

PRESIDENTIAL OFFICE ACT, 1993 (ACT 463)

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND SIXTY-THIRD
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE PRESIDENTIAL OFFICE ACT, 1993**

AN ACT to establish the Presidential Office to provide for staff for the President and Vice-President; to provide for their functions and for related purposes.

DATE OF ASSENT: 22ND DECEMBER, 1993

BE IT ENACTED by Parliament as follows —

Section 1—Establishment of Presidential Office.

There is established by this Act an office to be known as the Presidential Office referred to in this Act as “the Office”.

Section 2—Function of the Office.

The function of the Office is to provide the President and the Vice-President such services as they may require for the efficient and effective implementation of the executive functions of the President and Vice-President under the Constitution and any other law.

Section 3—Members of the Office.

(1) The Presidential Office shall be made up of—

(a) persons appointed as presidential staff under this Act one of whom shall be appointed as head of the Office; and

(b) such other public officers as may be seconded or transferred to the Office.

(2) Subject to section 2 members of the Office shall be assigned such duties as the President may determine.

Section 4—Appointments for the Office.

(1) The President shall, acting in consultation with the Council of State appoint such persons as he considers necessary to hold office as presidential staff in the Office.

(2) The number of persons that may be appointed under subsection (1) of this section and the grade of the officers shall be determined by the President.

Section 5—Tenure of Office.

A person appointed a presidential staff under section 4 (1) of this Act shall hold office at the pleasure of the President and shall cease to hold office on his removal or resignation from office or on cessation of the tenure of office of the President.

Section 6—Other Conditions of Office.

Presidential staff shall be entitled to such salaries, allowances, facilities and privileges as shall be determined under article 71 of the Constitution.

Section 7—Consultants and Experts.

The President may appoint for specified periods such consultants or experts as he may require for any specific assignment.

Section 8—Qualification of Presidential Staff.

A person is not qualified to be appointed a presidential staff if he—

(a) is not of the age of twenty-one years;

(b) has been adjudged or otherwise declared—

(i) bankrupt under any law in force in Ghana and has not been discharged; or

(ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana; or

(c) has been convicted—

(i) for high crime under the Constitution or high treason or treason or for an offence involving the security of the State, fraud, dishonesty or moral turpitude; or

(ii) for any other offence punishable by death or by a sentence of not less than ten years; or

(d) has been found by the report of a commission or committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer he acquired assets unlawfully or defrauded the State or mis-used or abused his office, or willfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or

(e) has not paid his taxes or has not made arrangements satisfactory to the appropriate authority for the payment of his taxes; or

(f) is under sentence of death or other sentence of imprisonment imposed on him by any court; or

(g) is otherwise disqualified by any law for the time being in force.

(2) A person shall not be taken to be disqualified under subsection (1) (c) or (d) if—

(a) ten years or more have passed since the end of the sentence or the date of the publication of the report of the commission or committee of inquiry; or

(b) he has been pardoned.

Section 9—Application of Code of Conduct.

The code of conduct specified in chapter twenty-four of the Constitution shall apply to all presidential staff.

Section 10—Expenses of Office Charged on Consolidated Fund.

The administrative and operational expenses of the Office including salaries, allowances and pensions payable to or in respect of persons serving at the Office shall be charged on the Consolidated Fund.

Section 11—Annual Report.

The President shall within 3 months after the end of each financial year submit to Parliament an annual report containing the following information—

(a) the number of presidential staff employed at the Office;

(b) the rank or grade of such staff; and

(c) employees in the other public services assigned to the Office.

Section 12—Account and Audit.

The President shall keep or cause to be kept books of account and proper records in relation to them, and the account books and records of the Office shall be audited annually by the Auditor-General.

Section 13—Regulation.

The President may by constitutional instrument make such regulations as may be necessary for the effective implementation of the provisions of this Act.

Section 14—Consequential Amendment.

The Civil Service Law, 1993 (P.N.D.C.L. 327) is amended by the substitution for section 4 (a) (i) of the following—

“(a) all persons serving in civil capacity in posts designated as civil service posts by or under, this law in—

(i) the Office of the President;”

Section 15—Repeal.

Sections 9 and 10 of the Civil Service Law, 1993 (P.N.D.C.L. 327) are repealed.

Section 16—Interpretation.

In this Act unless the context otherwise requires—

"Office" means office of the President and Vice-President

"presidential staff" means persons appointed under section 4 (1) of this Act.