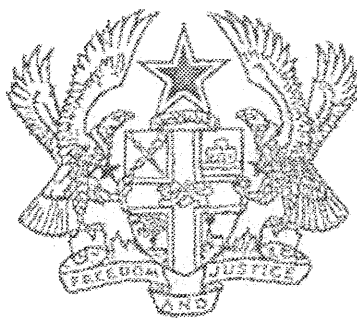


Act 550



THE FIVE HUNDRED AND FIFTIETH

ACT

OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED

THE PUBLIC OFFICE HOLDERS (DECLARATION OF ASSETS AND DISQUALIFICATION) ACT, 1998

AN ACT to provide for the declaration of assets and liabilities by public office holders in conformity with Chapter twenty-four of the Constitution; to provide for disqualification from holding specified public offices as a result of adverse finding made or criminal conviction against individuals and to provide for related purposes.

DATE OF ASSENT: 4th May, 1998

BE IT ENACTED by Parliament as follows—

PART I—DECLARATION OF ASSETS

1. Declaration of assets and liabilities by public office holders—

(1) A person who holds a public office mentioned in section 3 of this Act shall submit to the Auditor-General a written declaration of—

- (a) all properties or assets owned by him; and
- (b) all liabilities owed by him;

whether directly or indirectly.

(2) The declaration shall be made on the form provided in Schedule II to this Act.

(3) It shall be the responsibility of the officers required to make the declaration under this Act to obtain the forms from the office of the Auditor-General.

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Public Office Holders (Declaration of Assets and Disqualification) Act 550
Act, 1998

(4) The declaration shall be made by the public officer—

- (a) before taking office;
- (b) at the end of every four years; and
- (c) at the end of the term of his office

and shall in any event be submitted not later than 6 months of the occurrence of any of the events specified in this subsection.

2. Declaration of assets and liabilities by the Auditor-General—

(1) The Auditor-General shall make a written declaration on the forms of his assets and liabilities to the President.

(2) Subject to subsection (1) of this section, the provisions of this Act shall apply equally to the Auditor-General.

3. Public offices subject to this Act—

The public offices to which this Act applies are those specified in Schedule I to this Act.

4. Properties subject to declaration—

The properties which shall be declared under this Act are—

- (a) lands, houses and buildings;
- (b) farms;
- (c) concessions;
- (d) trust or family property in respect of which the officer has beneficial interest;
- (e) vehicles, plant and machinery, fishing boats, trawlers, generating plants;
- (f) business interests;
- (g) securities and bank balances;
- (h) bonds and treasury bills;
- (i) jewellery of the value of ₦5 million or above; objects of art of the value of ₦5 million or above;
- (j) life and other insurance policies;
- (k) such other properties as are specified on the declaration form.

5. Assets acquired after declaration—

Any property or assets required under section 1 of this Act to be declared, acquired by a public officer after the initial declaration and which is not reasonably attributable to income, gift, loan, inheritance or any other reasonable source shall be regarded as acquired illegally.

6. Declaration as evidence—

A declaration made under this Act shall, on demand, be produced in evidence

- (a) before a court of competent jurisdiction; or

3 4

**Act 550 Public Office Holders (Declaration of Assets and Disqualification)
Act, 1998**

- (b) before a commission of inquiry appointed under article 278 of the Constitution; or
- (c) before an investigator appointed by the Commissioner for Human Rights and Administrative Justice.

7. Failure to declare—

An officer required to declare his assets and liabilities under this Act who—

- (a) without reasonable excuse fails to declare; or
- (b) knowingly makes a false declaration

contravenes this Part and shall be dealt with in accordance with section 8 of this Act.

8. Complaints in respect of contravention—

(1) An allegation that a public officer has contravened or has not complied with a provision of Part I of this Act shall be made to the Commissioner for Human Rights and Administrative Justice and, in the case of the Commissioner for Human Rights and Administrative Justice, to the Chief Justice who shall, unless the person concerned makes a written admission of the contravention or non-compliance, cause the matter to be investigated.

(2) The Commissioner for Human Rights and Administrative Justice or the Chief Justice may take such action as he considers appropriate in respect of the results of the investigation or the admission.

**PART II—DISQUALIFICATION ARISING FROM FINDINGS OF
COMMISSION OF INQUIRY OR CRIMINAL CONVICTION**

9. Disqualification to hold specified public offices—

(1) A person does not qualify to be appointed to any of the public offices specified in Schedule I to this Act if he is a person in respect of whom a commission of inquiry has found that, whilst holding a public office to which subsection (2) of this section applies, he—

- (a) acquired any assets unlawfully; or
- (b) defrauded the State; or
- (c) wilfully and dishonestly or corruptly acted in a manner prejudicial to the interest of the State; or
- (d) knowingly made a false declaration of his assets, properties or liabilities.

5

11.

Act, 1998

(Disqualification) Act 550

(2) The public office in relation to which the findings must have been made are as follows—

(a) an office of State or government or an office in any capacity whatsoever, the emoluments, remuneration, or allowances attached to which are paid from the Consolidated Fund or any public fund provided by Government or by Parliament or under any Act of Parliament; or

(b) an office in any statutory corporation or on any board or council established by or under any enactment; or

(c) an office in a company wholly owned by the State.

(3) The disqualification mentioned under subsection (1) applies also to a person who is found not to have paid his taxes or not to have made arrangements satisfactory to the appropriate authority for the payment of his taxes.

10. Effective date of disqualification under this Part—

Where a commission of inquiry makes an adverse finding against any person and a White Paper is published in respect of the findings, any adverse finding made which disqualifies a person to hold any of the public offices specified in Schedule I shall, subject to any appeal, not take effect unless six months have passed after the publication of the government's statement on the report.

11. Disqualification resulting from criminal conviction—

A person does not qualify to be appointed to any of the public offices specified in Schedule I to this Act if he has been convicted—

(a) 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

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

(c) for an offence relating to or connected with elections under any law in force in Ghana.

12. Dispensation—

(1) Notwithstanding the disqualifications provided in this Part, but subject to section (2) of this section, a person shall not be considered to be disqualified to hold the public office if—

6

Act 550 Public Office Holders (Declaration of Assets and Disqualification)

Act 1009

- (a) ten years or more have passed since the date of the publication of the White Paper on the report of the commission of inquiry; or
- (b) he has been pardoned.

(2) The dispensation granted under subsection (1) of this section does not apply to a person seeking to hold office as President or Vice-President.

PART III—MISCELLANEOUS PROVISIONS

13. Regulations—

The Auditor-General may by legislative instrument make such regulations as he considers necessary for the effective implementation of Part I of this Act.

14. Interpretation—

In this Act unless the context otherwise requires:

"Armed Forces" means the Army, the Navy and the Air Force;

"assets" includes liabilities;

"commission" means a commission of inquiry or a committee of inquiry;

"office" means a public office;

"public office" includes an office the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and an office in a public corporation established entirely out of public funds or moneys provided by Parliament; except that for the purposes of declaration of assets under this Act it does not include the Armed Forces;

"public officer" means a person who holds a public office.

15. Repeal—

The Public and Political Party Office Holders (Declaration of Assets and Eligibility) Law, 1992 (P.N.D.C.L. 280) is repealed.

16. Saving and Transitional provisions—

(1) A declaration of assets and liabilities made before the coming into force of this Act and in conformity with Chapter twenty-four of the Constitution shall continue in existence as if made under the corresponding provision of this Act and shall be subject to this Act.

(2) Notwithstanding section 1 (4) any public officer who is required under this Act to declare his assets and liabilities for the first time by virtue of inclusion of his office in Schedule I of this Act shall make the declaration within 6 months of the coming into force of this Act.

Public Office Holders (Declaration of Assets and Disqualification) Act, 1998 Act 550

ARRANGEMENT OF SECTIONS

Section

PART I—DECLARATION OF ASSETS

1. Declaration of assets and liabilities by public office holders
2. Declaration of assets and liabilities by the Auditor-General
3. Public offices subject to this Act
4. Properties subject to declaration
5. Assets acquired after declaration
6. Declaration as evidence
7. Failure to declare
8. Complaints in respect of contravention

PART II—DISQUALIFICATION ARISING FROM FINDINGS OF
CORRUPTION OR INJURY TO CRIMINAL CONVICTION

9. Disqualification to hold specified public offices
10. Effective date of disqualification under this Part
11. Disqualification resulting from criminal conviction
12. Dispensation

PART III—MISCELLANEOUS PROVISIONS

13. Regulations
14. Interpretation
15. Repeal
16. Saving and Transitional provisions

SCHEDULES

Act 550 Public Office Holders (Declaration of Assets and Disqualification)
Act, 1998

CERTIFICATE

I hereby declare that all the foregoing information and particulars given by me
are true and correct to the best of my knowledge and belief.

Date

(Signature of Person making Declaration)

Witness to Signature

.....
(Date)

Date of Gazette notification: 8th May, 1998.

Aci. 1998

2. Properties as at date of making Declaration

144 Houses

[illegible]

(b) Land

[illegible]

Act 550 *Public Office Holders (Declaration of Assets and Disqualification, Act, 1998*

(c) Farms

[illegible]

d) Concessions

[illegible]

Public Office Holders (Declaration of Assets and Disqualification) Act 550

5. 2 7' 30.0"

c) Trust or Family Property in your possession

Nature of Property (e.g. Land, building, farms, jewellery, etc.)	Where situated	Estimated value	Rent or other income per annum (if any)

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

[illegible]

Acl 550 Public Use

Act. 1993

(g) Vehicles, plant and machinery, including Fishing Boats and Trawlers, Generating Plants, etc.

Nature (e.g. cars, fishing boats, generating plant, etc.)	Registration No.	Date of Purchase	Cost at time of acquisition

3. Employment or Business interest as at date of making Declaration

Nature (e.g. profession, sole proprietor, partnership, shares in companies, poultry farming, transport, fishing, shops, taxis)	Place of employment or address of business	Average income per annum from employment or business

Public Office Holders (Declaration of Assets and Disqualification) Act 550
Act, 1998

4. Securities and bank balances, etc., as at date of making Declaration
(a) Current and deposit accounts, etc.

Bank or other institution (e.g. Ghana Commercial Bank, Social Security Bank Limited, First Ghana Building Society, etc.) (at home and abroad)	Cash balances or value of deposits of gold, silver or securities
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(b) Government bonds, treasury bills, National Development Bonds, shares, copyrights, royalties (at home and abroad)

[illegible]



**Act 550 Public Office Holders (Declaration of Assets and Disqualification)
Act, 1998**

(c) Details of gold bullion owned and cash in hand or in safes, and
details of debts owed by other persons to you

d) Details of life or other insurance policy (at home and abroad)

5. Details of any other names or aliases in which any properties or business
interests are held on your behalf

6. Liabilities

(a) Particulars of creditors:

(i) Trade.....

(ii) Others.

b) Details of loans and bank overdrafts:

Public Office Holders (Declaration of Assets and Disqualification) Act 550
Act, 1998

(c) Details of mortgage of property to others (e.g. to banks, insurance companies, building societies)

(d) Details of unpaid bills

(e) Other liabilities not shown above

7. Voluntary Information

Give any other information relating to your assets and liabilities not included in the above.

SCHEDULE I

(SECTION 3)

- (a) the President of the Republic;
- (b) the Vice-President of the Republic;
- (c) the Speaker, Deputy Speaker and a member of Parliament;
- (d) Minister of State or Deputy Minister;
- (e) Chief Justice, Justice of the Superior Court of Judicature, Chairman of a Regional Tribunal, the Commissioner for Human Rights and Administrative Justice and his Deputies and all judicial officers including members of the Regional and Circuit Tribunals;
- (f) Ambassador or High Commissioner;
- (g) Secretary to the Cabinet;
- (h) Head of Ministry or government department or equivalent office in the Civil Service;
- (i) Chairman, managing director, secretary, general manager, and departmental head of a public corporation or company in which the State has a controlling interest;
- (j) Governor, Bank of Ghana and his deputies;
- (k) Chairman, Electoral Commission and his deputies;
- (l) Chairman, National Commission for Civic Education and his deputies;
- (m) Head of Chancery of Ghana Embassy or Ghana High Commission;
- (n) Heads of Department of Bank of Ghana;
- (o) officers in the Armed Forces seconded to civilian establishments and institutions;
- (p) members of the Tender Boards of the Central, Regional and District Assemblies;
- (q) officials of Vehicle Examination and Licensing Division (VELD) not below the rank of Vehicle Examiner;
- (r) Presidential Staffers and Aides;
- (s) an officer of the rank of Assistant Inspector of Taxes and above in the Internal Revenue Service (IRS) or its equivalent in the—
 - (i) National Fire Service
 - (ii) Ghana Immigration Service;
 - (iii) Customs, Excise and Preventive Service (CEPS);
- (t) officers of the Police Service;
- (u) officers of the Prison Service;
- (v) District Chief Executive;

Act 550 *Public Office Holders (Declaration of Assets and Disqualification)
Act, 1998*

- (w) Presiding member and secretary of Metropolitan, Municipal and District Assemblies;
- (x) Chairman, Public Services Commission and his deputies;
- (y) Head, Office of the Civil Service;
- (z) persons who are—
 - (i) heads of;
 - (ii) accountants in;
 - (iii) internal auditors in;
 - (iv) procurement officers in; and
 - (v) planning and budget officers infinance and procurement departments of government ministries, departments and agencies, District, Municipal and Metropolitan Assemblies;
- (aa) an officer in any other public office or public institution other than the Armed Forces the salary attached to which is equivalent to or above the salary of a Director in the Civil Service.

SCHEDULE II
Declaration of Assets and Liability Form

(SECTION 1 (2))

FORM

(Foolscap sheets can be used if the space provided for the answers is not sufficient. The number of the question must be clearly shown and a line drawn to separate it from the beginning of another question. All answers must cover items in and outside Ghana.)

1. Personal Particulars

- (a) Surname.
- (b) Other Names.
- (c) Date of Birth.
- (d) Place of Birth.
- (e) Present Appointment.
- (f) Date of Appointment.