

PERSONS WITH DISABILITY ACT, 2006 (ACT 715)

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REPUBLIC OF GHANA

**THE SEVEN HUNDRED AND FIFTEENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED
PERSONS WITH DISABILITY ACT, 2006**

AN ACT to provide for persons with disability, to establish a National Council on Persons with Disability and to provide for related matters.

DATE OF ASSENT: 9th August, 2006.

ENACTED by the President and Parliament:

Rights a persons with disability

Section 1—Right to family life and social activities

A person with disability shall not be deprived of the right to live with that person's family or the right to participate in social, political, economic, creative or recreational activities.

Section 2—Differential treatment in respect of residence

Except as otherwise required by the condition or the need for improvement of a person with disability, a person shall not subject a person with disability to differential treatment in respect of residence.

Section 3—Living conditions in specialized establishments

Where a person with disability has to be put in a specialised establishment, the environment and living conditions of the establishment shall, except as otherwise required by the condition of the person with disability, be as close as possible to those of a person without disability of the same age as the person with disability.

Section 4—Exploitation of and discrimination against a person with disability

(1) A person shall not discriminate against, exploit or subject a person with disability to abusive or degrading treatment.

(2) An employer shall not discriminate against a prospective employee or an employee on grounds of disability unless the disability is in respect of the relevant employment.

Section 5—Party to Judicial proceedings

Where a person with disability is a party in judicial proceedings, the adjudicating body shall take into account the condition of the person with disability and provide appropriate facilities that enable the person with disability to participate effectively in the proceedings.

Section 6—Access to public places

The owner or occupier of a place to which the public has access shall provide appropriate facilities that make the place accessible to and available for use by a person with disability.

Section 7—Access to public services

A person who provides any service to the public shall put in place the necessary facilities that make the service available and accessible to a person with disability.

Section 8—Penalty for contravention

A person who contravenes section 1, 2, 4, 6 or 7 commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units or to a term of imprisonment not exceeding three months or to both.

Employment of persons with disability

Section 9—Public employment centres

The Ministry shall through the public employment centres, assist to secure jobs for persons with disability.

Section 10—Promotion of employment of persons with disability

(1) The Government shall grant a person who employs a person with disability an annual tax rebate of the taxable income in respect of each person with disability employed as shall be prescribed in Regulations made under this Act.

(2) The Government shall grant special incentives to persons with disability engaged in business and also to business organisations that employ persons with disability.

Section 11—Provision of tools

A person who employs a person with disability shall provide

- (a) the relevant working tools, and
- (b) appropriate facilities

required by the person with disability for the efficient performance of the functions required by the employment.

Section 12—Posting, transfer and redeployment of person with disability

(1) An employer shall not post or transfer a person with disability to a section or place of the establishment not suited for the person.

(2) Where a person in employment suffers a disability as a result of the employment, the employer shall counsel, re-train and re-deploy the person to another section more suited to the

person with disability and this shall be in addition to any other relief which the employee is entitled to under the Workmen's Compensation Law, 1987 (PNDCL 187).

Section 13—Appropriate training for the unemployed person with disability

(1) Where the name of a person with disability remains on a job search list for more than two years, the Ministry shall take the name of that person off the list, and where applicable

- (a) give that person appropriate training,
- (b) provide that person with the necessary working tools and materials, and
- (c) assist that person to access loan capital for that person to start a business.

(2) A person with disability who sells the tools or materials received under subsection (1) and a person who buys the tools or materials given to a person with disability under subsection (1) commits an offence and each person is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both.

Section 14—Rehabilitation centres

(1) The Ministry shall progressively establish rehabilitation centres in regions and in districts for persons with disability.

(2) A rehabilitation centre shall offer guidance, counselling and appropriate training for persons with disability who are unable to enter into the mainstream of social life.

(3) A rehabilitation centre shall be provided with the staff and other facilities that are necessary for the performance of its functions.

Section 15—Community based rehabilitation

The Ministry shall ensure that as far as practicable persons with disability, shall be rehabilitated in their communities, to foster their integration.

Education of persons with disability

Section 16—Education of a child with disability

(1) A parent, guardian or custodian of a child with disability of school going age shall enroll the child in a school.

(2) A parent, guardian or custodian who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten penalty units, or to a term of imprisonment not exceeding fourteen days.

Section 17—Facilities and equipment in educational institutions

The Minister of Education shall by Legislative Instrument designate schools or institutions in each region which shall provide the necessary facilities and equipment that will enable persons with disability to fully benefit from the school or institution.

Section 18—Free education and special schools

The Government shall

- (a) provide free education for a person with disability, and
- (b) establish special schools for persons with disability who by reason of their disability cannot be enrolled in formal schools.

Section 19—Appropriate training for basic school graduates

Where a person with disability has completed basic education but is unable to pursue further formal education, the Ministry shall provide the person with appropriate training.

Section 20—Refusal of admission on account of disability

(1) A person responsible for admission into a school or other institution of learning shall not refuse to give admission to a person with disability on account of the disability unless the person with disability has been assessed by the Ministry responsible for Education in collaboration with the Ministries responsible for Health and Social Welfare to be a person who clearly requires to be in a special school for children or persons with disability.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units or imprisonment for a term not exceeding three months or to both.

Section 21—Special education in technical, vocational and teacher training institutions

The Minister of Education shall by Legislative Instrument designate in each region public technical, vocational and teacher training institutions which shall include in their curricula special education, such as

- (a) sign language, and
- (b) braille writing and reading.

Section 22—Library facilities

A public library shall as far as practicable be fitted with facilities that will enable a person with disability to use the library.

Transportation

Section 23—Integration of needs of persons with disability

The Ministries responsible for rail, air and road transport and where appropriate the Ministry of Local Government shall ensure that the needs of persons with disability are taken into account in the design, construction and operation of the transportation network.

Section 24—Importation of non-conventional vehicles

- (1) A person with disability may import a vehicle adapted or modified for use by persons with disability.
- (2) A person without disability shall not import a vehicle adapted or modified for use by persons with disability except with the express approval of the Minister.

(3) A vehicle imported under subsection (1) shall upon the recommendations of the Minister and with the approval of the Minister for Finance be exempt from the payment of import duty and any other tax relating to the importation.

(4) A vehicle imported under subsection (1) shall not be re-exported.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both.

Section 25—A person with disability as pedestrian

A motorist shall stop for a person with disability who shows an intention to cross the road either at a pedestrian crossing or at an appropriately designated point for crossing by persons with disability.

Section 26—Parking places for persons with disability

(1) A District Assembly or an operator of a parking lot shall demarcate a special parking place which shall be reserved for the exclusive use of persons with disability.

(2) Without limiting subsection (1), each public place for parking vehicles shall have a clearly demarcated area for the exclusive use of persons with disability.

Section 27—Ownership of driving licence

A person with a hearing disability may own a driving licence upon passing a driving test and satisfying conditions prescribed by the Driver and Vehicle Licensing Authority.

Section 28—Facilities at port terminals

(1) The Civil Aviation Authority and any other authority responsible for the management of a port shall provide facilities that will aid the movement of a person with disability at the port.

(2) An airline operating from an airport in the country shall before a flight, set up a special desk to check-in persons with disability.

Section 29—Reserve seats on vehicles

A person responsible for the booking of passengers on a commercial bus shall reserve at least two seats for persons with disability except that where the bus is full without the reserved seats having been occupied, the driver or the person responsible for putting passengers on the bus may, fill the reserved seats with other passengers.

Section 30—Contravention of sections 25 and 29

A person who contravenes sections 25 and 29 commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units or to a term of imprisonment not exceeding three months or to both.

Health-care and facilities

Section 31—Medical treatment

The Ministry of Health in formulating health policies shall provide for free general and specialist medical care, rehabilitative operation treatment and appropriate assistive devices for persons with total disability.

Section 32—Training of health professionals

The Ministry of Health shall include the study of disability and disability related issues in the curricula of training institutions for health professionals to develop appropriate human resources to provide general and specialised rehabilitation services.

Section 33—Health programmes

The Ministry of Health shall include education on disability and disability issues in health care programmes.

Section 34—Periodic screening of children

The Ministry of Health in collaboration with the Ministries responsible for Education and Social Welfare shall provide for the periodic screening of children in order to detect, prevent and manage disability.

Section 35—Establishment of assessment centres

The Ministry of Health in collaboration with District Assemblies and the Ministry responsible for Social Welfare shall establish and operate health assessment and resource centres in each district and provide early diagnostic medical attention to mothers and infants to determine the existence or onset of disability.

Miscellaneous provisions

Section 36—Incentive for manufacturers of technical aids and appliances

A person who manufactures technical aids or appliances in the country for the use of persons with disability shall be given tax exemption that the Minister in consultation with the Minister for Finance may determine in Regulations.

Section 37—Derogatory names

(1) A person shall not call a person with disability derogatory names because of the disability of the person.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty penalty units or to a term of imprisonment not exceeding three months or to both.

Section 38—Access to sporting events, festivals and cultural activities

The Ministry responsible for Education and Sports, the District Assemblies and the National Commission for Culture shall as far as practicable ensure, through the provision of adequate facilities, programmes and incentives, that persons with disability have access to sports and cultural events.

Section 39—Participation in national activities

A person or institution which organises a national, regional or district activity, shall as far as practicable ensure that facilities are made available for the participation in the activity by persons with disability.

Section 40—Law enforcement and persons with disability

- (1) Law enforcement agencies shall take into consideration the disability of a person on arrest, detention, trial or confinement of the person and provide for that person accordingly.
- (2) Institutions for the training of law enforcement personnel, shall have as part of their curricula, the study of disability and disability related issues.

Establishment and functions of National Council on Persons with Disability

Section 41—Establishment of National Council on Persons with Disability

- (1) There is established by this Act a body to be known as the National Council on Persons with Disability.
- (2) The Council is a body corporate with perpetual succession, and a common seal and may sue or be sued in its corporate name.
- (3) The Council may for the performance of its functions acquire and hold movable or immovable property and may enter into a contract or any other transaction.
- (4) Where there is hindrance to the acquisition of the property, the property may be acquired for the Council 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 Council.

Section 42—Object and functions of the Council

- (1) The object of the Council is to propose and evolve policies and strategies to enable persons with disability enter and participate in the mainstream of the national development process.
- (2) To achieve the object, the Council shall
 - (a) monitor and evaluate disability policies and programmes,
 - (b) formulate strategies for broad-based inter-sectoral, interdisciplinary involvement and participation in the implementation of the national disability policy,
 - (c) produce an organisational manual on the operations of the Council and its secretariat,
 - (d) coordinate disability activities;
 - (e) advise the Ministry on disability issues and submit to the Minister proposals for appropriate legislation on disability,
 - (f) mobilise resources for the attainment of its object,
 - (g) co-ordinate activities of organisations of persons with disability, and international organisations and non-governmental organisations that deal with disability,
 - (h) promote studies and research on issues of disability and provide education and information to the public on issues of disability,

- (i) maintain a register of,
- (i) persons with disability, and
- (ii) institutions, organisations and associations which provide rehabilitation, services or support for persons with disability,
- (j) play an advocacy role on disability issues at all levels; and
- (k) perform other functions that are necessary for the attainment of its object.

Section 43—Governing body of the Council

- (1) For the performance of the functions of the Council there shall be a Board consisting of
- (a) the chairperson,
 - (b) one representative not below the rank of deputy director, of the Ministry of Health,
 - (c) one representative not below the rank of deputy director, of the Department of Social Welfare,
 - (d) one representative not below the rank of deputy director, of the Ministry of Local Government and Rural Development,
 - (e) one representative of employers' associations,
 - (f) one representative not below the rank of a deputy director of the Ministry of Education,
 - (g) one representative not below the rank of deputy director of the Ministry of Manpower, Youth and Employment,
 - (h) three representatives of organisations of persons with disabilities one of whom is a woman, nominated on rotational basis by the organisations,
 - (i) one representative not below the rank of a deputy director from the Ministry responsible for Women and Children's Affairs, and
 - (j) two other persons, one of whom is a woman,
- (2) The chairperson and other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Section 44—Tenure of office of members

- (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 hold office for more than two terms in succession.
- (2) Where a member 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 reason ceases to be a member of the Council.

(5) The President may by letter addressed to a member revoke the appointment of that member.

Section 45—Meetings of the Board

(1) The Board shall meet at least once every three months for the dispatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of at least one-third of the members 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 nine 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 any person to act as an adviser at its meetings but a co-opted member shall not vote on any matter for decision by the Board.

(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 shall determine and regulate the procedure for its meetings.

Section 46—Disclosure of interest by a Board member

(1) A member of the Board who has an interest in a matter under consideration by the Board shall disclose in writing the nature of that interest to the Board and is disqualified from participating in the deliberations of the Board in respect of that matter.

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

Section 47—Appointment of Committees

(1) The Board may for the performance of the functions of the Council appoint committees of the Board comprising members of the Board or non-members or both.

(2) A committee comprising entirely of non-members shall only be advisory.

Section 48—Allowances of members

Members of the Board and members of a Committee of the Board shall be paid allowances that the Minister in consultation with the Minister for Finance may determine.

Section 49—Regional and district offices of the Council

(1) The Board may establish regional and district offices of the Council in each regional capital and in the districts.

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

(3) A regional or district office of the Council shall perform the functions of the Council in the region or district.

Section 50—Register

The Board shall maintain a register in which shall be recorded

- (a) the names, addresses and other personal particulars of persons with disability, and
- (b) names, address of offices and other particulars of institutions, organisations and associations which provide rehabilitation, services or support for persons with disability.

Administrative and financial provisions

Section 51—Executive Secretary

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

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

Section 52—Functions of the Executive Secretary

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

(2) The Executive Secretary shall maintain the register referred to in section 50.

(3) The Executive Secretary shall perform any other functions determined by the Board.

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

Section 53—Appointment of other staff

(1) The Council shall have other officers and staff as may be necessary for the effective performance of its functions.

(2) The President shall in accordance with article 195 of the Constitution appoint other staff of the Council.

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

(4) The Council may engage the services of advisers on the recommendations of the Board.

Section 54—Delegation of power of appointment

The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of public officers under this Act.

Section 55—Funds of the Council

The funds of the Council include

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

Section 56—Accounts and audit

- (1) The Board shall keep books of account and proper records in relation to them in a 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 each financial year.
- (3) The Auditor-General shall not later than three months after the receipt of the accounts, audit the accounts of the Council and forward a copy of the audit report to the Minister.
- (4) The Internal Audit Agency Act, 2003 (Act 658) shall apply to this Act.
- (5) The financial year of the Council is the same as the financial year of the Government.

Section 57—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 Council 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.

Section 58—Regulations

The Minister may, on the advice of the Board, by legislative instrument, make Regulations providing

- (a) for minimum standard of facilities to be provided and maintained by public bodies or institutions so as to make those bodies or institutions and services provided by those bodies or institutions available to persons with disability, and
- (b) generally for the effective implementation of the objects of this Act.

Section 59—Interpretation

In this Act, unless the context otherwise requires

"Council" means the National Council on Persons with Disability established under section 41;

"District Assembly" includes Municipal and Metropolitan Assembly;

"Minister" means the Minister responsible for Social Welfare;

"Ministry" means the Ministry responsible for Social Welfare;

"person with disability" means an individual with a physical, mental or sensory impairment including a visual, hearing or speech functional disability which gives rise to physical, cultural or social barriers that substantially limits one or more of the major life activities of that individual;

"port" includes airport, seaport, railway station and lake transport terminal; and

"transportation network" includes facilities used for the transport of passengers.

Section 60—Transitional provisions

The owner or occupier of an existing building to which the public has access shall within ten years of the commencement of this Act make that building accessible to and available for use by a person with disability.

Date of Gazette Notification: 11th August, 2006.