board shall as soon as practicable after the expiration of each financial year but within eight months after the end of the year submit to the Minister an annual report covering the activities and operations of the Agency for the year to which the report relates.

(2) The report shall include

- (a) the audited accounts of the Board and the Auditor-General's reports of the accounts, and
- (b) any other information that the Board may consider necessary.

(3) The Minister shall within two months of the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports that the Minister may in writing require.

25. Tax exemption

The Agency is exempt from the payment of tax on an income accruing from investments made by the Board for the Agency.

26. Power to enter land or premises

(1) For the purpose of performing any of its functions, the Agency may by its officers or any other employees, after giving notice to the owner or occupier of any land or premises, enter the land or premises and do an act reasonably necessary for performing its functions and in particular may

- (a) inspect and examine lands, buildings and equipment of meteorological stations,
- (b) inspect and examine accounts, records and memoranda required to be kept by meteorological stations,
- (c) cut down and remove any tree, underwood or structures that may interfere with surveys, and
- (d) remove an installation which constitutes a hindrance to the delivery of meteorological climate in consultation with the Environmental Protection Agency.

(2) The Agency shall pay compensation for damage caused as a result of action taken under subsection (1), and the liability for and the amount of the compensation shall in case of dispute be settled in the first instance by negotiation.

(3) The Agency may delegate its power under this section to the relevant District Assembly.

27. Borrowing powers

Subject to article 181 of the Constitution and any other enactment, the Agency may obtain loans and any other credit facilities on the guarantee of the Government from the banks and institutions that the Minister may in consultation with the Minister responsible for Finance determine.

28. Execution of contracts

(1) The use of the seal of the Agency shall be authenticated by the signatures of

- (a) the Director-General, and

- (b) the chairperson of the Board or in the absence of the chairperson any other officer of the Agency authorised by the Agency to authenticate the use of the seal.

(2) An instrument or a contract which if executed or entered into by a person other than a body corporate would not require to be under seal, may be executed or entered into on behalf of the Agency by the Director-General or a member of the Agency if that person has previously been authorised by a decision of the Board to execute or enter into that particular agreement or contract.

(3) This section is subject to section 12 of the Contracts Act, 1960 (Act 25).

29. Confidentiality

(1) A member of the Board, the Director-General, or any other officer or employee of the Agency

- (a) shall, subject to the existing law, treat as confidential an information obtained in the performance of functions under this Act; and
- (b) shall not disclose an information except when required to do so by a Court, under an enactment or any other circumstances determined by the Board.

(2) A person who acts contrary to subsection (1) is subject, in the case of an officer or employee of the Agency, to disciplinary action, and in the case of a member of the Board is liable to be removed from the Board.

30. Improper use of the Organisation's official seal

(1) A person shall not, without the authority of the Minister responsible for Communications use

- (a) the design in the Schedule which is the official seal and emblem of the World Meteorological Organisation, or
- (b) the designation "World Meteorological Organisation" or an abbreviation of that designation.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units and shall forfeit to the Republic the goods in connection with which the seal, emblem or designation was used.

31. Offences committed by a body of persons

(1) Where a body of persons is convicted of an offence under this Act,

- (a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence; and
- (b) in the case of a partnership or a firm every partner of the partnership or firm shall be deemed to have committed that offence, and on conviction is liable to a fine not exceeding five hundred penalty units or, as appropriate, to a term of imprisonment not exceeding two years or to both the fine and the imprisonment.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved that the offence was committed without that person's knowledge, and that care and due diligence was exercised to prevent the commission of the offence having regard to the circumstances.

32. Regulations

(1) The Minister may on the recommendations of the Board make Regulations by legislative instrument to give effect to this Act.

(2) In furtherance of subsection (1), the Minister may make Regulations;

- (a) to prescribe guidelines for climatic requirement for sectoral activities;
- (b) for the establishment of meteorological stations;
- (c) for matters in respect of which fees are payable;
- (d) for the provision of aeronautical services;
- (e) to provide for uniform standards in the observation of meteorological phenomena;
- (f) generally for the achievement of the purposes of this Act.

33. Interpretation

In this Act, unless the context otherwise requires,

"**Agency**" means the Ghana Meteorological Agency established under section 1;

"**aeronautical service**" includes information, direction and any other facilities furnished, issued or provided in connection with meteorological forecasts or data;

"**agro-meteorology**" means the application of meteorological information and data in the monitoring and management of agricultural activities;

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

"**Board**" means the governing body of the Agency provided for under section 4;

"**Conventions**" means the W.M.O Convention, the Convention of the International Civil Aviation Organisation, Framework Convention on Climatic Change and Convention to Combat Desertification and Drought;

"**functions**" includes powers and duties;

"**Fund**" means the National Meteorological Fund established by section 12;

"**meteorology**" means the study dealing with phenomena of the atmosphere;

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

"**operational hydrology**" means the practical application of meteorology in relation to water and flood management;

"**premises**" includes any building or land, ship, aircraft or caravan but does not include a building or place used exclusively as a dwelling place;

"sectoral activities" includes activities related to agriculture, marine, civil aviation, construction and building works, environment, water resources and natural disasters;

"upper air" refers to any level above ten metres from the surface of the earth;

"weather" means the state of the atmosphere which consists of the short-term on the scale of minutes to days variation of the atmosphere.

34. Dissolution of Meteorological Services Department

(1) The body known and referred to as "the Meteorological Services Department" established by the Civil Service (Structure) Regulations, 1961 (L. 139) is hereby dissolved.

(2) Despite the revocation under subsection (1) the contracts, orders or decisions or anything made or done by a body which until the coming into force of this Act was charged with the performance of any of the functions under this Act shall be valid and continue in force as if it was made or done under this Act.

35. Transfer and vesting of assets and liabilities

The rights, assets, obligation and liabilities of the dissolved Meteorological Services Department of the Ministry of Communications and the persons employed for or by the dissolved department are hereby transferred to the Agency established under this Act.

36. Repeal

The World Meteorological Organisation (Protection) Act, 1959 (No. 20) is hereby repealed.

SCHEDULE

SCEAU OFFICIEL et EMBLEME de l'Organisation Meteorologique Mondiale (O.M.O.). The

OFFICIAL SEAL and EMBLEM of the World Meteorological Organisation (W.M.O.).



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