

N.R.C.D. 119
PRICES AND INCOMES AUTHORITY ACT, 1972

ARRANGEMENT OF SECTIONS

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N.R.C.D. 119
PRICES AND INCOMES AUTHORITY ACT, 1972¹

AN ACT to establish an Authority to deal with appropriate incomes and formulate prices policy and to provide for related matters.

1. Establishment of the Authority

There is hereby established as a public corporation a Authority to be known as the Prices and Incomes Authority.

2. Functions of the Authority

The functions of the Authority are,

- (a) to formulate an appropriate incomes and prices policy for the successful development of the country's economy;
- (b) to conduct periodic reviews of the trends of incomes and prices, evaluate the extent to which these harmonise with the Government's policy objectives, and make appropriate recommendations of action that might be required in the furtherance of the Government's incomes and prices policy;

1. This Act was issued as the Prices and Incomes Board Decree, 1972 (N.R.C.D. 119), made on 3rd October, 1972 and notified in the *Gazette* on 11th October, 1972.

- (c) to study and recommend to Government, policy measures that might be required for the regulation of wages and salaries, interests, profits, dividends, rents and prices in the entire economy;
- (d) to advise the Government on the Government's income policy and in particular to advise the Government on wage rates and the Government's policy concerning interests, profits, dividends and rents;
- (e) to examine a question referred to it by the Government which is a question relating to wages, salaries, incomes, conditions of service in the Public Services or the Armed Forces or to prices or to company dividends or returns on capital invested in a property and report to the Government.

3. The governing body of the Authority

(1) The governing body of the Authority is the Board consisting of

- (a) one distinguished citizen with expertise in trade union matters,
- (b) one prominent economist or a university professor,
- (c) one employer, manufacturer or trader,
- (d) one farmer,
- (e) one distinguished Ghanaian woman preferably in the field of social welfare or education,
- (f) one distinguished citizen from a recognised profession, and
- (g) the chairman of the Special Action Unit.

(2) The chairman and the other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution, and shall hold office on the terms and conditions determined by the President.

4. Executive director and deputy executive director

(1) The Authority shall have an executive director.

(2) Subject to the directions as to policy which the Authority may give, the executive director is responsible for the day-to-day implementation of the functions of the Authority.

(3) There shall be a deputy executive director who shall assist the executive director and shall perform any other functions directed by the Board.

(4) The executive director and the deputy executive director shall be appointed by the President in accordance with article 195 of the Constitution, and shall hold office on the terms and conditions determined by the President.

5. Other staff of the Authority

(1) The staff of the Authority are public officers.

(2) Subject to the directions given by the President, the staff of the Incomes Commission, the Public Service Advisory Board and the Pay Research Unit are hereby transferred to the service of the Authority with effect from the commencement of this Act.

(3) The Government shall provide to the Authority the services of any other public officers that the Board considers necessary for the efficient performance of the functions of the Authority Act.

6. Meetings of the Board

(1) The Board shall meet for the dispatch of its business at the times and places determined by the Board.

(2) The chairman shall preside at the meetings of the Board and in the chairman's absence, a member of the Board appointed by the members present from among themselves, shall preside.

(3) Questions proposed at a meeting of the Board shall be determined by a simple majority of members present and voting and in the event of an equality of votes the person presiding shall have a second or casting vote.

(4) The quorum at a meeting of the Board is four.

(5) The Board may co-opt a person to act as an adviser at any of its meetings but a person so co-opted is not entitled to vote at the meeting on a matter for decision by the Board.

(6) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.

(7) The Board shall keep minutes of its proceedings.

7. Inquiries

The Board may hold the inquiries that it considers necessary or desirable for the performance of the functions of the Authority under this Act; and may at the inquiry direct that a person appearing as a witness is examined on oath, and administer the oath, or instead of so directing, require the person examined to make and subscribe to a declaration of the truth of the matter respecting which that person is examined.

8. Summons to attend and furnish information

(1) For the purposes of an inquiry under this Act, the Board may by summons require a person

- (a) to attend, at the time and place specified in the summons, to give evidence on, or to produce the documents in that person's possession or control which relate to, a matter so specified, being a matter in question at the inquiry, or
- (b) to furnish to the Board the estimates, returns or any other information specified or described in the summons, and specify the time, the manner and the form in which the estimates, returns or information are to be furnished.

(2) Subject to article 135 of the Constitution, a person shall not be compelled for the purpose of an inquiry to give evidence or produce a document which that person could not be compelled to give or produce in proceedings before the High Court or, in complying with a requirement for the furnishing of information, to give an information which could not be given in evidence in the proceedings.

(3) Witnesses called by the Board are entitled to the same allowances as if those persons were called as witnesses before the High Court.

9. Regulations

(1) The Board may, by legislative instrument, make Regulations as appear to it to be necessary for carrying into effect the principles and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Board may by the Regulations prescribe guidelines for the determination of incomes and prices.

(3) A collective agreement regulating incomes which are entered contrary to the guidelines laid down by the Board under this section is void.

(4) The Regulations may prescribe in respect of a contravention a penalty not exceeding a fine of two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

(5) In the case of a continuing offence the Regulations may prescribe a penalty in respect of each day during which the offence continues.

10. Spent.²

11. Offences

A person commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months, if that person

- (a) refuses or wilfully neglects to attend in obedience to a summons issued under section 8, or to give evidence as required by summons, or
- (b) wilfully alters, suppresses, conceals, destroys or refuses to produce a book or any other document which that person has been required to produce by the summons, or
- (c) refuses or wilfully neglects to furnish an estimate, a return or any other information required of that person by the summons or, in furnishing the estimate, return or other information, makes a statement which that person knows is false in a material particular, or recklessly makes a statement which is false in a material particular.

12. Offences by bodies of persons

(1) Where a body of persons contravenes a provision of this Act or of the Regulations under this Act which constitutes an offence,

- (a) in the case of a body corporate, every director or officer of that body shall be deemed to have committed that offence, and
- (b) in the case of a partnership, every partner or officer of that body shall be deemed to have committed that offence.

2. This section provides that,

“Section 6 of the Industrial Relations Act, 1965 (Act 299) is hereby amended by the insertion at the end thereof, of the following new subsection—

(4) Any such agreement shall be in conformity with such guidelines relating to incomes as may from time to time be prescribed by the Prices and Incomes Board.”

(2) A person shall not be convicted of an offence by virtue of subsection (1) if it is proved that the offence was committed without the knowledge or connivance of that person and that due diligence was exercised to prevent the commission of the offence having regard to the evidence.

13. Scope of Authority's Functions

The functions of the Authority under this Act are not restricted to incomes which are normally regulated by collective agreements.

14. Interpretation

In this Act, unless the context otherwise requires,

“**Authority**” means Prices and Incomes Authority established under section 1;

“**Board**” means the governing body of the Authority;

“**Regulations**” means the Regulations made under this Act.

15. Repeals

*Spent.*³

3. The section provided for the repeal of the Incomes Commission Decree, 1968 (N.C.L.D. 256) and Public Service Wages and Salaries Decree, 1969 (N.L.C.D. 348).



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