

Middle Belt Development Authority Bill, 2017

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MIDDLE BELT DEVELOPMENT AUTHORITY ACT, 2017

AN ACT to establish the Middle Belt Development Authority to provide a framework for the accelerated economic and social development of the Middle Belt Development Zone and for related matters.

Passed by Parliament and assented to by the President:

Establishment of the Middle Belt Development Authority

Establishment of the Authority

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Middle Belt Development Authority.

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

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(3) Where there is hindrance to the acquisition of property, the property may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

Objects of the Authority

2. The objects of the Authority are to
- (a) accelerate economic and social development in the Middle Belt Development Zone through strategic direction in the planning and prioritisation of development projects;
 - (b) mobilise public resources including financial resources and private and public investments for the accelerated economic and social development of the Middle Belt Development Zone;
 - (c) co-ordinate development activities in the Middle Belt Development Zone with the aim of ensuring that
 - (i) public resources are effectively utilised; and
 - (ii) private investments achieve maximum development impacts to reduce poverty and deprivation in each constituency; and
 - (d) formulate and implement initiatives towards achieving gender equality and empowerment of vulnerable groups in the Middle Belt Development Zone.

Functions of the Authority

3. For the realisation of the short term and long term plans, the Authority shall
- (a) design a comprehensive development strategy;
 - (b) oversee the application of the annual allocation by the Central Government to each constituency in the Middle Belt Development Zone;
 - (c) establish structures and institutions for the effective implementation of the comprehensive development strategy;
 - (d) facilitate processes for consensus building among relevant stakeholders;
 - (e) establish a co-ordinated system of resource mobilisation for the Middle Belt Development Zone;
 - (f) establish venture capital or other risk finance instruments or institutions to mobilise finance for investments;

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- (g) implement programmes to maximise the economic and social development potential of the Middle Belt Development Zone;
- (h) execute identified relevant projects in a community in the Middle Belt Development Zone that will stimulate the modernisation of agricultural development and competitiveness of small scale farmers through irrigation, improved technology and promote efficiency for the domestic and export market;
- (i) facilitate private sector development initiatives;
- (j) stimulate investments and business developments to create jobs and increase income;
- (k) invest in economic and social infrastructure including roads, energy, water resources and communication to create the pre-conditions for accelerated economic and social development;
- (l) facilitate programmes on improved access to food, sustainable livelihoods and safety-net investments for low income areas;
- (m) co-operate with key statutory institutions including the National Development Planning Commission, Ministries, Departments, Agencies, District Assemblies and other entities to ensure conformity with the national development plan to avoid duplication of functions;
- (n) implement programmes to support mainstreaming of gender and other issues of vulnerability through co-operation with the Ministry responsible for Gender, Children and Social Protection, other relevant Ministries and civil society organisations;
- (c) serve as an agent of the Government in public private partnership initiatives in the Middle Belt Development Zone and initiate public private partnerships directly in the Middle Belt Development Zone;
- (p) establish a system of monitoring and evaluation to ensure that strategic targets and results are met in a timely and appropriate manner;
- (q) co-ordinate the planning and implementation of integrated development activities for the realisation of the short term and long term plans for the Middle Belt Development Zone;

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- (t) ensure the payment of compensation for the acquisition of lands for the purpose of accelerated economic and social development in the Middle Belt Development Zone;
- (s) undertake or represent the Government in public private partnerships to facilitate private investment and reduce the risk of exposure for private enterprises in the Middle Belt Development Zone;
- (t) adopt and implement measures necessary for funding the accelerated economic and social development of the Middle Belt Development Zone; and
- (u) perform any other functions under this Act or that are ancillary to the objects of the Authority.

Governance of the Authority

Governing body of the Authority

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson nominated by the President;
 - (b) one person from the National Development Planning Commission not below the rank of a Director;
 - (c) one representative of traditional authorities in the Middle Belt Development Zone nominated by the Regional Houses of Chiefs in the Middle Belt Development Zone;
 - (d) one person from the Ministry of Finance not below the rank of a Director;
 - (e) one person from civil society organisations in the Middle Belt Development Zone;
 - (f) one person from private sector organisations;
 - (g) the Chief Executive Officer of the Authority; and
 - (h) six persons with professional expertise nominated by the President at least two of whom are women.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.
- (3) The President shall in appointing a member of the Board have regard to fair representation among the Middle Belt Development Zone.

Functions of the Board

5. (1) The Board shall, subject to the provisions of this Act,
- (a) give general directives on the management and operations of the Authority;
 - (b) in consultation with the Minister, formulate policies necessary for the achievement of the objects of the Authority;
 - (c) oversee the sound and proper management of the resources of the Authority; and
 - (d) ensure the proper and effective performance of the functions of the Authority.
- (2) Without limiting subsection (1), the Board shall
- (a) approve the annual operative plans and budget of the Authority;
 - (b) review the quarterly performance of the Authority including the statement of accounts of moneys disbursed from the funds of the Authority;
 - (c) approve the audit plan for the Authority and monitor its implementation;
 - (d) implement the report of the Auditor-General within the specified time frame for action;
 - (e) in conformity with Government pay policy, determine the remuneration of staff engaged by the Authority; and
 - (f) conduct reviews of its policies and strategies as determined by the Minister.
- (3) The Board shall in the performance of its functions be responsible to the Minister.

Duties and liabilities of a member of the Board

6. (1) A member of the Board has the same fiduciary relationship with the Authority and the same duties to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 1963 (Act 179).
- (2) Without limiting subsection (1), a member of the Board has a duty
- (a) to act honestly in the performance of the functions of that member;

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- (b) to exercise the degree of care and diligence in the performance of the functions of that member that a reasonable person in that position would reasonably be expected to exercise in the circumstances;
- (c) to avoid making improper use of information acquired by virtue of the position of that member so as to benefit that member or be detrimental to the Authority; and
- (a) not to abuse the position of the office.

(3) A member of the Board who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units.

(4) Where a court determines that the Authority has suffered loss or damage as a consequence of the act or omission of a member, the court may, in addition to imposing a fine, order the person convicted to pay appropriate compensation to the Authority.

Tenure of office of members of the Board

7. (1) A member of the Board shall hold office for a period of four years and is eligible for re-appointment, but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Chief Executive Officer and a person who is a member of the Board by reason of the office of that person.

(3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by a letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

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- (7) Where there is a vacancy
- (a) under subsection (3) or (4) or subsection (2) of section 9;
 - (b) as a result of a declaration under subsection (6); or
 - (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall, subject to subsection (2) of section 4, appoint a person to fill the vacancy.

Meetings of members of the Board

8. (1) The Board shall meet at least once every quarter for the despatch of business at the times and places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board in respect of a particular matter.

(4) The chairperson shall preside at meetings 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) Matters before the Board shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

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

(8) The Board shall, subject to this Act, regulate the procedure for its meetings.

Disclosure of interest

9. (1) A member of the Board who has an interest in a matter for consideration shall

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

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(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

- (a) fails to disclose that interest; or
- (b) participates in the deliberations of the Board in respect of that matter

(3) Despite subsection (2), the Board shall refer the non-disclosure of interest by the member to the appropriate person or institution, if the Authority consequentially suffers irreparable loss or damage.

Establishment of committees

10. (1) The Board may establish committees consisting of members of the Board or non-members or both, to perform a function of the Board.

(2) Section 9 applies to a member of a committee of the Board.

Allowances

11. Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

12. The Minister may give directives on matters of policy to the Board and the Board shall comply.

Administration of the Authority

Appointment of Chief Executive Officer

13. (1) The President shall in accordance with article 195 of the Constitution appoint a Chief Executive Officer for the Authority.

(2) The Chief Executive Officer shall possess relevant professional competence and experience.

(3) The Chief Executive Officer shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Chief Executive Officer

14. (1) The Chief Executive Officer is responsible for the day to day administration of the affairs of the Authority and is answerable to the Board for the performance of functions under this Act.

(2) The Chief Executive Officer may delegate a function to an officer of the Authority who is not below the rank of a Director but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Secretary to the Board

15. (1) The Authority shall have an officer to be designated as the Secretary to the Board.

- (2) The Secretary shall, subject to the directions of the Board,
- (a) arrange the business for the meetings of the Board and cause minutes of proceedings of the Board to be recorded and kept, and
 - (b) perform any other function that the Board may in writing direct or as the Chief Executive Officer may in writing delegate.

Appointment of other staff

16. (1) The President shall, in accordance with article 195 of the Constitution, appoint for the Authority other employees that are necessary for the proper and efficient conduct of its functions.

(2) The Authority may engage the services of consultants and advisers on the recommendation of the Board.

Departments of the Authority

17. (1) The Board may, on the recommendation of the Chief Executive Officer, establish departments of the Authority that are necessary for the effective performance of the functions of the Authority.

(2) The establishment of departments by the Board shall be subject to the approval in writing of the Minister.

Internal Audit Unit

18. (1) The Authority shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Authority.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

- (a) prepare and submit to the Board, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

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(*b*) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Authority.

(5) The Internal Auditor shall in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to

- (*a*) the Minister;
- (*b*) the Auditor-General; and
- (*c*) the chairperson of the Board.

Finances of the Authority

Funds of the Authority

19. The funds of the Authority shall include

- (*a*) moneys approved by Parliament;
- (*b*) moneys from the Infrastructure for Poverty Eradication Project;
- (*c*) loans and grants;
- (*d*) interests from investments made by the Authority;
- (*e*) rents and royalties accruing to the Authority from property of the Authority, including intellectual property and land banks;
- (*f*) fees and charges due to the Authority from services rendered by or through the Authority;
- (*g*) donations and gifts;
- (*h*) seed money specifically allocated for the start-up of the Authority; and
- (*i*) internally generated funds of the Authority.

Bank account

20. Moneys for the Authority shall be paid into a bank account opened for the purpose by the Board with the approval of the Controller and Accountant-General.

Expenses of the Authority

21. The administrative and other expenses of the Authority including the remuneration of employees, and allowances of the members of the Board shall be charged on the funds of the Authority.

Borrowing powers

22. (1) Subject to article 181 of the Constitution and section 76 of the Public Financial Management Act, 2016 (Act 921), the Authority may obtain loans and credit facilities which the Authority requires for the implementation of its programmes and policies.

(2) The Authority may, with the approval of the Minister responsible for Finance borrow, by way of overdraft or otherwise, sums that it may require to meet its current obligations or to perform its functions.

(3) The Minister responsible for Finance may, subject to section 66 of the Public Financial Management Act, 2016 (Act 921), provide a sovereign guarantee to the Authority to enable the Authority contract a loan or enter into a local or international economic or business transaction.

Exemption from taxes, duties, fees and other charges

23. (1) The Authority is exempt from the payment of taxes, duties, fees and other charges.

(2) Subject to article 174 of the Constitution, the Minister responsible for Finance may with the approval of Parliament grant a waiver or variation of tax to the Authority.

(3) The buildings and other tenements of the Authority shall be exempted from the payment of property and other rates levied by a local authority.

Accounts and audit

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

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

Financial year

25. The financial year of the Authority is the same as the financial year of the Government.

Annual reports and other reports

26. (1) The Board shall, within one month after receipt of the audit report, submit to the Minister an annual report covering the activities and operations of the Authority for the year to which the report relates.

(2) The annual report shall include

- (a) the report of the Auditor-General;
- (b) a report on the impact of the operations of the Authority including the development strategy on the Middle Belt Development Zone;
- (c) a quantitative and qualitative assessment of the targets set by the Authority for the reporting period;
- (d) a summary of feedback, concerns and challenges from stakeholders of the Authority;
- (e) recommendations for improving the Authority based on paragraphs (c) and (d); and
- (f) a report on the finances of the Authority specifying
 - (i) the total inflows,
 - (ii) disbursements,
 - (iii) investment returns and reserves, and
 - (iv) the average cost provided from the Authority's pool of funds to beneficiaries of the Authority; and
- (g) any other information that may be required by the Minister in conformity with the Public Financial Management Act, 2016 (Act 921) or that may be relevant to enhance transparency and accountability.

(3) The Minister shall within one month of the receipt of the annual report from the Authority submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may request in writing.

(5) Subject to matters that the Board may designate as confidential, the Authority shall publish the reports of the Authority on the website of the Authority and in a medium of communication that the Board considers necessary.

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Miscellaneous Provisions

Incentives for private sector

27. (1) The Authority shall grant and extend incentives to private sector and other philanthropic investments in the Middle Belt Development Zone in co-operation with other public agencies so as to promote accelerated economic and social development and institute measures for the protection of the private sector in the Middle Belt Development Zone.

(2) Without limiting subsection (1), the Authority may apply to the relevant public agency for the grant or extension of the following incentives:

- (a) waiver or variation of duties and other taxes on imports of inputs, machinery and equipment by a private sector company meant exclusively for use in an investment project within the Middle Belt Development Zone;
- (b) reduction or remission of corporate taxes for firms and companies investing in the Middle Belt Development Zone under the policies and programmes of the Authority; and
- (c) facilitation of the acquisition of loans by an indigenous entity which locates its operations in a rural community within the Middle Belt Development Zone.

Public consultation and notice

28. (1) The Authority may hold public consultations within the Middle Belt Development Zone relating to a major project that the Authority plans to implement and may take into account comments received from the consultations in making the final implementation decision.

(2) Before the Authority holds public consultations, the Authority shall publish in the *Gazette* and at least one daily newspaper of national circulation a notice containing the details of the project and the assessment by the Authority of the social and economic benefits of the project.

Offences and penalties

29. A person who unlawfully

- (a) prevents or attempts to prevent by force, intimidation, threat or in any other manner, an employee or authorised agent of the Authority from performing the functions of the Authority under this Act;

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- (b) makes a false statement to, or misleads or attempts to mislead the Authority or an employee or authorised agent of the Authority;
- (c) induces or attempts to induce by any means a member of the Board or Committee of the Board, an employee or authorised agent of the Authority; or
- (a) discloses confidential information obtained by or submitted to the Authority in the course of the performance of its functions,

commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than two years and not more than four years or to both.

Guidelines

30. (1) The Board shall, in consultation with the Minister, publish guidelines in respect of operational procedure that the Board considers necessary

- (a) for the purpose of carrying into effect the provisions and principles of this Act;
- (b) for regulating any matter falling within the scope of the functions of the Board; and
- (c) to be provided under this Act.

(2) Without limiting subsection (1), the Board shall publish guidelines on

- (a) human resources and related matters;
- (b) financial and investment management;
- (c) communications;
- (d) development planning and implementation;
- (e) public-private partnership arrangements;
- (f) gender and social protection;
- (g) monitoring and evaluation; and
- (h) inter-agency co-ordination and co-operation systems.

Regulations

31. (1) The Minister may, on the advice of the Board, by legislative instrument, make Regulations generally for the effective implementation of this Act.

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- (2) Without limiting subsection (1), the Regulations shall provide for
- (a) the objects, design, duration, content, development and implementation of the Master Plan for the Middle Belt Development Authority;
 - (b) the procedure for the revision of the development strategy and plans of the Authority;
 - (c) the criteria for the allocation of development priorities in the Middle Belt Development Zone;
 - (d) the implementation arrangements including institutional relations;
 - (e) the procedure for the disbursement of funds; and
 - (f) the demarcation of the boundaries of the Middle Belt Development Zone when a new region is created.

Interpretation

32. In this Act, unless the context otherwise requires,

- “Authority” means the Middle Belt Development Authority established under section 1;
- “annual allocation” means the amount of money allocated to each constituency in the Middle Belt Development Zone as approved by Central Government;
- “Board” means the governing body of the Authority established under section 4;
- “Central Government” means units of Government that exercise authority over the economy of the country;
- “Chief Executive Officer” means the person appointed under section 13;
- “District Assembly” includes a Municipal Assembly and a Metropolitan Assembly;
- “donors” include governmental and non-governmental organisations which have development as their core function;
- “indigenous entity” means an entity wholly owned by Ghanaians;
- “Infrastructure for Poverty Eradication Project” means the programme which makes provision for the annual allocation for each constituency;

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- “international organisation” includes a non-profit and charitable organisation which is incorporated outside this country and operates in many countries but which is registered in this country as an international organisation or a company limited by guarantee;
- “land bank” means a large tract of land acquired by the Authority for development;
- “Middle Belt Development Zone” means the Ashanti Region, the Brong Ahafo Region and the Eastern Region;
- “Minister” means Minister assigned responsibility for Special Development Initiatives;
- “National Development Planning Commission” means the Commission established under section 1 of the National Development Planning Commission Act, 1994 (Act 479);
- “non-governmental organisation” means a civil society group or non-profit body of persons formed to pursue purposes that are lawful and that are non-profit but oriented towards public interest;
- “public resources” mean public revenue including revenue acquired through donation, bequest, borrowing, movable and fixed assets, deposit, receivables and rights;
- “risk finance instrument” means an instrument in the nature of shares, bonds or derivatives;
- “venture capital” means capital or a loan provided in collaboration with private investors; and
- “vulnerable group” includes persons with disability, women, children and persons who are disadvantaged.

Date of *Gazette* notification: 14th July, 2017.

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MEMORANDUM

The object of the Bill is to provide for the establishment of the Middle Belt Development Authority to provide a framework for accelerated economic and social development of constituencies and areas in the Ashanti Region, the Brong Ahafo Region and the Eastern Region of the Republic of Ghana.

Despite the country's middle-income status resulting from the steady expansion of the economy, development of the country is increasingly becoming unequal, as the benefits of economic growth are not equally distributed across the country, while poverty remains prevalent in many areas. Even though there is a significant decline in poverty at the national level, there are wide disparities across regions and between the urban and rural citizenry.

In line with Government's agenda to ensure inclusive and accelerated bottom up socio-economic development in the country, Government aims to establish the Middle Belt Development Authority to spearhead this agenda. The Middle Belt Development Authority, in addition to enhancing the inclusive development of the Ashanti Region, the Brong Ahafo Region and the Eastern Region of the country, will be the primary agency for implementing the Infrastructure for Poverty Eradication Programme.

The Bill, thus in *clauses* 1 to 3 provide for the establishment of the Middle Belt Development Authority. *Clause* 1 establishes the Authority as a body corporate with perpetual succession. The objects of the Authority are specified in *clause* 2 and these include acceleration of social and economic development in the Middle Belt Development Zone through strategic direction in the planning and prioritisation of development projects, co-ordination of development activities in the Middle Belt Development Zone with the aim of ensuring that public resources are effectively utilised to reduce poverty and deprivation in the Middle Belt Development Zone and the formulation and implementation of initiatives towards achieving gender equality and empowerment of vulnerable groups in the Middle Belt Development Zone.

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Clause 3 sets out the functions of the Authority. The Authority is required among others, to design the development strategy for the Middle Belt Development Zone, establish venture capital or other risk-finance instruments to mobilise finance for investment and facilitate private sector development initiatives. The Authority is further required to create jobs and increase incomes and implement programmes to maximise the economic development potential of the Middle Belt Development Zone. In addition, the Authority is to co-operate with key statutory institutions to ensure conformity with the overall national development plan and serve as agent of Government in public private partnerships initiatives in the Middle Belt Development Zone. Finally, the Authority is required to perform any other functions that are ancillary to the objects of the Authority.

The various aspects relating to governance of the Authority are provided for from *clauses 4* to *12*. *Clause 4* provides for the composition of the governing body which comprises thirteen members including one person each from the National Development Planning Commission, Ministry of Finance, civil society organisations, private sector organisations and the Chief Executive Officer of the Authority. The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution.

Clause 5 provides for the functions of the Board. The Board is required to give directives on the management and operations of the Authority and ensure that the functions of the Authority are properly and effectively performed. In addition, the Board is responsible for the approval of annual operative plans and budget of the Authority and reviewing the quarterly performance of the Authority including statement of accounts of moneys disbursed from the funds of the Authority.

The duties and liabilities of members of the Board are spelt out in *clause 6*. A member of the Board is under the same fiduciary duty as a director of a company, incorporated under the Companies Act, 1963 (Act 179). A member who breaches a duty or acts in bad faith is liable on summary conviction, to the payment of a fine and may be required by a

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court order, to compensate the Authority for any loss suffered by the Authority or damage caused to the Authority.

Clauses 7, 8, 9, 10, 11 and 12 deal with the standard provisions on the tenure of members of the Board, meeting of members of the Board, disclosure of interest, establishment of committees, allowances and ministerial directives.

Under *clause 7*, a member of the Board, other than the Chief Executive Officer or a person who is a member of the Board by reason of the office of that person, is to hold office for a period of four years, renewable for another term only. The *clause* also provides for sanctions against a Board member who is absent from three consecutive meetings of the Board.

Clause 8 makes provision for members of the Board to meet at least once every quarter and sets the quorum for a meeting at eight members or a greater number if the Board so determines in respect of a particular matter under consideration.

Clause 9 requires a member of the Board who has an interest in a matter to be deliberated on by the Board to disclose that interest. Failure to disclose the interest is a ground for the removal of that member from the Board. In addition, the Board is mandated to refer the non-disclosure of an interest by that member to the appropriate person or institution, if the Authority suffers an irreparable loss as a result of the non-disclosure.

Clause 10 confirms that the requirement to disclose an interest also applies to committee members. The members of the Board and members of a committee of the Board are to be paid allowances as approved by the Minister in consultation with the Minister responsible for Finance, *clause 11*. By virtue of *clause 12*, the Minister may give directives to the Board on matters of policy.

Clauses 13 to 18 provide for the administration of the Authority. The appointment and functions of a Chief Executive Officer are specifically dealt with in *clauses 13 and 14*. *Clause 13* provides for the appointment of a Chief Executive Officer by the President in accordance with

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article 195 of the Constitution. Under *clause 14*, the Chief Executive Officer is responsible for the day to day administration of the affairs of the Authority and may delegate a function to a senior officer of the Authority but is not relieved from ultimate responsibility for the performance of the delegated function.

The Board is required to have a secretary who must be an officer of the Authority, *clause 15*. Similarly, by virtue of *clause 16*, the Authority is also to have other staff that are necessary for the proper and efficient conduct of the functions of the Authority and may engage the services of consultants and advisers.

For the effective performance of the functions of the Authority, the Board, on the recommendation of the Chief Executive Officer and subject to the approval in writing of the Minister, is empowered under *clause 17* to establish departments. *Clause 18* provides for an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

Clauses 19 to 26 deal with finances of the Authority. The funds of the Authority are enumerated and provided for in *clause 19*. In addition to moneys approved by Parliament, the funds of the Authority include moneys from the Infrastructure for Poverty Eradication Project, interest from investments made by the Authority, rents and royalties, fees and charges accruing and due to the Authority, as well as donations, gifts, loans and grants. *Clause 20* provides for the bank account of the Authority into which moneys for the Authority are to be paid. The bank account is to be opened by the Board with the approval of the Controller and Accountant-General.

Under *clause 21*, the expenses of the Authority including the administrative and other expenses are to be charged on the funds of the Authority.

Clause 22 empowers the Authority to borrow, subject to article 181 of the Constitution and the Public Financial Management Act, 2016 (Act 921). The provisions under *clause 22* specifically permit the Authority

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to obtain loans, borrow through an overdraft facility and further empowers the Minister responsible for Finance to provide a sovereign guarantee to the Authority in respect of loans contracted locally and internationally.

Under *clause 23*, the Authority is exempt from the payment of taxes, duties, fees and other charges. The Authority may also be granted a waiver or obtain a variation of taxes, subject to article 174 of the Constitution. The Authority is also exempted from the payment of tax or other rates levied by a local authority on property.

Clause 24 deals with the standard provisions on accounts and audit whilst *clause 25* provides for the financial year of the Authority. Annual report and other reports are provided for in *clause 26*. The Authority is required to publish the reports of the Authority on the website of the Authority and in another medium of communication that the Board considers necessary.

Clauses 27, 28, 29, 30, 31 and 32 deal with miscellaneous provisions. *Clause 27* provides for incentives for the private sector and empowers the Authority to grant and extend incentives for the private sector and other philanthropic investments in the Middle Belt Development Zone in co-operation with other public agencies. The Authority may hold public consultations relating to a major project but is required to publish notice of the project and its assessment of the socio-economic benefit of the project in the *Gazette* and one national newspaper, *clause 28*.

Clause 29 provides for offences, the punishment for which is a fine or term of imprisonment, whilst *clause 30* requires the Board to publish guidelines in respect of operational procedures. This is to be done in consultation with the Minister where the Board considers that necessary. The subject matter for the guidelines include matters pertaining to human resources and related matters, communications and monitoring and evaluation, among others.

Clause 31 makes provision for the Minister to make Regulations, by legislative instrument, on the advice of the Board, for matters including

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the procedure for the disbursement of funds, the implementation of arrangements including institutional relations and the development of industrial groups.

Clause 32 provides for the interpretation of some of the words and expressions used in the Bill.

HON. MAVIS HAWA KOOMSON
Minister responsible for Special Development Initiatives

Date: 13th July, 2017.