

GHANA BOOK DEVELOPMENT AGENCY BILL, 2018

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GHANA BOOK DEVELOPMENT AGENCY ACT, 2018

AN ACT to establish the Ghana Book Development Agency to oversee the development and regulation of the book industry in the country and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Ghana Book Development Agency

Establishment of the Agency

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana Book Development Agency.

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

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

Object of the Agency

2. The object of the Agency is to ensure

- (a) the development and regulation of the book industry in the country; and
- (b) the publication and distribution of textbooks and reading materials in the country to foster national development.

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Functions of the Agency

3. For the purposes of section 2, the Agency shall
- (a) plan and co-ordinate activities of public and private entities which have an interest in book development;
 - (b) promote the habit of reading among Ghanaians, particularly school children;
 - (c) promote
 - (i) the development of indigenous authors; and
 - (ii) the translation of books written by indigenous authors into Ghanaian languages;
 - (d) promote the distribution of books in the country;
 - (e) promote and co-ordinate the international distribution of books written by Ghanaians;
 - (f) prescribe and enforce standards for the printing and publication of final book proofs by publishers and printers in the book industry in accordance with international best practice;
 - (g) ensure the removal from circulation of books that do not comply with the prescribed standards;
 - (h) collaborate with stakeholders to ensure the development of a conducive environment for building a robust book industry;
 - (i) carry out research essential for the development of the book industry;
 - (j) represent the country at international book fairs; and
 - (k) perform any other functions that are incidental to the object of the Agency.

Governance of the Agency

Governing body of the Agency

4. (1) The governing body of the Agency is a Board comprising
- (a) a chairperson;
 - (b) one person each with expertise in
 - (i) finance;
 - (ii) academia;
 - (iii) history;
 - (iv) publishing;

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- (v) printing; and
- (vi) journalism
nominated by the Minister;
- (c) one representative of the Ministry not below the rank of a Director, nominated by the Minister; and
- (d) the Executive Director of the Agency.

(2) The chairperson and other 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 Agency.

Tenure of office of members of the Board

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

(2) Subsections (1) and (3) do not apply to the Executive Director 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 other than the Executive Director who is absent from three consecutive meetings of the Board without sufficient reason ceases to be a member of the Board.

(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 would result in the declaration of a vacancy.

(7) Where there is a vacancy

- (a) under subsection (3), (4) or (5) or subsection (2) of section 7,
- (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

6. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the 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 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 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 meeting of the Board, but that person is not entitled to vote on any matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

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

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

Establishment of committees

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

(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

9. 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

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

Administration of the Agency

Appointment of Executive Director

11. (1) The Agency shall have an Executive Director.

(2) The President shall, in accordance with article 195 of the Constitution, appoint the Executive Director of the Agency.

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

Functions of the Executive Director

12. (1) The Executive Director is responsible for the day to day administration of the affairs of the Agency and is answerable to the Board in the performance of functions under this Act.

(2) The Executive Director

(a) is the head of the Secretariat of the Agency;

(b) is the secretary to the Board.

(3) The Executive Director shall

(a) attend all meetings of the Board;

(b) in consultation with the chairperson, arrange the business of meetings of the Board; and

(c) record and keep minutes of the meetings of the Board.

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(4) The Executive Director may delegate a function to an officer of the Agency but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Deputy Executive Director

13. (1) The Agency shall have a Deputy Executive Director.

(2) The President shall, in accordance with article 195 of the Constitution, appoint the Deputy Executive Director of the Agency.

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

(4) The Deputy Executive Director shall assist the Executive Director in the day to day administration of the Agency.

Appointment of other staff

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint for the Agency, other public officers that are necessary for the effective performance of the functions of the Agency.

(2) The President may, in accordance with article 195 (2) of the Constitution, delegate the power of appointment in writing to the Board.

(3) Other public officers may be transferred or seconded to the Agency at the request of the Executive Director.

(4) The Agency may, on the recommendations of the Board, engage the services of experts and consultants.

Secretariat of the Agency

15. The Agency shall have a Secretariat for the day to day administration of the Agency.

Departments and divisions of the Agency

16. The Board may on the recommendation of the Executive Director establish departments and divisions of the Agency that are necessary for the effective performance of the functions of the Agency.

Internal Audit Unit

17. (1) The Agency 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).

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

(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 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.

Financial Provisions

Funds of the Agency

18. The funds of the Agency include

- (a) moneys approved by Parliament;
- (b) donations and grants;
- (c) fees and charges due to the Agency in the performance of the functions of the Agency; and
- (d) any other internally generated funds of the Agency.

Bank account

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

Accounts and audit

20. (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 Agency to the Auditor-General for audit within three months after the end of the financial year.

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(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.

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

Annual report and other reports

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

(2) The annual report shall include

(a) the report of the Auditor-General; and

(b) 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 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.

Miscellaneous Provisions

Collaboration with other bodies

22. The Agency shall collaborate with relevant bodies in the performance of functions under this Act.

Book fairs

23. (1) The Agency shall organise and hold

(a) annually and on a rotational basis a book fair in each region of the country; and

(b) bi-annually, a book fair at an international venue.

Compliance with book industry standards

24. (1) A person who intends to print or publish a book shall comply with the standards prescribed by the Agency.

(2) A person shall not publish or print a final book proof approved by Government unless that person has received prior written approval from the Agency.

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(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than five years and not more than ten years or to both.

Provision of assistance

25. The Agency shall provide assistance to a person who is desirous of printing or publishing a text or a final book proof approved by Government for distribution to educational institutions and other public institutions.

Regulations

26. (1) The Minister may, in consultation with the Board, by legislative Instrument, make Regulations to give effect to this Act.

(2) Without limiting subsection (1), the Minister may make Regulations to

- (a) provide for the registration of authors engaged in the publication of materials for educational institutions;
- (b) prescribe standards for the printing and publication of approved texts;
- (c) prescribe standards and criteria for the distribution of textbooks; and
- (d) provide for the criteria for holding and participating in international book fairs.

Interpretation

27. In this Act, unless the context otherwise requires,
“an ex-officio member” means a person who is a member of the Board by virtue of holding a public office;
“Board” means the governing body of the Agency;
“final book proof” means page proofs bound in the form of a finished book;
“indigenous author” means a Ghanaian citizen or a person who is ordinarily resident in Ghana;
“Minister” means the Minister responsible for Education;
“printer” means a company or a person whose job is commercial printing; and
“publisher” means a company or a person who prepares and issues books for sale.

Date of *Gazette* notification: 13th November, 2018.

GHANA BOOK DEVELOPMENT AGENCY BILL, 2018

MEMORANDUM

The purpose of the Bill is to establish the Ghana Book Development Agency to oversee the development, regulation and effective planning of the book industry in the country.

Since the establishment of the Ghana Book Development Council by *Gazette* publication in December, 1970, no legislation has been passed to give legal status to the Council. Many developments have taken place within the book industry, thus making it challenging to effectively regulate the industry without a comprehensive legal framework. Apart from this handicap is the phenomenon of sub-standard publishing in the industry. In order to regularise and create the requisite legal framework for the book industry generally, there is the need to enact the Bill.

Clause 1 establishes the Ghana Book Development Agency as a corporate body with its object set out under *clause 2* of the Bill.

Clause 3 provides for the functions of the Agency. The functions of the Agency include the planning and co-ordination of activities of public and private entities which have an interest in book development.

Clause 4 provides for the governing body of the Agency which is a Board comprising a chairperson and members with expertise in finance, academia, history, publishing, printing and journalism. The members of the Board are to be appointed by the President in accordance with article 70 of the Constitution.

Standard provisions in respect of tenure of office of members of the Board, meetings of members of the Board, disclosure of interest, establishment of committees and allowances are set out under *clauses 5* to 9.

The Minister for Education is empowered to give directives on matters of policy, to the Agency under *clause 10*.

Clauses 11 to 17 deal with the administration of the Agency. The President is to appoint the Executive Director of the Agency in accordance with article 195 of the Constitution, *clause 11*.

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Clause 12 provides for the functions of the Executive Director. The Executive Director is the head of the Secretariat of the Agency and the secretary to the Board.

Clauses 13 and 14 provide for the President to appoint a Deputy Executive Director and other staff of the Agency. *Clause 15* makes provision for a Secretariat for the Agency.

The Board has the mandate to establish departments and divisions of the Agency for the efficient performance of the functions of the Agency, *clause 16*. *Clause 17* provides for an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

Clauses 18 to 21 deal with the financial matters of the Agency. The funds of the Agency include moneys approved by Parliament, donations and grants and fees charged in the performance of the functions of the Agency, *clause 18*. *Clause 19* provides for the bank account of the Agency into which moneys of the Agency are to be paid. The bank account is to be opened by the Board with the approval of the Controller and Accountant-General.

Clauses 20 and 21 deal with the standard provisions on accounts and audit, and annual report and other reports.

Miscellaneous provisions are set out under *clauses 22 to 27*. *Clause 22 mandates* the Agency to collaborate with other relevant bodies in the performance of its functions under the Act. The Agency has a responsibility to organise and hold book fairs under *clause 23*.

A person who intends to print or publish a book is obliged to comply with standards prescribed by the Agency, *clause 24*.

Clause 25 requires the Agency to provide assistance to a person who is desirous of printing or publishing texts or final book proofs approved by Government for distribution to educational and other public institutions.

Clause 26 empowers the Minister to make Regulations to give effect to the Bill. Finally, *clause 27* provides for the interpretation of words and expressions used in the Bill.

DR. MATTHEW OPOKU PREMPEH (MP)
Minister for Education

Date: 3rd August, 2018.