

**ARRANGEMENT OF SECTIONS**

**PART I – ESTABLISHMENT OF PUBLIC SERVICES COMMISSION  
AND IT'S FUNCTIONS**

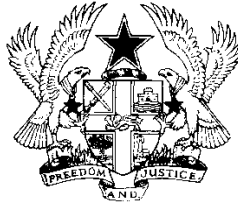
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**SCHEDULE**



**ACT**

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE PUBLIC SERVICES COMMISSION ACT, 1994

An ACT to provide for the establishment of the Public Services Commission for the purpose of Chapter Fourteen of the Constitution and for other related purposes.

DATE OF ASSENT:

BE IT ENACTED BY PARLIAMENT AS FOLLOWS: -

PART I – ESTABLISHMENT OF PUBLIC SERVICES COMMISSION AND ITS FUNCTIONS

The Public  
Services  
Commission

1. (1) This is established by this Act a Public Services Commission, in this Act referred to as “the Commission”.
- (2) The Commission shall consist of –
  - (a) a Chairman, a Vice-Chairman and three other members who shall be full-time members of the Commission;
  - (b) the Chairman of the National Council for Tertiary Education; and
  - (c) three other persons with extensive experience in the operation of the Public Services.

(3) The President shall act in consultation with the Council of State to appoint the Chairman and the other members of the Commission.

(4) Members appointed under paragraphs (b) and (c) of subsection (2) of this section shall hold office on part-time basis only and shall hold office for such period as shall be specified in their letters of appointment.

2. (1) A person does not qualify to be appointed a member of the Commission-

Qualification of Members

- (a) if he is not qualified to be elected as a member of Parliament; or
- (b) If he is otherwise disqualified from holding a public office.

(2) A person holding a public office shall, upon being appointed a full-time member of the Commission, resign from that office.

3. (1) Subject to subsection (3) of this section, the terms and conditions of service including retiring ages of a Justice of the Court of Appeal shall apply to the Chairman and those of a Justice of the High Court shall apply to the Vice-Chairman.

Terms and Conditions of Service of Members

(2) The salaries, allowances, facilities and privileges payable or available to the members of the Commission other than the Chairman, Vice-Chairman and the full-time members shall be determined by the President in accordance with article 71 of the Constitution.

(3) The provision of article 146 of the Constitution relating to the removal from office of a Justice of the Superior Court of Judicature shall apply to the full-time members of the Commission and to any other member before the expiration of his tenure of office.

(4) A member of the Commission other than an ex-officio member may resign His Office by a letter addressed, to the President.

(5) No member of the Commission shall serve as a member of a governing council of any of the public services listed in the Schedule to this Act.

4. The functions of the Commission are:

- (a) to advise Government on the criteria for appointment to Public offices as well as persons to hold or a t in Public offices;

Functions of the Commission

- (b) to promote efficiency, accountability and integrity in the Public Services;
- (c) to prescribe appropriate systems and procedures for the management of personnel records within the Public Services;
- (d) to identify, explore and promote the recruitment of suitable personnel into the Public Services acting in collaboration with educational authorities;
- (e) to undertake planning of the manpower requirements of the Public Services, using data from the educational institutions and other sources;
- (f) to improve recruitment policies and techniques for introducing modern methods of judging suitability of officers;
- (g) to conduct examinations and interview for appointments to posts and for promotion in the Public Services or within public corporations to ensure uniformity of standards of selection and qualifications;
- (h) to provide a standard framework for evaluating and classifying jobs in the Public Services;
- (i) to review the organisation, structure and manpower requirements of agencies and bodies in the Public Services and advise Government on such manpower rationalisation as may be necessary for maximum utilization of human resources in the Public Services;
- (j) to oversee the human resources development activities of the Public Services organisations to ensure career planning and career development in the Public Services;
- (k) to advise Government on the principles and procedures for determining salaries and other conditions of service within the Public Services;
- (l) to prescribe a standard framework for the provision of incentive schemes to promote higher productivity;
- (m) to conduct in collaboration with training institutions, personnel research into human resources management in the Public Services in order to improve personnel practices and their utilisation in the Public Services; and
- (n) to perform any other duties assigned to it under the Constitution or any other enactment.

5. Except as otherwise provided in the Constitution, or any other law not inconsistent with the Constitution, the Commission shall not be subject to the control or direction; of any person or authority in the performance of its functions.

Independence of Commission

6. (1) Every meeting of the Commission shall be presided over by the Chairman, or in his absence, the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman by a full-time member elected from among the members present.

Meetings of the Commission

(2) There shall be working meetings and plenary meetings of the Commission;

(3) The Chairman or Vice-Chairman and two full-time members of the Commission shall form a quorum for a working meeting.

(4) The Chairman or the Vice-Chairman and any other two full-time members of the Commission and two part-time members shall constitute a quorum for a plenary meeting.

(5) All decisions of the Commission shall be by a majority of members present and voting at the meeting of the Commission except that there is equality of votes, the Chairman or the person presiding shall have a second or casting vote.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy among its members or any defect in their qualification or appointment.

(7) Except as otherwise provided in this Act, the Commission shall determine the procedure for its meetings.

## PART II – THE PUBLIC SERVICES AND MISCELLANEOUS PROVISIONS

7. (1) The public services of Ghana include:-

Composition of the Public Services

- (a) the Civil Service
- the Judicial Service
- the Audit Service
- the Education Service
- the Prisons Service
- the Parliamentary Service
- the Health Service
- the Statistical Service
- the National Fire Service
- the Customs , Excise & Preventive Service
- the Internal Revenue Service

the Police Service  
the Immigration Service and  
the Legal Service

- (b) public corporations other than those set up as commercial ventures;
- (c) public services established by the Constitution; and
- (d) such other public services as Parliament may by law prescribe.

(2) The Civil Service shall, until provision is otherwise made by Parliament, comprise service in both central and local government.

(3) For the purpose of this section “public corporation” means a public corporation established by an Act of Parliament other than one set up as a commercial venture.

Appointment  
of public  
officers

8. (1) Subject to the provisions of the Constitution, the power to appoint persons to hold or to act in an office in the Public Services shall vest in the President, acting in accordance with the advice of the governing council of the service concerned given in consultation with the Commission.

(2) The President may, subject to such conditions as he may think fit, delegate some of his functions under this section by directions in writing to the governing council concerned or to a committee of the council or to a member of that governing council or to any public officer.

(3) The governing councils of the public services listed in the Schedule to this Act shall consult the Commission in matters of appointments of persons to hold office in the relevant public service except otherwise provided in the Constitution.

(4) The Commission may amend the Schedule to this Act by regulations under section 16.

Staff of the  
Commission

9. (1) There shall be a Secretary to the Commission who shall be appointed in accordance with section 8 of this Act.

(2) The Secretary is not a member of the Commission.

(3) The Secretary shall be responsible to the Commission for the day-to day administration of the secretariat of the Commission and shall keep records of meetings of the Commission.

(4) The Secretary and other staff of the Commission shall be public servants and shall not be transferred or seconded without the consent of the Commission.

(5) The Commission may use the services of consultants and advisers when necessary.

10. (1) The Commission may, in exercise of its functions under this Act request any public officer, public corporation or public board, to supply relevant information or data on his or its work and such a request shall be binding on the person or organisation concerned.

Request for information

(2) The Commission may require any public officer to attend and give evidence before it concerning any matter which it requires to consider in exercise of its functions under this Act.

(3) The Commission may require the production of any official document relevant to the exercise of its functions; and any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.

(4) a public officer shall not under this section be required to produce or disclose any information which he would be entitled to refuse to produce or disclose under any existing enactment.

11. (1) A member or office of the Commission, when authorised by the Commission may enter any premises of a Ministry, Department, office of a Regional Co-ordinating Council, office of a District Assembly or any public office and inspect and make copies of any records or documents kept there.

Powers of entry and inspection

(2) A person who enters any premises in pursuance of sub-section (1) of this section shall on demand produce a document of his identification authenticated by the Commission.

(3) A public servant shall, where requested, assist the member or office in the exercise of his powers under sub-section (1) of this section and give such information in relation to any matter within his knowledge or under his control as the member or officer may reasonably require.

12. A public officer who without reasonable excuse fails to appear before the Commission when notified to do so, or who fails to comply with any request lawfully and properly made by or on behalf of the Commission or who obstructs the Commission or any member or officer of the Commission in the performance of his functions under this section shall be guilty of misconduct.

Failure to comply with request of Commission

13. (1) Any report, statement or record of any meeting, inquiry or proceedings which –

(a) the Commission may make in exercise of its functions;

Privilege from disclosures in legal proceedings

(b) any member or officer of the Commission may make in the performance of his duties shall be privileged in that its production may not be compelled in any legal proceeding unless the Supreme Court certifies that the production is in the public interest.

(2) Any communication –

(a) sent to the Commission on a matter with which the Commission is concerned;

(b) sent by the Commission to a public servant in his official capacity shall be privileged in that its production may not be compelled in any legal proceedings unless the Supreme Court certifies that the production is in the public interest.

Expenditure of Commission	14. Parliament shall annually appropriate such monies as it considers necessary to meet the expenditure of the Commission.
Annual report	15. The Commission shall within three months after 31 <sup>st</sup> December in each year submit to the President a report giving details of the administration of the Public Services during the previous twelve months.
Regulations	16. (1) The Commission may subject to the approval of the President, by constitutional instrument make regulations for the effective and efficient performance of its functions under this Act or any other law.  (2) Regulations made by the Commission shall be issued under the hand of the Chairman or in his absence that of the Vice-Chairman.
Interpretation	17. In this Act unless the context otherwise requires;  “full-time member” means a member of the Commission appointed under section 1 (2) (a) of this Act;  “governing council” includes boards of directors or governing bodies However described;  “Plenary meeting” means joint meetings of the full-time Commissioners and part-time Commissioners convened to discuss broad issues;  “Public office” includes an office the emoluments attached to which are are paid directly from the Consolidated Fund or directly out of moneys provide by Parliament and an office in a public corporation established entirely out of public funds or moneys provide by Parliament;  “public service” includes service in any civil office of Government; the emoluments attached to which are paid directly from the Consolidated Fund or directly out of moneys provided by Parliament and service in a Public corporation;  “working meeting” means meeting convened for normal transaction of the business of the Commission, attended only by the Commissioners.



**SCHEDULE**

**(Section 7 (3))**

Public Services	Governing Council
Civil Service .....	Civil Service Council
Audit Service .....	Audit Service Board
Parliamentary Service .....	Parliamentary Service Board
National Fire Service .....	National Fire Service Board
Health Service .....	Health Service Council
Customs, Excise & Prevention Service .....	Customs, Excise & Preventive Services Board
Internal Revenue Service .....	Internal Revenue Service Board
The Ghana Education Service .....	Ghana Education Service Council
Ghana Immigration Service .....	Ghana Immigration Service Board
Legal Service .....	Legal Service Board
Non-commercial Public Corporations .....	Board of Directors
Extra-Ministerial Organisations .....	Governing Bodies
State Media Corporations .....	Governing Bodies of the respective Corporations
National Media Commission .....	National Media Commission
National Commission for Human Rights and Administrative Justice .....	National Commission for Human Rights and Administrative Justice
National Commission for Civic Education .....	National Commission for Civic Education

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Public Services	Governing Council
Serious Fraud Office .....	Serious Fraud Office Board
National Council for Tertiary Education .....	National Council for Tertiary Education
Minerals Commission .....	Minerals Commission
Electoral Commission .....	Electoral Commission
Forestry Commission .....	Forestry Commission
Fisheries Commission .....	Fisheries Commission
National Development Planning Commission .....	National Development Planning Commission
Lands Commission .....	Lands Commission
Subvented Organisations .....	Governing Bodies

**Date of Gazette notification**

**1994**