

ACT 583

FOREST PLANTATION DEVELOPMENT FUND ACT, 2000

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Establishment of the Forest Plantation Development Fund

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ACT 583

FOREST PLANTATION DEVELOPMENT FUND ACT, 2000¹

AN ACT to establish a Forest Plantation Development Fund to provide financial assistance for the development of forest plantations, to provide for the management of the Fund and to provide for related matters.²

1. The Act was assented to on 10th October, 2000 and notified in the *Gazette* on 16th October, 2000.
2. Amended by section 6 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

*Establishment of the Forest Plantation Development Fund***1. Establishment of the Fund**

There is established by this Act a Forest Plantation Development Fund.

2. Objects of the Fund

The objects of the Fund are to provide

- (a) financial assistance for the development of forest plantation on lands suitable for timber production, and
- (b) for research and technical advice to persons involved in plantation forestry on specified conditions.³

3. Application for benefit

(1) A person capable of implementing a plantation programme in accordance with the criteria established under section 9, may apply for funding from the Fund.

(2) An application under subsection (1) shall be in the prescribed form.

(3) A beneficiary of the Fund who observes the conditions determined by the Board is entitled to exercise rights of ownership over timber produced.

(4) A beneficiary under subsection (3) includes a successor of the beneficiary.

(5) A beneficiary under this Act is entitled to tax rebates and any other benefits that are applicable to it under the Ghana Investment Promotion Centre Act, 1994 (Act 478).

4. Sources of the Fund

The moneys of the Fund include

- (a) the proceeds of the timber export levy imposed under the Trees and Timber Act, 1974 as amended by the Trees and Timber (Amendment) Act, 1994⁴ (Act 493),
- (b) grants and loans for encouraging investment in plantation forestry,⁵
- (c) grants provided by international environmental and any other institutions to support forest plantation development projects for social and environmental benefits, and
- (d) moneys to support forest plantation development
 - (i) provided by Parliament from the Consolidated Fund, and
 - (ii) from any other source approved by the Minister responsible for Finance.⁶

3. Amended by section 1 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

4. N.R.C.D. 273.

5. Amended by section 2 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

6. Substituted by section 2 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

5. Bank account of the Fund

Moneys for the Fund shall, on the directions of the Board, be paid into a bank account opened for the purpose with the Fund Management Bank appointed under section 8.

*Management of the Fund***6. Establishment of the Board**

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

- (a) the chairman, who is a person involved in the plantation industry,
- (b) the chief director of the Ministry of Lands and Forestry,
- (c) two representatives of institutions, organisations, companies or bodies involved in the plantation industry,
- (d) one representative of tree growers,
- (e) one representative of the Fund Management Bank, and
- (f) one representative of a donor or a financial agency which contributes to the Fund a sum of money equal to or greater than the initial deposit derived from the proceeds of the export levy referred to in section 4 as at the date of the coming into force of this Act.⁷

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

7. Functions of the Board

The Board is responsible for

- (a) administering the Fund,
- (b) attracting contributions into the Fund and investing the moneys of the Fund,
- (c) encouraging investment in forest plantation development through incentives and any other benefits,⁸
- (d) facilitating best practices for optimum timber plantation establishment and management,
- (e) promoting a feasible scheme that supports related forest projects, and
- (f) monitoring the progress of the scheme to ensure compliance with the objects of the Act.

8. Appointment of the Fund Management Bank

(1) For the purposes of section 7, the Board shall select a bank by a transparent competitive process and enter into a contract for its services to manage the Fund.

(2) The Bank is responsible, under the directions of the Board, for the

- (a) sound management of the Fund,

7. Substituted by section 3 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

8. Amended by section 4 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

- (b) disbursement of moneys, and
- (c) recovery of money lent from the Fund.

9. Disbursement of the Fund

The Board shall, with the approval of the Minister, prepare and publish criteria for the disbursement of moneys from the Fund and may authorise the Bank to make payments from the Fund

- (a) for a specified size of plantation establishment and the relevant management costs, training and any other incentives determined by the Board,
- (b) to forest plantation growers and forestry firms qualified to benefit from incentives determined by the Board,
- (c) to pay management fees and operational expenses of the Bank, and
- (d) for the payment of any other relevant expenses as determined by the Board.

10. Forest Plantation Development Scheme

(1) For the purposes of section 7 (e) the Board shall, within twelve months of the coming into force of this Act, prepare for the approval of the Minister, a Forest Plantation Development Scheme to cover up to two hundred thousand hectares of land for a period of not less than ten years and not more than twenty-five years.⁹

(2) The Scheme shall be presented in a form determined by the Board and shall include

- (a) projection of relevant annual expenditure from the Fund and the basis for the projection,
- (b) projection of revenues for the Fund from various sources and the activities required to attract additional contributions to the Fund,
- (c) provision for the review of the Scheme every five years, and
- (d) provision for recovery of an outstanding disbursed credit.

(3) The Board shall prepare an annual budget for each financial year in respect of a scheme approved by the Minister based on

- (a) the applications that qualify for incentives from the Fund,
- (b) the previously approved commitments for use of the Fund, and
- (c) the on-going and new activities to meet the objects of the Fund.

11. Forest plantation inspectors

(1) The Board may appoint officers designated as forest plantation inspectors.

(2) An inspector or a person authorised by the Board may at a reasonable time enter into a plantation which is a beneficiary of the Fund to inspect the plantation.

(3) A person who assaults or obstructs an inspector or an authorised person acting in the performance of a function under subsection (2) commits an offence and is liable on

9. Amended by section 5 of the Forest Plantation Development Fund (Amendment) Act, 2002 (Act 623).

summary conviction to a fine of not less than five hundred penalty units or to a term of imprisonment of not more than two years or to both the fine and the imprisonment.

12. Tenure of office of members

(1) A member of the Board, other than an ex officio member, shall hold office for a period not exceeding four years and is eligible for re-appointment.

(2) A member of the Board, may at any time by letter addressed to the President through the Minister resign from office.

(3) A member who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(4) A member of the Board may be removed from office by the President for inability to perform the functions of office, for stated misbehaviour or for any other just cause.

(5) The chairman of the Board shall through the Minister notify the President of vacancies that occur in the membership of the Board within one month of the occurrence of the vacancy.

13. Meetings of the Board

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

(2) The chairman shall, on the request of not less than one-third of the membership of the Board, convene a special meeting of the Board.

(3) The quorum at a meeting of the Board is five members of whom at least two are from the public sector and two from the private sector.

(4) The chairman shall preside at the meetings of the Board and in the absence of the chairman a member elected by the members present from among their number shall preside.

(5) Questions before the Board shall be decided by a majority of the members present and voting.

(6) The chairman or the person presiding at a meeting of the Board shall, in the event of equality of votes, have a casting vote.

(7) The Board may co-opt a person to act as an adviser at its meetings but a co-opted person shall not vote at the meeting.

(8) 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 or qualification of a member.

(9) Except as otherwise expressly provided for under this section, the Board shall determine and regulate the procedure for its meetings.

14. Disclosure of interest

(1) A member of the Board who is interested in a matter being considered by the Board shall disclose the nature of that interest and shall not take part in the deliberation or decision of the Board with respect to that matter.

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

15. Allowances for members

The members of the Board shall be paid allowances as determined by the Minister, in consultation with the Minister responsible for Finance.

*Financial Provisions and Administration***16. 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, within three months of the end of the financial year, submit the accounts to the Auditor-General for audit.

(3) The Auditor-General shall, within three months after the submission of the accounts, audit the accounts and submit a report on the accounts to the Board.

(4) In addition to the annual audit, technical audits shall be conducted on a selective basis by the Auditor-General on the recommendations of the Board.

17. Secretarial services for the Fund

(1) The Chief Director of the Ministry shall act as the secretary to the Board and shall arrange the business of the Board.

(2) The Ministry shall provide for the functions of the Board, any other staff that are necessary.

18. Financial year

The financial year of the Fund shall be the same as the financial year of the Government.

19. Annual report

(1) The Board shall, within one month after the receipt of the Auditor-General's report, submit to the Minister a report dealing generally with the activities and operations of the Fund during the year to which the report relates.

(2) The report shall include

(a) the audited accounts of the Fund and the Auditor-General's report on the accounts of the Fund, and

(b) any other information that the Board considers necessary.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with the statement that the Minister considers necessary.

20. Transfer of money

The money in the Forest Improvement Fund established under the Forest Improvement Fund Act, 1960,¹⁰ is hereby transferred into the Fund established under section 1 of

10. No. 12 of 1960.

this Act subject to the payment required under the Forest Improvement Fund Act or any other enactment.

21. Regulations

The Minister may, by legislative instrument, make Regulations for the effective implementation of this Act.

22. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**Bank**” means the bank appointed under section 8;

“**Board**” means the Forest Plantation Development Fund Management Board established under section 6;

“**Fund**” means the Forest Plantation Development Fund established under section 1;

“**incentives**” means loans, rebates, grants and insurance;

“**inspector**” means a competent professional person appointed by the Board to conduct an assessment of a forest plantation project;

“**Minister**” means the Minister responsible for Lands and Forestry;

“**plantation**” includes a project undertaken with financial assistance from the Fund;

“**Scheme**” means the Forest Plantation Development Scheme established under this Act.

23. Repeals

*Spent.*¹¹

11. The section provided for the repeal of the Forest Improvement Fund Act, 1960 (No. 12 of 1960), and the Forest Improvement Fund (Amendment) Act, 1962 (Act 144).