

# **GHANA HYDROLOGICAL AUTHORITY BILL, 2021**

## **MEMORANDUM**

The purpose of the Bill is to establish the Ghana Hydrological Authority to promote the delivery of hydrological services for planning, design, execution, operation and maintenance of flood control mechanism, works related to coastal engineering, sewage, drainage improvement and river development, operational and applied hydrology.

The hydrological services were hived off the Architectural Engineering Service Corporation in 1995 to become a Department under the Ministry of Water Resources, Works and Housing. A review of the operations of the present Hydrological Services Department shows the dire need for institutional renewal to address critical technical, organisation and service delivery challenges of this vital sector. This is because the Department has not been able to effectively execute its mandate and objectives in terms of performance, capacity and development. This is partially due to the absence of a legal and administrative framework to facilitate effective service delivery.

In its present state, the Hydrological Services Department has no legal backing, lacks a defined salary structure, conditions of service and a mechanism for career progression. As a result, morale is very low and this has culminated in the loss of qualified personnel to other competing organisations and sectors. Furthermore, the challenges associated with the delivery of hydrological services has made it difficult for institutions that depend on hydrology related information for construction, agriculture and maritime purposes to take full advantage of the services of the Department.

A number of professional appraisals of the future of hydrology in Ghana have recommended the establishment of a hydrological service institution as an Authority under the Ministry of Works and Housing.

The above recommendation has been further buttressed by suggestions that the hydrometric data collection system in the country will fare better if it had greater autonomy over resources, staff and activities. This recommendation was made in the World Bank, the United

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Nations Development and the Africa Development Bank report on Sub-Saharan Africa Hydrological Assessment, West African countries, Ghana Country Report.

Since the late 1990s, various initiatives have been undertaken to address some of the challenges that constrain the sustainable development and management of the country's water resources, particularly the streamline of roles, functions and decision making.

The planning for allocation of water for various uses involves a substantial amount of information collection, collation and storage as well as assessments of climate, hydrological and socio-economic variables. Between 1997 and 2003, the Water Resources Information Services Project was initiated and implemented. The objective of the Project was to improve the capacity of data generation and research institutions including the Water Research Institute of the Council of Scientific and Industrial Research, the Hydrological Services Department and the former Meteorological Services Department, now the Ghana Meteorological Agency. The capacity of the project beneficiary institutions to address equipment challenges, procedures for observation, transmission, storage, processing and retrieval of information among others was enhanced. This project and its follow up, the Integrated Water Resource identified the role each organisation is expected to play.

Presently, the role of the Hydrological Services Department in the sector is the provision of hydrological data and information. The restructuring envisaged is expected to enhance the role of the new Authority as a highly professional establishment responsible for the provision of services including designing and establishment of hydrological networks for data collection country-wide, monitoring and evaluation of the national hydrological network and the collection of hydrological data on all rivers, streams and surface water bodies country-wide, disseminating relevant data relating to hydrological issues and most importantly providing flood forecasting and control for Government and private sector institutions.

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There is also the need for an institutional redirection that will promote a strong and vibrant hydrological service delivery to enhance safety and accelerate infrastructural, social and economic development in Ghana. The Bill thus provides the necessary framework to achieve this.

The establishment of the Ghana Hydrological Authority is provided for in *clauses 1 to 3*.

*Clause 1* establishes the Ghana Hydrological Authority as a body corporate. The object of the Authority is to promote hydrological service delivery for the planning, design, execution, operation and maintenance of flood control mechanisms, works related to coastal engineering, sewage, drainage improvement and river development and operational and applied hydrology or quantification, conservation and development of the water resources of the country, *clause 2*.

The functions of the Authority as enumerated in *clause 3* include advising Government on matters related to hydrology, drainage engineering, sewage engineering and coastal engineering generally; providing hydrology and drainage engineering services for the prevention of floods, flood warning and flood management; providing coastal engineering services in the management of beach erosion and formulating strategies for the effective mobilisation of resources for the execution of hydrological, storm water drainage, sewage and sea defence projects. Other functions of the Authority are formulating strategies for the effective mobilisation of resources for the execution of hydrological, storm water drainage, sewage and sea defence projects; encouraging and regulating private sector participation in the provision of hydrological, storm water drainage, sewage and sea defence services; providing District Assemblies with technical assistance in the planning and execution of storm water drainage, sewage and sea defence projects and providing hydrological information and warnings for the benefit of agriculture, surface transport, and managing energy and water resources to mitigate the effects of natural disasters such as floods on socio-economic

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development and projects. Establishment, organisation and management of hydrological stations for the collection of data and information on surface water and groundwater; collation, processing and dissemination of hydrological information nationally and internationally in accordance with rules, practices and procedures established under international conventions and ensuring uniform standards of observation of hydrological phenomena in the country are also functions of the Authority.

Governance of the Authority is dealt with in *clauses 4 to 12*. The governing body of the Authority is provided for in *clause 4*. The Board consists of eleven members including the chairperson and representation from the Ministries responsible for Works and Housing, Local Government and Rural Development and Roads and Highways. Also represented on the Board are the Water Resources Commission, the Ghana Institution of Engineers and the Ghana Meteorological Agency. Three other persons one of whom is a woman and the Chief Executive Officer of the Authority are also members of the Board. The members are to be appointed by the President in accordance with article 70 of the Constitution.

The Board is to provide governance for and oversight of the Authority, ensure the implementation of rules, regulations and procedures on the collection of data and information on surface water and groundwater laid down by the World Meteorological Organisation, World Health Organisation and the United Nations Educational, Scientific and Cultural Organisation in accordance with the provisions of the Bill, manage the National Hydrological Fund and ensure the efficient and effective performance of the functions of the Authority, *clause 5*.

The standard provisions on duties and liabilities of a member of the Board, tenure of office of members of the Board, meetings of the members of the Board, disclosure of interest, establishment of committees and allowances are provided for in *clauses 6, 7, 8, 9, 10 and 11*, respectively.

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*Clause 12* gives the Minister the power to issue directives to the Board on matters of policy and the Board is to comply with the directives issued.

Administrative matters of the Authority are dealt with in *clauses 13 to 20*. The President is to, in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Authority, *clause 13*. The Chief Executive Officer, in *clause 14*, is responsible for the day-to-day administration of the affairs of the Authority and is answerable to the Board in the performance of functions under the Bill. In addition, the Chief Executive Officer is responsible for the execution of strategic plans and operations of the Authority. The Chief Executive Officer is also to assist the Director-General of the Ghana Meteorological Agency as the permanent representative of Ghana with the World Meteorological Organisation and the United Nations Educational, Scientific and Cultural Organisation in the capacity as a hydrological advisor and represent Ghana on matters relating to the work of the Authority at the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation.

*Clause 15* provides for the appointment of a Deputy Chief Executive Officer by the President in accordance with article 195 of the Constitution. The Deputy Chief Executive Officer is to assist the Chief Executive Officer in the performance of the functions of the Chief Executive Officer and perform any other functions assigned by the Chief Executive Officer, *clause 16*.

The President is to appoint for the Authority other employees that are necessary for the efficient and effective performance of the functions of the Authority, *clause 17*. These appointments are to be done in accordance with article 195 of the Constitution. The Authority may also for the efficient and effective performance of the functions of the Authority engage the services of experts and consultants on the recommendation of the Chief Executive Officer.

The Secretary to the Board is provided for in *clause 18*. The head of the Legal Services Unit of the Authority is the Secretary to the Board.

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The Secretary is to record and keep the minutes of the meetings of the Board and perform the functions that the Board or the Chief Executive Officer in consultation with the Board may assign.

The Authority is required to have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921), *clause 19*. The Internal Audit Unit is to be headed by an Internal Auditor who is appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

*Clause 20* provides for the regional offices of the Authority. The Board is empowered to establish regional offices of the Authority on the recommendation of the Chief Executive Officer. A regional office of the Authority is to perform functions of the Authority in the region as the Board may direct.

*Clauses 21 to 25* make provision for financial matters of the Authority. The funds of the Authority include moneys provided by Parliament and fees and charges accruing to the Authority in the performance of the functions of the Authority, moneys allocated from the National Hydrological Fund and international donor support, *clause 21*. *Clause 22* makes provision for a bank account for the Authority into which the moneys for the Authority are to be paid into.

The administrative expenses of the Authority are to be charged on the Consolidated Fund, *clause 23*. *Clauses 24* and *25* provide for the standard provisions on accounts and audit, and annual report and other reports, respectively.

Matters on the National Hydrological Fund are dealt with in *clauses 26 to 31*. *Clause 26* establishes the National Hydrological Fund. The objects of the Fund as set out in *clause 27* include publicising and promoting the activities of the Authority and conducting research, studies and investigations relating to the functions of the Authority. Developing and maintaining any property vested in or owned by the Authority and engaging in any other purposes in connection with the functions of the Authority as the Board in consultation with the Minister is to determine are also objects of the Fund.

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The sources of money for the Fund as set out in *clause 28* include moneys approved by Parliament, interest from investments, loans, grants, donations and gifts. The management of the Fund is provided for in *clause 29*. The Board is to manage and administer the Fund which is for this purpose, to include the Controller and Accountant-General or a representative of the Controller and Accountant-General. The Board is for the purpose of managing the Fund to formulate policies to generate money for the Fund, determine the allocation to be made towards the objects of the Fund and determine annual targets of the Fund. *Clauses 24 and 25* on accounts and audit, and annual and other reports apply to the Fund, *subclause (4) of clause 29*. Investment of moneys of the Fund is provided for in *clause 30*. The Board is empowered to invest part of the Fund as the Board considers appropriate in securities that the Minister responsible for Finance may approve. Furthermore, the Fund is exempt from the payment of tax on income accruing from investments made by the Board for the Fund, *clause 31*.

Miscellaneous matters are dealt with in *clauses 32 to 41*. *Clause 32* empowers an employee authorised by the Authority to enter any land or premises and do any act reasonably necessary for carrying out the functions of the Authority. This is after the employee has given notice to the owner or occupier of the land or premises. The employee may in particular, inspect and examine land, buildings and equipment of hydrological stations, inspect and examine accounts, records and memoranda required to be kept by hydrological stations or cut down and remove any tree, underwood or structure that may interfere with surveys and hydrological works. The Authority is required to pay compensation for damage caused as a result of an action taken with regards to the entry of land or premises.

*Clause 33* empowers the Authority to obtain loans and other credit facilities on the guarantee of the Government from such banks and institutions as the Minister may in consultation with the Minister responsible for Finance determine. This is however subject to the Public Financial Management Act, 2016 (Act 921).

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Issues of confidentiality are dealt with in *clause 34*. A member of the Board, the Chief Executive Officer, or an employee of the Authority is to subject to any existing law, treat as confidential any information obtained in the exercise of powers or the performance of duties under the Bill and not disclose any information except when required to do so by a court, under any enactment or other circumstances determined by the Board.

Execution of contracts are dealt with in *clause 35*. The seal of the Authority is to be authenticated by the signatures of the Chief Executive Officer and the chairperson of the Board or in the absence of the chairperson, a member of the Board authorised by the chairperson or an employee of the Authority authorised by the Authority. The *clause* is subject to section 12 of the Contracts Act, 1960 (Act 25).

Matters related to the use of the official seal of the Authority is dealt with in *clause 36*. A person is not to use the official seal of the Authority without the authority of the Minister. A person, who contravenes the *clause* is subject to a criminal sanction.

Offences committed by a body of persons is provided for in *clause 37*. Where a body of persons is convicted of an offence under the Bill, in the case of a body corporate, every director or officer of that body corporate is deemed to have committed that offence; in the case of a partnership or a firm, every partner of the partnership or firm is deemed to have committed that offence. However, a person is not deemed to have committed an offence under the *clause* if the person proves that the offence was committed without the knowledge of that person and the person exercised care and due diligence to prevent the commission of the offence having regard to all the circumstances.

*Clause 38* empowers the Minister to make Regulations to provide for the efficient and effective implementation of the Bill. The Regulations are to prescribe for, among others, hydrologic, drainage, sewage and coastal engineering requirements for sectoral activities and the establishment of hydrological stations.



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Interpretation of salient words and expressions used in the Bill are dealt with in *clause 39*. *Clause 40* dissolves the Hydrological Services Department established under the Ministry of Works and Housing and saves any contracts, orders or decisions or anything made or done by the Hydrological Services Department.

Finally, transitional matters are dealt with in *clause 41*.

**FRANCIS ASENSO-BOAKYE (M.P)**  
*Minister responsible for Works and Housing*

Date: 28<sup>th</sup> July, 2021.

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## ARRANGEMENT OF SECTIONS

### *Section*

#### *The Ghana Hydrological Authority*

1. Establishment of the Ghana Hydrological Authority
2. Object of the Authority
3. Functions of the Authority

#### *Governance of the Authority*

4. Governing body of the Authority
5. Functions of the Board
6. Duties and liabilities of a member of the Board
7. Tenure of office of members of the Board
8. Meetings of the members of the Board
9. Disclosure of interest
10. Establishment of committees
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#### *Administrative Provisions*

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26. Establishment of National Hydrological Fund
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29. Management of the Fund
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### *Miscellaneous Provisions*

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38. Regulations
39. Interpretation
40. Dissolution and savings
41. Transitional provisions

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**BILL**

ENTITLED

**GHANA HYDROLOGICAL AUTHORITY ACT, 2021**

**AN ACT** to establish the Ghana Hydrological Authority to promote the delivery of hydrological services for planning, design, execution, operation and maintenance of flood control mechanism, works related to coastal engineering, sewage, drainage improvement and river development, operational and applied hydrology and to provide for related matters.

**PASSED** by Parliament and assented to by the President:

*The Ghana Hydrological Authority*

**Establishment of the Ghana Hydrological Authority**

1. (1) There is established by this Act, the Ghana Hydrological Authority as a body corporate.

(2) For the performance of the functions of the Authority, the Authority may 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 immovable property, the immovable property may be acquired for the Authority under the Land Act, 2020 (Act 1036) and the cost shall be borne by the Authority.

**Object of the Authority**

2. The object of the Authority is to promote hydrological service delivery for the planning, design, execution, operation and maintenance of flood control mechanisms, works related to coastal engineering, sewage, drainage improvement and river development and operational and applied hydrology for the quantification, conservation and development of the water resources of the country.

**Functions of the Authority**

3. To achieve the object under section 2, the Authority shall

- (a) advise Government on matters related to hydrology, flood control, drainage engineering, sewage engineering and coastal engineering generally;
- (b) provide hydrology and drainage engineering services for the prevention of floods, flood warning and flood management;
- (c) provide coastal engineering services for the management of beach erosion;
- (d) formulate strategies for the effective mobilisation of resources for the execution of hydrological, storm water drainage, sewage and sea defence projects;
- (e) encourage and regulate private sector participation in the provision of hydrological, storm water drainage, sewage and sea defence services;
- (f) provide District Assemblies with technical assistance in the planning and execution of storm water drainage, sewage and sea defence projects;
- (g) provide hydrological information and warnings for the benefit of agriculture, surface transport, and management of energy and water resources to mitigate the effects of natural disasters such as floods on socio-economic development and projects;
- (h) establish, organise and manage hydrological stations for the collection of data and information on surface water and groundwater;

- (i)** collate, process and disseminate hydrological information within the country and outside the country and internationally in accordance with rules, practices and procedures established under international conventions;
- (j)** ensure uniform standards of observation of hydrological phenomena in the country;
- (k)** store data and information related to hydrology, drainage, sewage and coastal engineering for the purposes of planning, assessment, management and implementation of infrastructural projects;
- (l)** participate in local and international training programmes and carry out and publish research in hydrology, drainage, sewage, coastal engineering and in other related fields in co-operation with other relevant institutions;
- (m)** collaborate with relevant foreign and international organisations mandated by United Nations agencies, namely the World Meteorological Organisation, the World Health Organisation, the United Nations Environment Programme and the United Nations Educational and Scientific and Cultural Organisation;
- (n)** approve the establishment of hydrological stations by other bodies for hydrological observations, storm water drainage for mitigation of floods, and sea defence systems for the control of beach erosion and storm surges;
- (o)** provide consultancy services in hydrology, drainage engineering, sewage engineering and coastal engineering to the public and private sectors;
- (p)** participate in international exchange programmes on hydrology, drainage, sewage and coastal engineering and related activities for the promotion of global safety;
- (q)** ensure compliance with conventions, protocols and any other relevant standards and recommended practices on collection of water resources and water quality data issued by the World Meteorological Organisation, World Health Organisation and the United Nations Educational, Scientific and Cultural Organisation; and
- (r)** perform any other function ancillary to the object of the Authority.

*Governance of the Authority*

**Governing body of the Authority**

4. (1) The governing body of the Authority is a Board consisting of
- (a) a chairperson;
  - (b) one representative not below the rank of Director from the Ministries responsible for
    - (i) Works and Housing;
    - (ii) Local Government and Rural Development; and
    - (iii) Roads and Highways;
  - (c) one representative of the
    - (i) Water Resources Commission not below the rank of a Deputy Director nominated by the Minister responsible for Sanitation and Water Resources;
    - (ii) Ghana Institution of Engineers nominated by the Ghana Institution of Engineers; and
    - (iii) Ghana Meteorological Agency not below the rank of a Director nominated by the Minister responsible for Communication;
  - (d) three other persons one of whom is a woman; and
  - (e) the Chief Executive Officer of the Authority.
- (2) The President shall, in accordance with article 70 of the Constitution, appoint the members of the Board.
- (3) The President shall, in making appointments under paragraphs (a) and (d) of subsection (1), have regard to the expertise and experience of the persons in matters related to the functions of the Authority.

**Functions of the Board**

5. The Board shall

- (a) provide governance for and oversight of the Authority;
- (b) ensure the implementation of rules, regulations and procedures on the collection of data and information on surface water and groundwater laid down by the World Meteorological Organisation, World Health Organisation, United Nations Educational, Scientific and Cultural Organisation and the United Nations Environment Programme in accordance with the provisions of this Act;
- (c) manage the National Hydrological Fund; and
- (d) ensure the efficient and effective performance of the functions of the Authority.

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

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

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

- (a) act honestly and in the best interest of the Authority in the performance of the functions of that member;
- (b) exercise the degree of care and diligence in the performance of the functions of that member that a person in that position would reasonably be expected to exercise in the circumstance;
- (c) avoid making use of information acquired by virtue of the position of that member so as to benefit that member or to the detriment of the Authority; and
- (d) perform a specific function as may be determined by the Board.

(3) A member of the Board shall before assuming office, file with the Authority a disclosure statement, declaring all assets, business affiliations and details of past and present employment.

(4) 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 one hundred penalty units and not more than two hundred and fifty penalty units.

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

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

(2) Subsection (1) does not apply to the Chief Executive Officer.

(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 a 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 9;

(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 the members of the Board**

8. (1) The members of the Board shall meet at least once every three months for the conduct of business at a time and in a 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 a time and in a place determined by the chairperson.

(3) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Chief Executive Officer, elected by the members present from among their number shall preside.

(4) The quorum at a meeting of the Board is five members and shall include the Chief Executive Officer or the person acting in that capacity.

(5) Matters before the Board shall be decided by a simple 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 a decision at the meeting.

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

(8) Subject to this Act, the Board shall regulate the procedure for the meetings of the Board.

**Disclosure of interest**

9. (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 that interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the 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**

10. (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 non-members of the Board shall be advisory.

(3) A committee of the Board consisting of members or non-members or both shall be chaired by a member of the Board.

(4) Section 9 applies to members of a committee of the Board.

**Allowances**

11. 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**

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

*Administrative Provisions*

**Chief Executive Officer**

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Chief Executive Officer for the Authority.

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

**Functions of the Chief Executive Officer**

14. (1) The Chief Executive Officer is

- (a) responsible for the day-to-day administration of the Authority, and
- (b) answerable to the Board in the performance of the functions of the office.

(2) The Chief Executive Officer is responsible for the execution of strategic plans and operations of the Authority.

(3) The Chief Executive Officer shall

- (a) assist the Director-General of the Ghana Meteorological Agency as the permanent representative of Ghana with the World Meteorological Organisation and the United Nations Educational, Scientific and Cultural Organisation in the capacity of a hydrological adviser; and
- (b) represent Ghana on matters relating to the work of the Authority at the United Nations Educational, Scientific and Cultural Organisation, the World Health Organisation and the United Nations Environmental Authority.

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

**Deputy Chief Executive Officer**

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Chief Executive Officer for the Authority.

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

**Functions of the Deputy Chief Executive Officer**

16. (1) The Deputy Chief Executive Officer shall assist the Chief Executive Officer in the performance of the functions of the Chief Executive Officer and perform any other functions assigned by the Chief Executive Officer.

(2) The Deputy Chief Executive Officer is answerable to the Chief Executive Officer in the performance of functions under this Act.

**Appointment of other staff**

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

(2) The Authority may, for the efficient and effective performance of the functions of the Authority, engage the services of consultants and experts on the recommendation of the Chief Executive Officer.

**Secretary to the Board**

18. (1) The head of the Legal Services Unit of the Authority is the Secretary to the Board.

(2) The Secretary shall

(a) record and keep the minutes of the meetings of the Board; and

(b) perform the functions that the Board or the Chief Executive Officer in consultation with the Board may assign.

**Internal Audit Unit**

19. (1) The Authority 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 Authority.

(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 the Chief Executive Officer and the chairperson of the Authority.

### **Regional offices of the Authority**

20. (1) The Board may, on the recommendation of the Chief Executive Officer, establish regional offices of the Authority.

(2) A regional office of the Authority shall perform functions of the Authority in the region as the Board may direct.

### *Financial Provisions*

### **Sources of moneys of the Authority**

21. The sources of moneys of the Authority include

- (a) moneys approved by Parliament;
- (b) fees and charges accruing to the Authority in the performance of the functions of the Authority;
- (c) moneys allocated from the National Hydrological Fund; and
- (d) international donor support.

### **Bank account of the Authority**

22. The moneys for the Authority shall be paid into a bank account opened with the approval of the Controller and Accountant-General.

### **Expenses of the Authority**

23. The administrative expenses of the Authority shall be a charge on the Consolidated Fund.

### **Accounts and audit**

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

(2) The Board shall submit the accounts of the Authority to the Auditor-General for audit at the end of the financial year.

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(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister and the Board.

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

**Annual report and other reports**

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

(2) The annual report shall include

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

(b) a summary of feedback on activities and services carried out and delivered by the Authority.

(3) The Minister shall, within thirty days 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.

*National Hydrological Fund*

**Establishment of National Hydrological Fund**

26. There is established by this Act the National Hydrological Fund.

**Objects of the Fund**

27. The objects of the Fund are to

(a) publicise and promote the activities of the Authority;

(b) conduct research, studies and investigations relating to the functions of the Authority;

(c) promote human resource development through acquisition of scientific, technical and professional knowledge and skills through training, attachments and exchange programmes with reputable local and international institutions, centres and organisations;

(d) develop and maintain any property vested in or owned by the Authority;

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- (e) support the acquisition, renewal, modernisation and maintenance of equipment and acquisition of appropriate technologies of the Authority to keep abreast with international standards and practices; and
- (f) engage in any other purposes in connection with the functions of the Authority as the Board in consultation with the Minister shall determine.

### **Sources of moneys for the Fund**

**28.** The sources of money for the Fund include

- (a) moneys approved by Parliament;
- (b) interest from investments;
- (c) loans;
- (d) grants, donations and gifts;
- (e) development levy, approved by Parliament, on drainage and flood related, and coastal development projects that utilise processed data and information acquired by the Authority and models developed by the Authority; and
- (f) any other moneys that Parliament may approve for payment into the Fund.

### **Management of the Fund**

**Investment of moneys of the Fund**

30. The Board may invest part of the Fund as the Board considers appropriate in securities that the Minister responsible for Finance may approve.

**Tax exemption**

31. The Fund is exempt from the payment of tax on income accruing from investments made by the Board for the Fund.

*Miscellaneous Provisions*

**Power to enter land or premises**

32. (1) For the purpose of carrying out the functions of the Authority, an employee authorised by the Authority may, after giving notice to the owner or occupier of any land or premises, enter the land or premises and do any act reasonably necessary for carrying out the functions of the Authority and may in particular

- (a) inspect and examine land, buildings and equipment of hydrological stations;
- (b) inspect and examine accounts, records and memoranda required to be kept by hydrological stations;
- (c) cut down and remove any tree, underwood or structure that may interfere with surveys and hydrological works; and
- (d) in consultation with the relevant District Assembly, remove any installation which constitutes a hindrance to the delivery of a hydrological service.

(2) The Authority shall pay compensation for damage caused as a result of action taken under subsection (1).

(3) The liability for and the amount of the compensation in subsection (2) shall in case of a dispute be settled in the first instance by negotiation.

(4) The Authority may delegate the power under subsection (1) to the relevant District Assembly.

**Borrowing powers**

33. Subject to section 76 of the Public Financial Management Act, 2016 (Act 921), the Authority may obtain loans and other credit



facilities on the guarantee of the Government from banks and institutions as the Minister may in consultation with the Minister responsible for Finance determine.

**Confidentiality**

34. (1) A member of the Board, the Chief Executive Officer, or an employee of the Authority shall

- (a) subject to any existing enactments, treat as confidential any information obtained in the exercise of powers or the performance of duties under this Act; and
  - (b) not disclose any information except when required to do so by a court, under an enactment or other circumstances determined by the Board.
- (2) A person who contravenes subsection (1),
- (a) in the case of a member of the Board, ceases to be a member of the Board; and
  - (b) in the case of an employee of the Authority, is subject to disciplinary action.

**Execution of contracts**

35. (1) The seal of the Authority shall be authenticated by the signatures of

- (a) the Chief Executive Officer; and
  - (b) the chairperson of the Board or in the absence of the chairperson a member of the Board authorised by the chairperson or an employee of the Authority authorised by the Authority.
- (2) An instrument or contract, which if executed or entered into by a person other than a body corporate would not require to be under seal, may be executed or entered into on behalf of the Authority by the Chief Executive Officer or a member of the Board authorised to execute the instrument or enter into the contract.

(3) This section is subject to section 12 of the Contracts Act, 1960 (Act 25).

**Improper use of official seal**

36. (1) A person shall not, without the authority of the Minister, use the official seal of the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than one hundred penalty units and not more than two hundred and fifty penalty units and shall in addition forfeit to the State the goods in relation to which the seal was used.

**Offences committed by a body of persons**

37. (1) Where a body of persons is convicted of an offence under this Act,

(a) in the case of a body corporate, every director or officer of that body corporate shall be deemed to have committed that offence; and

(b) in the case of a partnership or a firm, every partner of the partnership or firm shall be deemed to have committed that offence,

and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(2) A person is not deemed to have committed an offence under subsection (1) if the person proves that

(a) the offence was committed without the knowledge of that person; and

(b) the person exercised care and due diligence to prevent the commission of the offence having regard to all the circumstances.

**Regulations**

38. (1) The Minister may, on the recommendations of the Board, by legislative instrument make Regulations for the efficient and effective implementation of this Act.

(2) Without limiting subsection (1), the Regulations shall prescribe for

(a) requirements for applied hydrological, drainage, sewage and coastal engineering in respect of sectoral activities;

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- (b) the establishment of hydrological stations; and
- (c) standards in the observation of hydrological phenomena related to the collection of data and information on water resources.

**Interpretation**

- 39.** In this Act, unless the context otherwise requires,
- “Authority” means the Ghana Hydrological Authority established under section 1;
  - “beach nourishment” means the addition of large quantities of

- “hydrological phenomena” means an observable movement of water within the water cycle;
- “hydrological station” means a facility established to collect surface data and information on surface water and ground-water;
- “Minister” means the Minister responsible for Works and Housing;
- “Ministry” means the Ministry responsible for Works and Housing;
- “operational hydrology” means the practical application of hydrology in relation to water and flood management;
- “premises” includes a building or land, ship, caravan but does not include a building or place used exclusively as a dwelling place;
- “relevant institutions” mean institutions concerned with applied hydrological, drainage, sewage and coastal engineering research;
- “revetment” means an onshore structure with the principal function of protecting the shoreline from erosion;
- “sea defence services” means services provided for the protection of land from being flooded or eroded through measures like breakwaters, revetments, groynes and beach nourishment;
- “sectoral activities” include activities related to agriculture, marine, energy, construction and building works, environment, water resources, floods, beach erosion and natural disaster; and
- “sewage engineering” means the management of waste water and related data.

**Dissolution and savings**

40. (1) The Hydrological Services Department established under the Ministry of Works and Housing and in existence before the coming into force of this Act is dissolved.

(2) Despite the dissolution under subsection (1), any contracts, orders or decisions or anything made or done by the Hydrological Services Department and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

**Transitional provisions**

41. (1) The rights, assets, obligation and liabilities of the Hydrological Services Department in existence before the coming into force of this Act are transferred to the Authority and accordingly proceedings taken by or against the Hydrological Services Department may be continued by or against the Authority.

(2) An employee of the Hydrological Services Department of the Ministry in existence before the coming into force of this Act is transferred to the Authority established under section 1.

(3) Despite subsection (2), the terms and conditions of service of an employee of the Hydrological Services Department and in existence before the coming into force of this Act shall not, on the coming into force of this Act, derogate from the terms and conditions of service of that employee at the time of appointment.

(4) The total sum of moneys located in a bank account held by or on behalf of the Hydrological Services Department in existence before the coming into force of this Act are transferred to the Authority.

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