

# NATIONAL BLOOD SERVICE BILL, 2020

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**BILL**

ENTITLED

**NATIONAL BLOOD SERVICE ACT, 2020**

**AN ACT** to establish the National Blood Service and to provide for related matters.

**PASSED** by Parliament and assented to by the President:

*National Blood Service*

**Establishment of the National Blood Service**

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the National Blood Service.

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

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

**Members of the Service**

2. The members of the Service consists of
- (a) persons in the employment of the Service;
  - (b) persons holding positions created under this Act; and
  - (c) any other persons employed for the Service.

**Object of the Service**

3. The object of the Service is to provide safe and adequate blood and blood products to patients who require blood transfusion therapy in
- (a) a public health care institution; and
  - (b) a private health care institution.

**Functions of the Service**

4. To achieve the object under section 3, the Service shall
- (a) develop and maintain an efficient organisation and management structure with approved policies and plans, adequate infrastructure and skilled personnel;
  - (b) collect blood and blood products from voluntary non-remunerated donors who are from the low risk population groups;
  - (c) ensure that all blood and blood products which are donated are appropriately tested, processed, stored and distributed before transfusion;
  - (d) promote the safe and appropriate clinical use of blood and blood products and transfusion practices;
  - (e) promote and protect the health and confidentiality of blood donors and recipients of blood and blood products;
  - (f) ensure, as far as practicable, access to the safe and adequate supply of blood and blood products for transfusion to approved health care institutions in the country;
  - (g) adopt internationally accepted norms, standards and quality management systems to cover all areas of work of the Service;
  - (h) educate the public on blood donation;
  - (i) ensure that blood and blood products are available, affordable and easily accessible to a member of the public who needs them and in particular the vulnerable groups, without any form of discrimination;
  - (j) ensure the quality of tissue, stem cell, umbilical cord blood and their derivatives meant for transplantation to make them safe and prevent their exploitation;

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- (k) inspect and accredit hospital blood banks before the hospital blood banks can be supplied with blood and blood products by the Service;
- (l) advise the Minister on the implementation of the blood policy of Government; and
- (m) perform any other function that is ancillary to the attainment of the object of the Service.

*Governance of the Service*

**Governing body of the Service**

5. (1) The governing body of the Service is a Board consisting of
- (a) a chairperson;
  - (b) the Chief Executive Officer;
  - (c) the Director-General of the Ghana Health Service or a representative of the Director-General not below the rank of a Director nominated by the Director-General;
  - (d) a representative of the Ministry of Health not below the rank of a Director nominated by the Minister;
  - (e) a representative of the Attorney-General not below the rank of a Principal State Attorney nominated by the Attorney-General;
  - (f) a representative of the teaching hospitals nominated on a rotational basis by the teaching hospitals;
  - (g) a representative of the security health services nominated on a rotational basis by the security health services;
  - (h) a representative of the Private Health Care Providers Association nominated by the Private Health Care Providers Association;
  - (i) a representative of non-governmental organisations involved in voluntary non-remunerated blood donation nominated by the Coalition of Non-Governmental Organisations in Health;
  - (j) one haematologist nominated on a rotational basis by the Deans of the public medical schools; and
  - (k) one media practitioner nominated by the Ghana Journalists Association.

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

(3) The Board shall ensure the proper and effective performance of the functions of the Service.

**Duties and liabilities of a member of the Board**

6. (1) A member of the Board has the same fiduciary relationship with the Service and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

(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;
- (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 Service; 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 three thousand penalty units and not more than six thousand penalty units.

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

**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.

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(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, other than the Chief Executive Officer, 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 may result in the declaration of a vacancy.

(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 appoint a person to fill the vacancy.

**Meetings of the Board**

8. (1) The Board shall meet at least once every three months for the despatch of business at a time and place 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 a time and place determined by the chairperson.

(3) The quorum at a meeting of the Board is seven members.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Chief Executive Officer, 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 proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment or qualification of a member.

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**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.

(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) Without limiting any further cause of action that may be instituted against a member, the Board shall recover the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

**Establishment of committees**

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

(2) A committee of the Board shall be chaired by a member of the Board.

(3) 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 the 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.

*Blood Service Technical Advisory Committee*

**Establishment of Blood Service Technical Advisory Committee**

13. Without limiting subsection (1) of section 10, the Board shall establish the Blood Service Technical Advisory Committee.



**Membership of the Blood Service Technical Advisory Committee**

14. (1) The members of the Blood Service Technical Advisory Committee comprise

- (a) a member of the Board, who shall be the chairperson;
- (b) the Chief Executive Officer;
- (c) a representative of the Foods and Drugs Authority not below the rank of a Director nominated by the Chief Executive Officer of the Foods and Drugs Authority;
- (a) a representative of the Ghana AIDS Commission not below the rank of a Director nominated by the Director-General of the Ghana AIDS Commission;
- (e) a representative of the Ghana Society of Haematology not below the rank of a Senior Specialist nominated by the Ghana Society of Haematology;
- (j) a representative of the National Blood Donors Association of Ghana nominated by the National Blood Donors Association of Ghana;
- (g) a representative of the Chartered Institute of Marketing, Ghana nominated by the Chartered Institute of Marketing, Ghana;
- (h) a representative of the Ghana Blood Foundation nominated by the Ghana Blood Foundation;
- (i) a registered Medical Laboratory Scientist not below the rank of a Principal Medical Laboratory Scientist nominated by the National Public Health and Reference Laboratory;
- (j) a registered nurse not below the rank of a Principal Nursing Officer nominated by the Registrar of the Nurses and Midwifery Council; and
- (k) an Epidemiologist not below the rank of a Senior Lecturer nominated by the School of Public Health of the University of Ghana.

(2) The members of the Blood Service Technical Advisory Committee shall be appointed by the Minister.

(3) The Chief Executive Officer is the secretary to the Blood Service Technical Advisory Committee.

(4) Sections 9 and 11 apply to a member of the Blood Service Technical Advisory Committee.

**Functions of the Blood Service Technical Advisory Committee**

15. The Blood Service Technical Advisory Committee shall
- (a) advise the Board on technical matters relating to the functions of the Service;
  - (b) make recommendations for the development and review of programmes and strategies for increasing voluntary unpaid blood donation;
  - (c) provide technical guidance on
    - (i) donor recruitment and selection,
    - (ii) laboratory testing and processing,
    - (iii) clinical use of blood and blood products, and
    - (iv) capacity building in the provision of blood services;
  - (a) promote the adoption of national and international evidence-based practices and quality management systems; and
  - (e) prepare and submit mid-year reports and annual reports to the Board.

**Tenure of office of members of the Blood Service Technical Advisory Committee**

16. (1) A member of the Blood Service Technical Advisory Committee 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 a person who is a member of the Blood Service Technical Advisory Committee by reason of the office of that person.

(3) A member of the Blood Service Technical Advisory Committee may at any time resign from office in writing addressed to the Minister.

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

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

(6) Where a member of the Blood Service Technical Advisory Committee is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability may 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 appoint a person to fill the vacancy.

**Meetings of the Blood Service Technical Advisory Committee**

17. (1) The members of the Blood Service Technical Advisory Committee shall meet at least once every three months for the despatch of business at a time and place determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one-third of the membership of the Blood Service Technical Advisory Committee, convene an extraordinary meeting of the Blood Service Technical Advisory Committee at a time and place determined by the chairperson.

(3) The quorum at a meeting of the Blood Service Technical Advisory Committee is five members.

(4) The chairperson shall preside at meetings of the Blood Service Technical Advisory Committee and in the absence of the chairperson, a member of the Blood Service Technical Advisory Committee, other than the Chief Executive Officer, elected by the members present from among their number shall preside.

(5) Matters before the Blood Service Technical Advisory Committee 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 Blood Service Technical Advisory Committee may co-opt a person to attend a meeting of the Blood Service Technical Advisory Committee but that person shall not vote on a matter for decision at the meeting.

(7) The validity of proceedings of the Blood Service Technical Advisory Committee shall not be affected by any vacancy among the members or by any defect in the appointment or qualification of a member.

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*Administration of the Service*

**Chief Executive Officer of the Service**

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

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

(3) The Chief Executive Officer is the head of the Service.

**Functions of the Chief Executive Officer**

19. (1) The Chief Executive Officer is responsible for the day-to-day administration of the Service and is answerable to the Board in the performance of functions under this Act.

(2) The Chief Executive Officer shall perform any other function determined by the Board.

(3) The Chief Executive Officer may delegate a function to an officer of the Service but is not relieved of the ultimate responsibility for the performance of the delegated function.

**Appointment of other staff**

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

(2) Other public officers may be transferred or seconded to the Service or may otherwise give assistance to the Service.

(3) The Service may, on the recommendation of the Board, engage the services of consultants and advisers.

**Divisions and units of the Service**

21. The Board may, with the approval of the Minister, establish divisions and units of the Service that the Board considers necessary for the efficient performance of the functions of the Service.

**Secretary to the Board**

22. (1) The Service shall designate an officer 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

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- (*l*) perform any other function that the Board may in writing direct or as the Chief Executive Officer may in writing delegate.

**Internal Audit Unit**

**23.** (1) The Service 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 Service.

(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
- (*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 Service.

(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 the Minister and the chairperson of the Board.

*Finances of the Service*

**Funds of the Service**

**24.** The funds of the Service include

- (*a*) moneys approved by Parliament;
- (*b*) fees and charges that accrue to the Service in the performance of the functions of the Service;
- (*c*) loans, grants, and donations; and
- (*a*) any other moneys that are approved by the Minister responsible for Finance.

**Bank account**

**25.** The moneys for the Service shall be paid into a bank account of the Service approved by the Controller and Accountant-General.

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**Expenses of the Service**

26. The expenses of the Service shall be a charge on the Consolidated Fund.

**Accounts and audit**

27. (1) The Board shall keep books of account and records in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Service to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Service is the same as the financial year of Government.

**Annual report and other reports**

28. (1) The Board shall, within thirty days after receipt of the audit report, submit to the Minister, an annual report covering the activities and operations of the Service for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report from the Board, 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.

*Miscellaneous Provisions*

**Recruitment of blood donors**

29. (1) The Service is responsible for the education and recruitment of blood donors.

(2) Despite subsection (1), the Service may, with the approval of the Board and under the supervision of the Chief Executive Officer, outsource to a non-profit-making organisation the education and recruitment of blood donors.

**Offences and penalties**

**30.** (1) A person who

- (a) collects blood or blood products or holds out to collect blood or blood products from a member of the public for transfusion without authorisation from the Service,
- (b) manufactures or produces blood products for transfusion purposes,
- (c) provides for the purpose of transfusion, blood or blood products which have not been supplied to that person by the Service, or
- (a) divulges confidential information in relation to the functions of the Service,

commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year or to both.

(2) Paragraph (c) of subsection (1) does not apply to blood products approved for sale by the Foods and Drugs Authority.

(3) Paragraphs (a) and (c) of subsection (1) do not apply to a medical practitioner who

- (a) collects blood for transfusion for a patient at an approved health care provider institution, after reasonable requests on the part of that medical practitioner to acquire the required blood or blood product from the Service do not result in the Service providing the medical practitioner with the required blood or blood product; or
- (b) collects blood or blood products for a patient who needs the blood or blood product as a life-saving measure in an approved health care provider institution when all reasonable efforts to obtain the blood or blood products from the Service have not been successful.

**Regulations**

**31.** The Minister may, on the recommendation of the Board, by legislative instrument make Regulations to

- (a) prescribe the conditions for the supply of safe blood and blood products to patients;
- (b) prescribe standards for the transfusion of blood;

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- (c) provide for the inspection and accreditation of hospital blood banks before the hospital blood banks can be supplied with blood and blood products by the Service;
- (a) provide for the conditions of service of members of the Service; and
- (e) provide generally for the effective implementation of this Act.

**Interpretation**

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

- “approved health care provider institution” means a facility designated by the Ministry as an authorised institution to use blood and blood products for therapeutic purposes;
- “blood centre” means a facility equipped and staffed for the collection, testing, processing, storage and distribution of blood and blood products and other immuno-haematological services but does not include a hospital blood bank;
- “blood donor” means a person who voluntarily donates or gives blood for transfusion to a patient as part of a medical treatment;
- “blood product” means any therapeutic product derived from human blood or plasma;
- “blood transfusion” means the administration of whole blood or any of the components of blood as a therapeutic measure to patients whose clinical conditions demand so in an authorised institution;
- “Board” means the governing body of the Service established under section 5;
- “Chief Executive Officer” means the person appointed under section 18;
- “Food and Drugs Authority” means the Authority established under section 80 of the Public Health Act, 2012 (Act 851);
- “hospital blood bank” means a facility with hospital-related activities which is equipped and staffed to store and dispense blood and blood products and perform other clinical transfusion related functions;
- “immuno-haematological service” means a specialised laboratory service to support the clinical management of a patient who requires blood transfusion and transplantation of stem cells, tissues and organs;



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- “life saving measure” means an intervention provided for a patient who is in imminent danger of loss of life;
- “low risk population group” means blood donors with low risk of transfusion transmissible infections;
- “medical practitioner” means a person registered to practise medicine, by the Medical and Dental Council established under the Health Professions Regulatory Bodies Act, 2013 (Act 857);
- “Minister” means the Minister responsible for Health;
- “Ministry” means the Ministry of Health;
- “Service” means the National Blood Service established under section 1;
- “security health services” means the hospitals which are under the management of the security services;
- “stem cell” means an undifferentiated biological cell with the potential to develop into many different type of cells in the body;
- “transplantation” means a medical procedure in which an organ or tissue is removed from one human body or as a part of the same body and placed in the body of a primed recipient or the same body to replace a damaged or missing organ or tissue;
- “umbilical cord blood” means blood that remains in the placenta and in the attached umbilical cord after childbirth;
- “voluntary non-remunerated blood donor” means a donor who gives blood plasma or other blood components freely and voluntarily, without receiving payment in cash or in kind; and
- “vulnerable group” means the patient group which is transfusion dependent including those who are marginalised and have difficulty in accessing blood for transfusion.

**Transitional provisions**

**33.** (1) The assets and liabilities accrued in respect of a property vested in the National Blood Service in existence immediately before the coming into force of this Act are transferred to the Service.

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(2) A contract subsisting between the National Blood Service and another person and in effect before the coming into force of this Act shall subsist between the Service established under this Act and that other person.

(3) A person in the employment of National Blood Service immediately before the coming into force of this Act is deemed to have been employed by the Service established under this Act on the terms and conditions attached to the post held by that person before the coming into force of this Act.

Date of *Gazette* notification: 6<sup>th</sup> April, 2020.

# **NATIONAL BLOOD SERVICE BILL, 2020**

## **MEMORANDUM**

The object of the Bill is to establish the National Blood Service to provide safe, adequate blood and blood products to patients who require blood transfusion therapy in public and private health care institutions in the country. This is to ensure the promotion and protection of the health of the public through measures that guarantee the quality, safety and appropriate use of blood and blood products.

Over the years, blood transfusion services have been highly fragmented with very little coordination. Quality structures and culture are underdeveloped while community and clinical interface is disjointed. There is inadequate equipment and the few ones which are available are outmoded.

Currently, the National Blood Service operates three Blood Centres in Accra, Kumasi and Tamale. The mandate for the National Blood Service in its current form is derived from the National Blood Policy which was approved by the Government of Ghana in 2006. The Policy aims to promote efficiency in blood donor recruitment, selection and retention, blood collection, laboratory testing, blood component preparation, storage, and distribution. The Policy also emphasises quality assurance in the clinical use of blood.

In 2003, the Government of Ghana, in furtherance of the efforts to implement the Policy embarked on the re-organisation and modernisation of blood services under Phase III of the Health Services Rehabilitation Project (HSRP III). Component 2 of HSRP III was the construction and equipping of a purpose-built National Blood Service Headquarters and the Southern Zonal Blood Centre in Accra, remodelling and equipping of the Northern Zonal Blood Centre in Tamale and equipping of the Central Zonal Blood Centre in Kumasi.

However, there are more than one hundred and fifty health facilities which operate fixed sites for the collection, screening, processing and usage of blood and blood products across the country. Responsibility for ensuring quality in blood collection, screening, processing and storage has become amorphous as there is no legal framework for co-ordinating and regulating any aspect of blood services in the country. It has therefore become necessary to provide a regulatory framework to ensure that the collection, screening, processing and storage of blood and blood products conform to standards.

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The Bill therefore seeks to translate the National Blood Policy into legislation by establishing the National Blood Service as an Agency of the Ministry of Health. This will ensure the adequate, safe, accessible, efficient and affordable supply of blood and blood products to patients in the country and also effectively coordinate the national blood supply system, promote economies of scale and quality of blood and blood products and adhere to good manufacturing practice and standardisation.

This is in consonance with Resolution 72 of the Twenty-Eighth World Health Assembly (WHA 28.72) which was passed in May, 1975 which urged Member States to promote the development of national blood services based on voluntary unpaid blood donation and to enact effective legislation governing the operation of blood services as well as take other actions necessary to protect and promote the health of blood donors and receipts of blood and blood products. Further to this, the Executive Board Resolution passed at the Seventy-Ninth Session of the World Health Organisation Executive Board meeting in January, 1987 also urged member states to develop national policies in order to ensure timely and adequate supply of blood and blood products and to use them rationally as appropriate to country situations.

*Clauses 1 to 4* provide for the establishment of the National Blood Service. *Clause 1* establishes the National Blood Service as a body corporate with perpetual succession. The Service, in the performance of its functions, may acquire and hold movable and immovable property and enter into a contract or any other related transaction. Where there is a hindrance to the acquisition of property, the property may be acquired for the Service under the State Lands Act, 1962 (Act 125) and the cost is to be borne by the Service.

The members of the Service as specified in *clause 2* consist of persons in the employment of the Service, persons holding positions created under the Bill and any other persons employed for the Service.

*Clause 3* stipulates the object of the Service which is to provide safe and adequate blood and blood products to patients who require blood transfusion therapy in public and private health care institutions.

The functions of the Service as stated in *clause 4* include the development and maintenance of an efficient organisation and

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management structure with approved policies and plans, adequate infrastructure and skilled personnel; the collection of blood and blood products from voluntary non-remunerated donors who are from the low risk population groups and the promotion of safe and appropriate clinical use of blood and blood products and transfusion practices. In addition, the Service is to promote and protect the health and confidentiality of blood donors and recipients of blood and blood products; ensure, as far as practicable, access to the safe and adequate supply of blood and blood products for transfusion to approved health care institutions in the country; adopt internationally accepted norms, standards and quality management systems to cover all areas of work of the Service and educate the public on blood donation, among others.

The governance of the Service is dealt with in *clauses 5 to 12*. The governing body of the Service as specified in *clause 5* consists of eleven members who are appointed by the President in accordance with article 70 of the Constitution. The membership comprises a chairperson, the Chief Executive Officer, the Director-General of the Ghana Health Service or a representative of the Director-General not below the rank of a Director nominated by the Director-General, a representative of the Ministry of Health not below the rank of a Director nominated by the Minister and a representative of the Attorney-General not below the rank of a Principal State Attorney nominated by the Attorney-General. The rest are representatives of the teaching hospitals nominated on a rotational basis by the teaching hospitals, the security health services nominated on a rotational basis by the security health services, the Private Health Care Providers Association nominated by the Private Health Care Providers Association, non-governmental organisations involved in voluntary non-remunerated blood donation nominated by the Coalition of Non-Governmental Organisations in Health as well as one haematologist nominated on a rotational basis by the Deans of the public medical schools and one media practitioner nominated by the Ghana Journalists Association.

The duties and liabilities of members of the Board are dealt with in *clause 6*. A member of the Board has the same fiduciary relationship with the Service and the same duty to act with loyalty and in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992). In addition, a member of the Board has a duty to act honestly in

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the performance of the functions of that member; 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 and 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 Service, among others.

Standard provisions on the tenure of office of a member of the Board, meetings of the Board, disclosure of interest, establishment of committees and allowances are provided for in *clauses 7, 8, 9, 10 and 11* respectively. The Minister responsible for Health may give directives on matters of policy to the Board and the Board is to comply, *clause 12*.

Matters related to the Blood Service Technical Advisory Committee are dealt with in *clauses 13 to 17*. *Clause 13* establishes the Blood Service Technical Advisory Committee as a committee of the Board. Membership of the Blood Service Advisory Committee as provided for in *clause 14* comprises a member of the Board as the chairperson, the Chief Executive Officer, representatives of the Foods and Drugs Authority, the Ghana AIDS Commission, the Ghana Society of Haematology, the National Blood Donors Association of Ghana and the Chartered Institute of Marketing, Ghana. Also having representation on the Committee are the Ghana Blood Foundation, the National Public Health and Reference Laboratory, the Nurses and Midwifery Council and the School of Public Health of the University of Ghana. The members of the Blood Service Technical Advisory Committee are to be appointed by the Minister.

The functions of the Blood Service Technical Advisory Committee as provided for in *clause 15* include advising the Board on technical matters relating to the functions of the Service; making recommendations for the development and review of programmes and strategies for increasing voluntary unpaid blood donation and providing technical guidance on donor recruitment and selection, laboratory testing and processing, clinical use of blood and blood products and capacity building in the provision of blood services.

Provisions on the tenure of office of a member of the Blood Service Advisory Committee and meetings of the Blood Service Advisory Committee are provided for in *clauses 16 and 17* respectively.

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Administrative provisions are dealt with in *clauses 18 to 23*. The Chief Executive Officer of the Service is to be appointed by the President in accordance with article 195 of the Constitution, *clause 18*. The Chief Executive Officer is to hold office on the terms and conditions specified in the letter of appointment. The Chief Executive Officer, as the head of the Service, is responsible for the day-to-day administration of the Service and is answerable to the Board in the performance of functions under the Bill, *clause 19*. The Chief Executive Officer may delegate a function to an officer of the Service but is not relieved of the ultimate responsibility for the performance of the delegated function.

The appointment of other staff is provided for in *clause 20*. The President is, in accordance with article 195 of the Constitution, to appoint for the Service other employees that are necessary for the proper and efficient conduct of the functions of the Service. The Service may, on the recommendation of the Board, engage the services of consultants and advisers.

The Board may, with the approval of the Minister, establish divisions and units of the Service that the Board considers necessary for the efficient performance of the functions of the Service, *clause 21*.

*Clause 22* makes provision for the Service to designate an officer as the Secretary to the Board. The Secretary is to arrange the business for the meetings of the Board and cause minutes of proceedings of the Board to be recorded and kept and perform any other function that the Board may in writing direct or as the Chief Executive Officer may in writing delegate.

The Service is to have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921), *clause 23*. The Internal Audit Unit is to be headed by an Internal Auditor who is to be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658). The Internal Auditor is responsible for the internal audit of the Service.

*Clauses 24 to 28* deal with the finances of the Service. In *clause 24*, provision is made for the funds of the Service and these include moneys approved by Parliament; fees and charges that accrue to the Service in the performance of the functions of the Service; loans, grants and

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donations and any other moneys that are approved by the Minister responsible for Finance. The Service is, in *clause 25*, to have a bank account opened for the Service with the approval of the Controller and Accountant-General into which moneys for the Service are to be paid. The expenses of the Service are to be a charge on the Consolidated Fund, *clause 26*.

The standard provisions on accounts and audit and annual report and other reports are provided for in *clauses 27 and 28* respectively.

Miscellaneous provisions are dealt with in *clauses 29 to 33*. The recruitment and education of blood donors by the Service is provided for in *clause 29*. The *clause* also permits the Service, with the approval of the Board and under the supervision of the Chief Executive Officer, to outsource the education and recruitment of blood donors to a non-profit-making organisation.

Offences and penalties are provided for in *clause 30*. Under the Bill, it is an offence for a person to collect blood or blood products or hold out to collect blood or blood products from a member of the public for transfusion without authorisation from the Service; manufacture or produce blood products for transfusion purposes; or provide for the purpose of transfusion, blood or blood products which have not been supplied to that person by the Service; among others. A person who commits any one of these offences is liable on summary conviction to a fine of not less than one hundred penalty units and not more than one hundred and fifty penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both the fine and term of imprisonment.

The Minister, in *clause 31* is given the power, on the recommendation of the Board, by legislative instrument to make Regulations. The Regulations are to, among others, prescribe the conditions for the supply of safe blood and blood products to patients; prescribe the standards for the transfusion of blood; provide for the conditions of service of members of the Service and to generally provide for the effective implementation of the Bill.



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*Clause 32* makes provision for the interpretation of words and phrases used in the Bill whilst transitional matters are addressed in *clause 33*.

**HON. KWAKU AGYEMAN-MANU (M.P.)**  
*Minister responsible for Health*

Date: 25<sup>th</sup> March, 2020.