

NATIONAL SERVICE AUTHORITY BILL, 2024

MEMORANDUM

The object of the Bill is to establish the National Service Authority to mobilise and post persons qualified to undertake national service in areas of national priority for national development, inculcate the values of civic responsibility, discipline, patriotism, national cohesion and voluntarism in persons qualified to undertake national service and promote employability, entrepreneurship, technology and innovation among persons qualified to undertake national service.

In Ghana, the origin of the National Service Scheme is traced to the Builders Brigade established under the Builders Brigade Act, 1957 (Act 37). The Brigade provided the youth with an opportunity to render patriotic service in the execution of development projects, especially in the rural areas. The Brigade was initially opened to Ghanaian males up to forty-five years but was later expanded to accommodate females and renamed the Workers' Brigade. The participants, primarily illiterates, were engaged in the agricultural sector, flood control, construction, craftsmanship and road rehabilitation. Subsequently, in 1969, the National Service Corp was introduced under the National Service Corp Act, 1970 (Act 329) to replace the Workers' Brigade.

Act 329 was succeeded by the National Redemption Council Decree, 1973 (N.R.C.D. 208), which established the Ghana National Service Scheme. In an attempt to strengthen the Scheme to deliver effectively and attend to national call, N.R.C.D. 208 was repealed by the passage of the Ghana National Service Scheme Act, 1980 (Act 426).

The Ghana National Service Scheme Act, 1980 (Act 426) established the National Service Scheme with the core mandate of mobilising and deploying Ghanaian citizens of eighteen years and above for national priority development programmes through a mandatory national service programme.

The Scheme has been in existence for almost five decades and it has become imperative that a new legislation is passed to address the challenges facing the Scheme and align Act 426 with the changes that have occurred with time.

Over the years, Cabinet decisions, Presidential fiats and Ministerial directives have led to the implementation of changes in the operation of the Scheme without an amendment to Act 426 to reflect the changes. The criteria for persons who qualify to undertake national service,

cause for concern because developmental economists have established a strong correlation between youth unemployment and the emergence of civil strife.

The Service also lacks a strategic link with other state agencies that deal with pro-youth policies and programmes, and provide entrepreneurial support initiatives, including the National Youth Authority, the National Entrepreneurship and Innovation Programme and the Ghana Enterprises Agency.

The Bill seeks to establish an Authority as a body corporate with the requisite legal capacity to develop and implement policies and programmes for national service. The Bill also provides for collaboration between relevant institutions to create a safety net for graduates who successfully complete their mandatory national service.

The Bill repeals the Ghana National Service Scheme Act, 1980 (Act 426) and introduces several innovations to the law on national service. Under the Bill, qualification for national service includes citizenship and the completion of a course of study at a tertiary education institution, whether in the country or abroad. A national service person is also required to be not more than forty years at the time of completion of the relevant course of study.

Further, a tertiary education institution is to forward to the Board, not later than three months before the end of each academic year, a list of final year students and the respective courses of study of the students.

Under the Ghana National Service Scheme Act, 1980 (Act 426), national service personnel are required to render a mandatory service of two years, including a minimum military training period of six months. The Bill recognises the inherent challenges associated with a compulsory military training requirement of six months and has therefore introduced a training period of six weeks in areas including military drills, emergency response health-aid and safety measures for national service personnel. Furthermore, the Bill introduces a one-year national service period to accord with the current practice.

The Authority is also tasked with the duty to monitor and supervise institutions which take on national service personnel to ensure that the right conditions of work are provided for the personnel, including persons with disability. This is necessary to ensure compliance with the labour laws of the country and to protect the youth from exploitation.

The fast-growing number of graduates being churned out by the increasing number of tertiary institutions across the nation and the attendant impact on the administration of the Scheme under Act 426 have necessitated the passage of the Bill to provide for regional and district

undertake national service to gain the practical experience required for employment and for career planning and develop programmes to mobilise resources to sustain the operations of the Authority.

The governance of the Authority is provided for in *clauses 4 to 13*. *Clause 4* provides for the governing body of the Authority, which is a Board consisting of the chairperson nominated by the President, the Director-General of the Authority, one representative each from the Ministries responsible for Education, Employment and Labour Relations, Finance, Food and Agriculture, Interior, Defence, Health and Local Government and Rural Development, not below the rank of a Director, nominated by their respective Ministers.

Other members of the Board are the President of the National Service Personnel Association, one representative from the Association of Ghana Industries, nominated by the President of the Association of Ghana Industries and one other person nominated by the President, who is a woman.

Clause 5 enumerates the functions of the Board. The Board is responsible for ensuring the effective and efficient performance of the functions of the Authority.

The Board is also mandated to approve policies, programmes and proposals of the Authority and approve programmes for the advancement of the quality of life of persons qualified to undertake national service.

The duties and liabilities of members of the Board are spelt out in *clause 6*. Under the *clause*, a member of the Board is under the same fiduciary relationship with the Authority as a director of a company incorporated under the Companies Act, 2019 (Act 992).

Standard provisions on tenure of office of members of the Board, meetings of the Board, disclosure of interest and establishment of committees, allowances and policy directives are provided in *clauses 7, 8, 9, 10, 11 and 12* respectively.

Clauses 13 to 21 provide for the administration of the Authority.

Clause 13 empowers the Board, on the recommendation of the Director-General, to establish directorates and departments of the Authority that are necessary for the effective and efficient performance of the functions of the Authority.

The appointment and functions of the Director-General of the Authority are specifically dealt with in *clauses 14 and 15*. Under *clause 14*, the President is to appoint a Director-General for the Authority in accordance with article 195 of the Constitution. The Director-General is

Clauses 28 to 35 provide for matters in respect of national service.

A person is qualified to undertake national service if that person is a citizen, has completed a course of study at a tertiary education institution and is below forty years of age at the time of the course study, *clause 28*.

Clause 29 makes it mandatory for a tertiary education institution to forward to the Board, not later than three months before the end of each academic year, a list of final year students and the respective courses of study of the students.

Clause 30 empowers a user agency to apply to the Authority for the posting of national service personnel to the user agency.

Under *clause 31*, a person who qualifies to undertake national service and has completed a course of study in a tertiary education institution in a foreign country is required to apply to the Authority to undertake national service. The *clause* further requires a person who is unable to complete national service immediately after completion of a course of study in a tertiary education institution to apply to the Authority to undertake national service the following year or to defer national service for a period of not more than five years after the person qualifies to undertake national service.


Clause 32 empowers the Board to direct a person qualified to undertake national service to be engaged for the purpose of national service in a field determined by the Board.

The duration for national service is specified in *clause 33*. Under the *clause*, the duration for national service is one year, consisting of field service and, as determined each year by the Minister, having regard to the availability of funds and the priority of Government, training for a minimum of six weeks in areas including military drills, emergency response, health-aid and safety measures. However, the *clause* empowers a person to apply for an extension of national service for a further period of one year for purposes of coaching and mentorship.

The Authority may exempt a person qualified to undertake national service from undertaking national service, *clause 34*. The Authority may exempt a person who is qualified to undertake national service where that person was in full-time employment before embarking on a course of study at a tertiary education institution and on any other ground determined by the Authority in accordance with Government policy in respect of exemptions from national service.

Clauses 35 and 36 provide for terms and conditions of engagement of a person qualified to undertake national service and a Certificate of National Service respectively.

Clause 44 provides for repeals and savings whilst clause 45 deals with transitional matters.


DR. YAW OSEI ADUTWUM (MP)
Minister responsible for Education

Date: 5/6/24

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Certificate of National Service

- (b) inculcate the values of civic responsibility, discipline, patriotism, national cohesion and voluntarism in persons qualified under section 28 to undertake national service; and
- (c) promote employability, entrepreneurship, technology and innovation among persons qualified to undertake national service.

Functions of the Authority

3. To achieve the objects of the Authority, the Authority shall

- (a) develop and implement policies and programmes for national service;
- (b) organise sensitisation and awareness programmes on national service;
- (c) post a person qualified to undertake national service to a user agency or to a programme in a field determined by the Board;
- (d) provide persons qualified to undertake national service with an early opportunity to participate in nation building and development;
- (e) facilitate the process for persons qualified to undertake national service to enter the job market through work in the public or private sector after completion of national service;
- (f) in collaboration with relevant institutions, organise training in areas including military drills, emergency response, health-aid and safety measures;
- (g) ensure that a user agency provides a conducive condition of work at the user agency for a person posted to undertake national service, including a person with disability;
- (h) provide an opportunity for persons qualified to undertake national service to gain the practical experience required for employment and for career planning;

- (iv) the Ministry responsible for Food and Agriculture not below the rank of a Director, nominated by the Minister responsible for Food and Agriculture;
 - (v) the Ministry responsible for the Youth not below the rank of a Director, nominated by the Minister responsible for the Youth;
 - (vi) the Ministry responsible for Defence not below the rank of a Director, nominated by the Minister responsible for Defence;
 - (vii) the Ministry responsible for Health not below the rank of a Director, nominated by the Minister responsible for Health;
 - (viii) the Ministry responsible for Local Government and Rural Development not below the rank of a Director, nominated by the Minister responsible for Local Government and Rural Development; and
 - (ix) the Association of Ghana Industries, nominated by the President of the Association of Ghana Industries;
- (c) the President of the National Service Personnel Association;
 - (d) the Director-General of the Authority; and
 - (e) one other person nominated by the President, who is a woman.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

Functions of the Board

5. The Board shall

- (a) approve the policies, programmes and proposals of the Authority;

(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 or more consecutive meetings of the Board without sufficient cause ceases to be a member.

(5) The President may, by 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 of the member to act would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4), (5) or subsection (2) of section 9,

(b) as a result of a declaration under subsection (6),

(c) by reason of the death of a member, or

(d) by reason of the expiration of the tenure of office of the President of the National Service Personnel Association,

the Minister shall notify the President of the vacancy and the President shall subject to subsection (2) of section 4 appoint another person to fill the vacancy for the unexpired term.

Meetings of the Board

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

(2) The chairperson shall, on 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 eight members of the Board.

(4) The chairperson shall preside at meetings of the Board and in the absence of

(2) A committee of the Board shall be chaired by a member of the Board except where the committee is made up of non-members only.

(3) A committee made up of non-members of the Board shall be advisory only.

(4) 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.

Policy directives

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

Administrative Provisions

Directorates and departments of the Authority

13. The Board may, on the recommendation of the Director-General, establish directorates and departments of the Authority that are necessary for the effective and efficient performance of the functions of the Authority.

Appointment of Director-General

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Authority.

(2) A person qualifies for appointment as a Director-General if that person has the relevant

(a) academic qualification; and

(b) professional competence and expertise.

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

Functions of the Director-General

15. (1) The Director-General is responsible for the day-to-day administration of the affairs of the Authority and is answerable to the Board in the performance of the functions under this Act.

Appointment of other staff

19. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Authority that are necessary for the effective and efficient performance of the functions of the Authority.

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

(3) The Authority may, for the effective and efficient performance of the functions of the Authority, engage the services of advisors and consultants on the recommendations of the Board.

Regional and district offices of the Authority

20. (1) The Authority shall establish regional and district offices of the Authority.

(2) A regional or a district office of the Authority shall perform the functions of the Authority as the Board may direct.

Regional and District Directors

21. (1) A regional or district office shall have a Director.

(2) A Director of a regional or district office shall

(a) exercise oversight responsibility for the regional or district office; and

(b) perform any other function determined by the Board.

Internal Audit Unit

22. (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

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

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

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

Annual report and other reports

27. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Authority for the year to which the annual 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, 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 require in writing.

National Service

Persons qualified to undertake national service

28. (1) A person is qualified to undertake national service if that person

- (a) is a citizen;
- (b) has completed a course of study at a tertiary education institution; and
- (c) is below forty years at the time of completion of the course of study.

(2) A person who completes a course of study at a tertiary education institution in a foreign country shall, on return to the country, undertake national service if that person is qualified under subsection (1) to undertake national service.

- (b) is unable to undertake national service immediately after completion of a course of study at a tertiary education institution shall
 - (i) apply to the Authority to undertake national service the following year; or
 - (ii) apply to the Authority to defer national service for a period of not more than five years after the person qualifies to undertake national service.

(2) An application under subsection (1) shall be accompanied with relevant documents in support of the application.

(3) The Authority shall, within four months after receipt of an application under subsection (1), consider the application and inform the applicant in writing of the decision of the Authority.

(4) A person whose application is granted shall comply with the conditions of the Authority for undertaking national service.

Determination of field of operation for national service

32. (1) Subject to this Act, the Authority may, in writing, direct a person qualified to undertake national service to be engaged, for purposes of national service, in a field determined by the Board.

(2) A person qualified to undertake national service shall comply with the directive issued by the Authority pursuant to subsection (1).

(3) A person qualified to undertake national service shall be engaged in one field of operation for the duration of national service specified in subsection (1) of section 33.

(4) Despite subsection (3), the Authority may, in writing, vary the field of operation in respect of a national service personnel on

- (a) application for variation of a field of operation by the national service personnel; or
- (b) grounds that the Board considers necessary.

(4) A person who is granted an extension of national service under subsection (2) is not entitled to the prevailing allowance for national service.

Exemptions

34. (1) A person qualified to undertake national service may apply to the Authority to be exempted from undertaking national service.

(2) The Authority may grant an application under subsection (1)

(a) where the person was in full-time employment before embarking on a course of study in a tertiary education institution; or

(b) on any other ground that the Authority may determine in accordance with Government policy in respect of exemptions from national service.

(3) The Authority shall grant a person exempted from undertaking national service a Certificate of Exemption from National Service as set out in the First Schedule.

(4) A person who completes a course of study at a tertiary education institution and is forty years or above at the time of completion of the course of study may apply to the Authority

(a) to be exempted from national service; and

(b) for a Certificate of Exemption from National Service as set out in the First Schedule.

(5) The Authority may exempt a person qualified to undertake national service from undergoing training as required under paragraph (b) of subsection (1) of section 33,

(a) where the person is a person with a disability;

(b) where the person has a health condition certified by a medical practitioner; or

(c) on any other ground that the Board may determine, having regard to prevailing circumstances.

Terms and conditions of engagement

35. A person qualified to undertake national service shall be engaged, for purposes of national service, on the terms and conditions specified in the letter of engagement.

- (a) is required to undertake national service; and
- (b) has completed national service, in the case of a person not exempted from national service under this Act.

(3) An employer who contravenes subsection (1) is liable to pay to the Authority an administrative penalty of ten thousand penalty units.

(4) The Authority shall direct a person who obtains employment without undertaking national service to undertake national service in a field determined by the Board.

(5) The Registrar of Companies shall not register the company, partnership or business name of a person who is qualified to undertake national service but has not undertaken national service, unless the person is exempted under section 34.

Miscellaneous Provisions

User agency fee

39. Where

- (a) a private user agency,
- (b) a non-subvented agency, or
- (c) a state-owned enterprise

applies to the Authority for the posting of a national service personnel pursuant to section 30, the private user agency, non-subvented agency or state-owned enterprise shall pay to the Authority, not less than twenty per cent of the prevailing allowance for national service personnel in respect of each person that undertakes national service at the private user agency, non-subvented agency or state-owned enterprise.

Mode of application

40. An application under this Act shall be made in writing in a form determined by the Authority or electronically on the website of the Authority.

- "district" includes the area of authority of a District Assembly, a Municipal Assembly and a Metropolitan Assembly;
- "employer" includes the Government;
- "field service" means the part of national service that is undertaken at the place to which a person is assigned by the Authority;
- "medical practitioner" means a person registered to practise medicine under Part Two of the Health Professions Regulatory Bodies Act, 2013 (Act 857);
- "Minister" means the Minister responsible for Education;
- "national service" means the requisite duties that a person who is qualified under section 28 is mandated to undertake;
- "non-subsided agency" means a public institution that does not receive public funds;
- "post" means to assign a prospective national service personnel to a field service;
- "programme" means a series of activities undertaken by the Authority for the purpose of improving the conditions of national service personnel, the operations of the Authority or achieving the objects of the Authority;
- "relevant institutions" mean public institutions or private institutions that collaborate with the Authority in the operations of the Authority;
- "state-owned enterprise" means an entity, whether incorporated or not under the Companies Act, 2019 (Act 992), whose shares are wholly owned by Government;
- "tertiary education institution" includes a university, a university college, a technical university, a post-secondary diploma awarding institution, a tertiary technical and a vocational training institution specified in the Third Schedule to the Education Regulatory Bodies Act, 2020 (Act 1023) and a post-secondary professional training institution;
- "user agency" includes an institution which a person qualified to undertake national service is posted to by the Authority to undertake national service; and

(5) Any moneys held in a bank account of the Ghana National Service Scheme before the coming into force of this Act shall, within one month after the coming into force of this Act, be paid into the bank account opened under section 24.

SECOND SCHEDULE
Certificate of National Service
(section 36(1))

NATIONAL SERVICE AUTHORITY

CERTIFICATE

of

NATIONAL SERVICE

Name:

Institution attended:

Qualification:

NSS Number:

Place of Service:

Region / District:

Year / Period of Service:

Having successfully completed his/her mandatory national service, has satisfied the requirement of the National Service Authority Act, 2024 (Act) and is eligible for engagement in any employment.