

11TH JULY, 2023

**GHANA BOOK DEVELOPMENT COUNCIL BILL, 2023****MEMORANDUM**

The purpose of the Bill is to establish the Ghana Book Development Council to oversee the development and regulation of the book industry in the country and to provide for related matters.

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.

*Clauses 1 to 3* provide for the establishment of the Ghana Book Development Council. *Clause 1* establishes the Ghana Book Development Council as a body corporate. The objects of the Council are to ensure the development and regulation of the book industry in the country and ensure the publication and distribution of textbooks and other reading materials in the country to foster national development, *clause 2*.

*Clause 3* spells out the functions of the Council. The functions of the Council include the planning and co-ordination of activities of public and private entities which have an interest in book development, the promotion of the habit of reading among Ghanaians, particularly school children, prescribing and enforcing standards for the printing and publication of final book proofs by publishers and printers in the book industry in accordance with international best practice and ensuring the removal from circulation of books that do not comply with the prescribed standards.

The Council is also responsible for promoting and co-ordinating the international distribution of books written by Ghanaians, collaborating with stakeholders to ensure the development of a conducive environment for building a robust book industry and undertaking research that is essential for the development of the book industry. Further, the Council is to promote the development of indigenous authors, promote the translation of books written by indigenous authors into Ghanaian languages, promote the distribution of books in the country and represent the country at international book fairs.

*Clauses 4 to 11* provide for the governance of the Council. *Clause 4* provides for a nine-member Board as the governing body of the Council. 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 duties and liabilities of members of the Board, 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 10*.

The Minister is empowered to give directives on matters of policy to the Council under *clause 11*.

*Clauses 12 to 18* deal with the administration of the Council. The President is to appoint the Executive Director of the Council in accordance with article 195- of the Constitution, *clause 12*.

*Clause 13* provides for the functions of the Executive Director. The Executive Director is the head of the Secretariat of the Council and the secretary to the Board.

*Clauses 14 and 15* provide for the President to appoint a Deputy Executive Director and other staff of the Council respectively.

*Clause 16* makes provision for a Secretariat for the Council.

The Board has the mandate to establish departments and divisions of the Council for the efficient performance of the functions of the Council, *clause 17*.

*Clause 18* provides for an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

*Clauses 19 to 22* deal with the financial matters of the Council. The funds of the Council include moneys approved by Parliament, donations and grants, and internally generated funds of the Council, *clause 19*. *Clause 20* provides for the bank account of the Council into which moneys of the Council are to be paid. The bank account is to be opened by the Board with the approval of the Controller and Accountant-General.

*Clauses 21 and 22* deal with the standard provisions on accounts and audit, and annual report and other reports.

Miscellaneous matters are set out under *clauses 23 to 28*. *Clause 23* mandates the Council to collaborate with other relevant bodies in the performance of its functions under the

Act. The Council has a responsibility to organise and hold a book fair annually in each region of the country on a rotational basis, *clause 24*.

A person who intends to print or publish a book is obliged to comply with standards prescribed by the Council, *clause 25*. Under this *clause*, the prior written approval of the Council is required before the publication or printing of a final book proof commissioned and approved by Government. The *clause* further provides a penalty for non-compliance with the requirements specified under the *clause*.

*Clause 26* requires the Council 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 27* empowers the Minister, in consultation with the Board, to make Regulations on matters prescribed under the clause and generally, to give effect to the Bill. Finally, *clause 28* provides for the interpretation of words and expressions used in the Bill.

**DR. YAW OSEI ADUTWUM**  
*Minister responsible for Education*

Date:

# GHANA BOOK DEVELOPMENT COUNCIL BILL, 2023

## ARRANGEMENT OF SECTIONS

### *Ghana Book Development Council*

#### *Section*

1. Establishment of the Council
2. Objects of the Council
3. Functions of the Council

#### *Governance of the Council*

4. Governing body of the Council
5. Duties and liabilities of a member of the Board
6. Tenure of office of members of the Board
7. Meetings of members of the Board
8. Disclosure of interest
9. Establishment of committees
10. Allowances
11. Policy directives

#### *Administration of the Council*

12. Appointment of Executive Director
13. Functions of the Executive Director
14. Appointment of Deputy Executive Director
15. Appointment of other staff
16. Secretariat of the Council
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#### *Financial Provisions*

19. Funds of the Council
20. Bank account
21. Accounts and audit
22. Annual report and other reports

#### *Miscellaneous Provisions*

23. Collaboration with other bodies
24. Book fairs

25. Compliance with book industry standards
26. Provision of assistance
27. Regulations
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GHANA BOOK DEVELOPMENT COUNCIL ACT, 2023

AN ACT to establish the Ghana Book Development Council 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:

*Ghana Book Development Council*

**Establishment of the Council**

1. (1) There is established by this Act, the Ghana Book Development Council as a body corporate.

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

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Council under the Land Act, 2020 (Act 1036) and the cost shall be borne by **the** Council.

**Objects of the Council**

2. The objects of the Council are to ensure

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

### **Functions of the Council**

3. To achieve the objects under section 2, the Council 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;
  - (ii) the translation of books written by indigenous authors into Ghanaian languages; and
  - (iii) the distribution of books in the country;
- (d) promote and co-ordinate the international distribution of books written by Ghanaians;
- (e) 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;
- (f) ensure the removal from circulation of books that do not comply with the prescribed standards;
- (g) collaborate with stakeholders to ensure the development of a conducive environment for building a robust book industry;
- (h) undertake research that is essential for the development of the book industry;
- (i) represent the country at international book fairs; and
- (j) perform any other function that is ancillary to the objects of the Council.

*Governance of the Council*

**Governing body of the Council**

4. (1) The governing body of the Council is a Board consisting of

- (a) a chairperson;
- (b) one representative of the Ministry not below the rank of a Director, nominated by the Minister;
- (c) the Executive Director of the Council;
- (d) one representative each from
  - (i) the Ghana Publishers Association, nominated by the Ghana Publishers Association or the Ghana Association of Writers, nominated by the Ghana Association of Writers, in rotation; and
  - (ii) the Ghana Printers and Paper Converters Association, nominated by the Ghana Printers and Paper Converters Association or the Ghana Book Sellers Association, nominated by the Ghana Book Sellers Association, in rotation.
- (e) one person each with expertise in
  - (i) finance;-
  - (ii) academia;nominated by the Minister; and
- (f) two other persons who are involved in book development, at least one of whom is a woman, nominated by the Minister.

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

(3) The Board shall ensure the effective and efficient performance of the functions of the Council.

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

5. (1) A member of the Board has the same fiduciary relationship with the Council and the same duty to act with loyalty and in good faith as a director of a company incorporated in accordance with section 190 of the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty

- (a) to act honestly and in the best interest of the Council in the performance of the functions of the member;
- (b) to exercise the degree of care and diligence in the performance of the functions of the member that a person- in that position would reasonably be expected to exercise in the circumstance;
- (c) not to disclose information, that would not otherwise be available to the member, to any person or make use of or act on that information, except in the performance of the functions of the Council or as may be permitted by law;
- (d) not to abuse the position of the office; and
- (e) not to pursue the personal interest of the member at the expense of the interest of the Council.

(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 two hundred penalty units and not more than two thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

#### **Tenure of office of members of the Board**

6. (1) A member of the Board shall hold office for a period of three years, and is eligible for re-appointment for another term only.

(2) Subsections (1) and (3) do not apply to the Executive Director or 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 and copied to the chairperson of the Board or in the case of the chairperson resigning, copied to each member of the Board.

(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), (5) or subsection (2) of section 8,

(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**

7. (1) The Board shall meet at least once every three months for the conduct 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 the time and place determined by the chairperson.

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

(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.

(8) Subject to this section, the Board may determine the procedure for the meetings of the Board.

#### **Disclosure of interest**

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

**(a) shall disclose in writing the nature of the interest and the disclosure shall form part of the record of the consideration of the matter; and**

**(b) is disqualified from being present at or participating 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**

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

(2) A committee of the Board consisting of members and non-members of the Board shall be chaired by a member of the Board.

- (3) Section 8 applies to a member of a committee of the Board.

### **Allowances**

10. 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.

### **Policy directives**

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

## *Administration of the Council*

### **Appointment of Executive Director**

12. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Executive Director for the Council.

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

### **Functions of the Executive Director**

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

(2) The Executive Director shall be the

- (a) head of the Secretariat of the Council; and
- (b) secretary to the Board.

(3) The Executive Director shall

- (a) attend the 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.

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

**Appointment of Deputy Executive Director**

14. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Executive Director for the Council.

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

(3) The Deputy Executive Director shall assist the Executive Director in the day-to-day administration of the Council.

**Appointment of other staff**

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

(2) Other public officers may, at the request of the Executive Director, be transferred or seconded to the Council.

(3) The Council may, on the recommendations of the Board, engage the services of experts and consultants for the effective and efficient discharge of the functions of the Council.

**Secretariat of the Council**

16. The Council shall have a Secretariat for the day-to-day administration of the Council.

**Departments and divisions of the Council**

17. The Board may, on the recommendation of the Executive Director, establish departments and divisions of the Council that are necessary for the effective and efficient performance of the functions of the Council.

**Internal Audit Unit**

18. (1) The Council 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 Council.

(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 Council.

(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 Council**

19. The funds of the Council include

- (a) moneys approved by Parliament;
- (b) donations and grants; and
- (c) internally generated funds of the Council.

#### **Bank account**

20. Moneys for the Council 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**

21. (1) The Board shall keep books of account, records and returns of accounts and other documents relevant to the account in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Council to the Auditor-General for audit within three months after 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 of the Council and submit a report to Parliament and forward a copy each of the audit report to the Minister and the Board.

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

### **Annual report and other reports**

22. (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 Council 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

(i) required by the Minister in conformity with the Public Financial Management Act, 2016 (Act 921); or

(ii) relevant for the purposes of 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**

23. The Council shall collaborate with relevant bodies in the performance of functions under this Act.

#### **Book fairs**

24. The Council shall organise and hold a book fair in each region of the country annually, on a rotational basis.

#### **Compliance with book industry standards**

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

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

(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**

26. The Council 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**

27. (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, publishers, printers and booksellers engaged in the publication or distribution of materials for educational institutions;
- (b) prescribe standards for the printing and publication of approved texts; and
- (c) prescribe standards and criteria for the distribution of textbooks.

## **Interpretation**

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

"Board" means the governing body of the Council established under section 4;

"book" means

- (a) a collection of sheets bound together in a soft cover or hard cover intended for reading or writing;
- (b) a digital collection of texts or images that is readable on an electronic device; or
- (c) a recorded reading of a written or printed work.

"Council" means the Ghana Book Development Council established under section 1;

"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 person who

- (a) is engaged in commercial printing; or
- (b) has a set-up to produce a printed book; and

"publisher" means a person who undertakes the preparation, printing or distribution of a book.