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REPUBLIC OF GHANA

THE NINE HUNDRED AND TWELFTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED

MINERALS DEVELOPMENT FUND ACT, 2016

AN ACT to establish the Minerals Development Fund, to provide financial resources for the benefit of mining communities and for related matters.

DATE OF ASSENT: *29th March, 2016.*

PASSED by Parliament and assented to by the President:

Minerals Development Fund

Establishment of the Minerals Development Fund

1. (1) There is established by this Act a body corporate to be known as the Minerals Development Fund.

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

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

Object of the Fund

2. The object of the Fund is to provide financial resources for the direct benefit of

- (a) a mining community;
- (b) a holder of interest in land within a mining community;
- (c) a traditional and local government authority within a mining community; and
- (d) an institution responsible for the development of mining.

Sources of money for the Fund

3. The sources of money for the Fund include

- (a) twenty percent of mineral royalty that is received by the Ghana Revenue Authority on behalf of the Republic from holders of mining leases in respect of the mining operations of the holders,
- (b) moneys approved by Parliament for the Fund,
- (c) grants, donations, gifts and other voluntary contributions,
- (d) moneys that accrue to the Fund from investments made by the Board, and
- (e) other moneys that may become lawfully payable to the Fund.

Bank account for the Fund

4. (1) The moneys of the Fund shall vest in the Board.

(2) The Board shall open a bank account on behalf of the Fund with the approval of the Minister responsible for Finance.

(3) A person who receives money intended for the Fund shall, not later than the next business day, pay the money into the bank account opened under subsection (2).

Application of the Fund

5. For the purpose of achieving the object of the Fund, moneys for the Fund shall be applied to relevant activities that the Board may determine, to

- (a) redress the harmful effects of mining on affected communities and persons;
- (b) promote local economic development projects and alternative livelihood projects in communities affected by mining activities;

- (c) undertake minerals related research and development of capacity in human resource for mining institutions and institutions that train manpower for the regulatory institutions;
- (d) undertake projects aimed at promoting the mining sector; and
- (e) support the policy planning, evaluation and monitoring functions of the Ministry in respect of mining related activities.

Management of the Fund

Governing body of the Fund

6. (1) The governing body of the Fund is a Board comprising

- (a) a chairperson,
- (b) one representative of the following Ministries not below the rank of a Director:
 - (i) Ministry of Local Government and Rural Development,
 - (ii) Ministry of Environment, Science, Technology and Innovation, and
 - (iii) Ministry of Finance,
- (c) the Chief Director of the Ministry of Lands and Natural Resources,
- (d) the Chief Executive Officer of the Minerals Commission,
- (e) the Executive Secretary of the Lands Commission,
- (f) the Administrator of Stool Lands,
- (g) a representative of the Ghana Chamber of Mines,
- (h) a traditional ruler from a mining community nominated by the National House of Chiefs, and
- (i) one other person, who is a woman, nominated by the Minister.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Functions of the Board

7. The Board is responsible for the management of the Fund and for that purpose shall

- (a) ensure the proper and effective performance of the functions of the Fund;
- (b) pursue policies to achieve the object of the Fund;

- (7) Where there is a vacancy
 - (a) under subsection (3) or (4) or section 10(2),
 - (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 appoint another person to fill the vacancy.

Meetings of the Board

9. (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 place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is seven members of the Board or a greater number determined by the Board in respect of an important matter.

(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 shall not vote on a matter for decision at the meeting.

Disclosure of interest

10. (1) A member of the Board who has an interest in a matter for consideration 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 be present at, or participate in the deliberations of the Board in respect of the 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) is present at or participates in the deliberations of the matter.

(3) The Board may revoke or nullify a decision on a matter that is arrived at during deliberations if a member

- (a) contravenes subsection (2), and
- (b) benefits from the contravention.

Establishment of committees

11. (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 is advisory unless the Board delegates its power to the committee.

(3) A non-member of the Board who is appointed to a committee of the Board shall depose to an oath of confidentiality.

Allowances

12. 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.

Ministerial directives

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

Administrative Provisions

Appointment of Administrator of the Fund

14. (1) The Board shall, in consultation with the Minister, appoint an officer as the administrator of the Fund.

(2) The Administrator is responsible to the Board in the performance of the functions relating to the Management of the Fund.

(3) The Administrator shall hold office subject to the terms and conditions specified in the letter of appointment.

Appointment of other staff

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

(2) The Board may engage the services of advisers or consultants as determined by the Board.

(3) Other public officers may be seconded to the Fund.

