

ACT 736

**NATIONAL COMMISSION ON SMALL ARMS
AND LIGHT WEAPONS ACT, 2007**

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ACT 736

**NATIONAL COMMISSION ON SMALL ARMS
AND LIGHT WEAPONS ACT, 2007¹**

AN ACT to establish a Commission to advise on the issue and possession of small arms and light weapons and to provide for related matters.

1. Establishment of the Commission

(1) There is established by this Act a National Commission on Small Arms and Light Weapons referred to in this Act as “the Commission”.

(2) The Commission is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

1. This Act was assented to on 18 May, 2007 and notified in the *Gazette* on 24th May, 2007.

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

(4) Where there is hindrance to the acquisition of property, the property may be acquired for the Commission under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Commission.

2. Object and functions of the Commission

(1) The object of the Commission is to deal with matters relating to small arms and light weapons and other related materials.

(2) To achieve the object, the Commission shall

- (a) set in place programmes of action to prevent, combat and eradicate the illicit trade in small arms and light weapons;
- (b) educate and sensitise the public and provide information on the dangers of small arms and light weapons in order to discourage their production;
- (c) ensure that obligations under the Economic Community of West African States are complied with;
- (d) advise the Minister on the formulation of policies and strategies as contained in the Convention on Small Arms and Light Weapons and any other relevant international conventions to which Ghana is a party or has acceded to;
- (e) receive and study periodic reports from the Ghana Police Service on the registration and licencing of arms; and
- (f) perform any other functions related to the object of the Commission.

3. Ministerial responsibility and directives of the Minister

(1) The Minister responsible for the Interior has ministerial responsibility for the Commission.

(2) The Minister may give general directives in writing on matters of policy and the Commission shall comply with the directives.

4. Governing body of the Commission

(1) The governing body of the Commission is a Board consisting of

- (a) the chairperson,
- (b) two representatives of the Ghana Armed Forces not below the rank of colonel, or its equivalent one of whom shall be from Defence Intelligence,
- (c) one representative of the Ministry of Foreign Affairs not below the rank of Deputy Director,
- (d) one representative of the Ministry of the Interior not below the rank of Deputy Director,
- (e) one representative of the Attorney-General's Office not below the level of Principal State Attorney,
- (f) one representative from Civil Society,

- (g) one representative of the National Security Council,
- (h) two police officers from the Police Service, one of whom shall be from the Criminal Investigations Department,
- (i) one representative of the Immigration Service not below the rank of Deputy Director,
- (j) one representative of the Customs, Excise and Preventive Service not below the rank of Deputy Commissioner,
- (k) the Executive Secretary of the Commission, and
- (l) two other persons, one of whom is nominated by the President.

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

(3) The President shall, in making appointments under this section, have regard to the knowledge, expertise and experience of the persons and in particular their knowledge in matters relevant to the functions of the Commission.

5. Tenure of office of members of the Board

(1) A member other than Executive Secretary of the Board shall hold office for a period not exceeding two years and is eligible for re-appointment.

(2) Where a member of the Board, resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, the Minister shall notify the President of the vacancy and the President shall, acting on the advice of the nominating authority and in consultation with the Council of State, appoint another person to hold office for the unexpired portion of the member's term of office.

(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 who is absent from three consecutive meetings of the Board without sufficient cause 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. Meetings of the Board

(1) The Board shall meet at least once every two 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 eight members including the chairperson or the person acting in that capacity.

(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 shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for a decision at the meeting.

(7) Subject to this section, the Board may determine the procedure for its meetings.

7. Disclosure of interest

(1) A member of the Board who has an interest in a contract proposed to be made with the Commission or a matter for discussion by the Board shall disclose the nature of the interest to the Board and is, unless the meeting otherwise directs, disqualified from participating in the deliberations on that contract or matter.

(2) A member who fails to disclose that member's interest under subsection (1) ceases to be a member.

8. Establishment of committees

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

9. Allowances

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.

10. Regional and district offices of the Commission

(1) The Commission may have regional offices and any other offices as the Board may consider reasonable.

(2) The Commission shall have as many officers and staff in the regions and districts as the Board may determine for the proper and effective performance of its functions.

(3) A regional or district office of the Commission shall be provided with public officers that the President shall appoint in accordance with article 195 of the Constitution.

(4) A regional or district office of the Commission shall perform the functions of the Commission in the region or district as the Board may direct.

11. Executive Secretary

(1) There shall be a secretariat of the Commission which shall be headed by the Executive Secretary.

(2) The President shall, in accordance with article 195 of the Constitution, appoint a person with administrative or managerial experience as the Executive Secretary of the Commission.

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

(4) The Executive Secretary shall be the secretary to the Board.

12. Appointment of other staff

(1) The President shall in accordance with article 195 of the Constitution appoint other staff of the Commission that are necessary for the proper and effective performance of its functions.

(2) Other public officers may be transferred or seconded to the Commission or may otherwise give assistance to it.

(3) The Commission may engage the services of advisers on the recommendations of the Board.

13. Collaboration

(1) The Commission shall collaborate with the Security Agencies and other relevant stakeholders as regards its object and functions.

(2) The Inspector-General of Police shall provide the Commission with quarterly returns of activities on the registration and licensing of arms and ammunition.

14. Funds of the Commission

The funds of the Commission include

- (a) moneys approved by Parliament,
- (b) donations, grants and gifts, and
- (c) any other moneys that are approved by the Minister responsible for Finance.

15. Accounts and audit

(1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Commission to the Auditor-General for audit within three months after the end of the financial year.

(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 Commission shall be the same as the financial year of the Government.

16. Annual report and other reports

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

(2) The annual report shall include the report of the Auditor-General.

(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 also submit to the Minister any other reports which the Minister may require in writing.

17. Regulations

The Minister may on the advice of the Board by legislative instrument make Regulations to provide for any other matter necessary for the effective implementation of the provisions of the Act.

18. Interpretation

In this Act, unless the context otherwise requires:

“**Board**” means governing board of the Commission;

“**Convention**” means the Economic Community of West African States Convention on Small Arms and Light Weapons;

“**Economic Community**” means Economic Community of West African States;

“**light weapons**” means portable arms designed to be used by several persons working together in a team and which includes

- (a) heavy machine guns,
- (b) portable grenade launchers, mobile or mounted,
- (c) portable anti-aircraft cannons,
- (d) portable anti-tank missile launchers or rocket launchers,
- (e) portable anti-tank cannons, non-recoil guns,
- (f) portable anti-aircraft missile launchers, and
- (g) mortars with a caliber of less than 100 millimetres;

“**Minister**” means the Minister responsible for the Interior;

“**other related materials**” means the components, parts or replacement parts of a firearm that are essential to the operation of the firearm;

“**small arms**” means arms used by one person and which includes

- (a) firearms and other destructive arms or devices such as exploding bomb, an incendiary bomb or a gas bomb, a grenade, a rocket launcher, a missile, a missile system;
 - (b) revolvers and pistols with automatic loading;
 - (c) rifles and carbines;
 - (d) machine guns;
 - (e) assault rifles; and
 - (f) light machine guns used by one person.
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