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Appendix I. Bank of Ghana Act, 1963

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**APPENDIX I****BANK OF GHANA ACT, 1963**

**As amended by the Bank of Ghana (Amendment) Act, 1965  
(Act 282) and the Bank of Ghana (Amendment) Decree  
1973.**

## ARRANGEMENT OF SECTIONS

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*Establishment*

## Section

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- 2—Head office and branches.
- 3—Principal objects of the Bank.

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## THE HUNDRED AND EIGHTY-SECOND

## ACT

## OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

## ENTITLED

**THE BANK OF GHANA ACT, 1963****An Act to amend and consolidate the law relating to the Bank of Ghana.**

*Date of Assent: 14th May, 1963*

Be it ENACTED by the President and the National Assembly in this present Parliament assembled as follows:

## PART I—ESTABLISHMENT AND CAPITAL

*Establishment*

1. (1) On the coming into operation of this Act the Bank of Ghana established under the provisions of the Bank of Ghana Ordinance (No. 34 of 1957) shall continue to operate subject to the provisions of this Act as a body corporate with perpetual succession and a common seal; and may sue or be sued in its corporate name.

Establishment of the Bank of Ghana.

(2) The Bank may, subject to the limitations contained in this Act relating to the business which may be carried on by the Bank, purchase, hold, manage and dispose of real and personal property and may enter into such contracts as may be expedient.

(3) The application of the common seal of the Bank shall be authenticated by the Governor or, in his absence by the Deputy Governor, and two directors all of whom shall sign in token of their presence; and such signing shall be independent of the signing of any person who may sign the instrument as a witness.

(4) All the assets and liabilities of and any property vested in the Bank of Ghana established under the provisions of the Bank of Ghana Ordinance (No. 34 of 1957) immediately before the coming into operation of the Act shall, without further authority than this subsection vest in the Bank.

(5) All officers and employees of the said Bank of Ghana shall, on the coming into operation of this Act, so far as may be practicable continue as officers and employees of the Bank in posts comparable to those which they held with the said Bank of Ghana.

(6) Every contract in respect of any matter subsisting between the said Bank of Ghana and any other person and in force immediately before the commencement of this Act, shall be deemed to subsist between the Bank and such other person.

2. The Bank shall have its head office in Accra and may open branches and appoint agents in and out of Ghana in accordance with decisions of the Board in that behalf.

Head office and branches.

3. The principal objects of the Bank shall be,

Principal objects of the Bank.

- (a) to issue and redeem bank notes and coin;
- (b) to administer, regulate and direct the currency system;
- (c) to regulate and direct the credit and banking system in accordance with the economic policy of the Government and the provisions of this Act;
- (d) to promote by monetary measures the stabilization of the value of the currency within and outside Ghana;
- (e) to propose to the Government measures which are likely to have a favourable effect on the balance of payments, movement of prices, the state of public finances and the general development of the national economy and monetary stability;
- (f) to do all such things as are incidental or conducive to the efficient performance of its functions under this or any other enactment.

*Capital and Reserve*

4. The authorised capital of the Bank shall be ten million pounds which shall be taken up from time to time by the Government, and may be increased from time to time.

Authorised capital.

General  
reserve  
fund.

**5. (1)** There shall be a general reserve fund of the Bank.

(2) At the end of each financial year of the Bank after allowing for the expenses of operation, and after provision has been made for bad and doubtful debts, depreciation of assets, contributions to staff and superannuation funds, and other contingencies, there shall be transferred to the general reserve fund.

- (a) one-quarter of the net profits of the Bank, if the amount of moneys in that fund is less than the paid up capital of the Bank;
- (b) one-eighth of the net profits of the Bank, if the amount of moneys in that fund is less than twice the amount of the paid up capital of the Bank;

and any moneys thereafter remaining shall be paid into the Consolidated Fund.

(3) If at the end of the financial year as aforesaid the amount of moneys in the general reserve fund is not less than twice the amount of the paid up capital, the whole of the net profits of the Bank shall be paid into the Consolidated Fund.

*Administration*

Board of  
directors.

Amended by  
Act 282 s.1.

**6. (1)** There shall be a Board of Directors which shall consist of—

- (a) Governor;
- (b) any Deputy Governor appointed under this Act;
- (c) three Directors appointed from the management staff of the Bank hereafter referred to as “executive” directors; and
- (d) six other Directors.

(2) Save as otherwise provided, all the members of the Board shall be full time officers of the Bank.

(3) The general administration of the affairs of the Bank shall be entrusted to the Board to which the Governor and any Deputy Governor appointed under this Act shall be answerable for their acts and decisions.

(4) The Governor, or in his absence the Deputy Governor or if there are two Deputy Governors, the Deputy Governor selected for the purpose by the Board, shall be entrusted with the day to day business and administration of the Bank and may, subject as is expressly provided in this Act, give decisions and exercise all powers and do acts which may be exercised or done by the Bank.

Governor,  
etc.

Amended by  
Act 282 s.1.

**7. (1)** The Governor shall be appointed by the President and shall be a person of recognized financial or banking experience.

(2) One Deputy Governor shall be appointed by the President and he may, if he so thinks fit, appoint an additional Deputy Governor and any Deputy Governor appointed shall be a person of recognized financial or banking experience.

(3) The Governor and any Deputy Governor appointed under this Act shall be appointed for a term of five years and shall be eligible for re-appointment.

(4) The Governor and any Deputy Governor appointed under this Act shall not while holding office occupy any other office or employment whether remunerated or not:

Provided that they may—

- (a) with the approval of the Board, act as members of any com-

mission appointed by the Government to enquire into any matter affecting currency or banking; and

- (b) with the consent of the Minister and the approval of the Board, become directors, governors, or members of the Board, by whatever name called, of any bank in Ghana or international bank or international monetary authority to which the Government shall have adhered or given support or approval.

(5) The Governor and any Deputy Governor appointed under this Act shall be appointed on such terms and conditions as may be provided for in their respective letters of appointment.

(6) The Government shall determine the remuneration of the Governor and any Deputy Governor appointed under this Act as well as the benefits payable to them on retirement or to the members of their families after death.

(7) The executive directors shall be appointed by the Minister after prior consultation with the Governor.

(8) The six directors referred to in paragraph (d) of subsection (1) of section 6 shall—

- (a) be appointed by the Minister with the approval of the President;
- (b) hold office for three years and shall be eligible for re-appointment; and
- (c) be entitled to such fees and allowances as the Board may, subject to confirmation by the Minister, by rules prescribe.

**8.** A member of the Board shall cease to hold office if—

- (a) he becomes of unsound mind or incapable of carrying out his duties;
- (b) he becomes bankrupt or suspends payment or compounds with his creditors;
- (c) he is convicted of a felony or of any offence involving dishonesty;
- (d) he is guilty of serious misconduct in relation to his duties; or
- (e) in the case of a person possessed of professional qualifications he is disqualified or suspended from practising his profession by the order of any competent authority made in respect of him personally or ceases to be a member of the profession otherwise than at his own request.

Disqualification of directors.

Amended by Act 282 s.1.

**9.** If any member of the Board dies or resigns or otherwise vacates his office before the expiry of the term for which he has been appointed, another person shall be appointed—

Vacancies on the Board.

- (a) in the case of the Governor or any Deputy Governor, for a period of five years;
- (b) in the case of the executive directors, after prior consultation with the Governor, for the unexpired period of the term of office of the person in whose place he is appointed; and
- (c) in the case of the six Directors referred to in paragraph (d) of section 6 (1), be appointed by the Minister with the approval of the President, for the aforesaid unexpired period.

**10.** (1) The Governor shall preside at all meetings of the Board, in his absence any Deputy Governor appointed by the members of the

Meetings. Amended by Act 282 s.1.

Board present at the meeting shall preside, and in the absence of both the Governor and the Deputy Governors, a member of the Board appointed by the said members shall preside.

(2) The Governor shall summon meetings as often as he may require but not less frequently than once in each month.

(3) At any meeting of the Board the quorum shall consist of six members two of whom shall be directors of the description referred to in paragraph (d) of section 6 (1) and, unless otherwise provided, decisions shall be adopted by a simple majority of the members present and voting; and in the case of an equality of votes, the person presiding shall have a casting vote.

(4) No act or proceedings of the Board shall be invalidated by reason only of the existence of a vacancy among the members thereof.

(5) All acts done by any person acting in good faith as a director shall be valid, notwithstanding any defect in his appointment or qualification.

**Appointment  
of employees.**

**11.** (1) Save as may otherwise be provided by bye-laws made by the Bank, all appointments of employees shall be made on behalf of the Bank by the Governor.

(2) Employees of the Bank shall be engaged on such terms and conditions as shall be laid down by the Board.

(3) No salary, fee, wage, or other remuneration or allowance, paid by the Bank shall be computed by reference to the net or other profits of the Bank.

**Declaration  
of secrecy.**

**12.** (1) All persons, of whatever designation, participating in the direction, administration, control and the running of the Bank shall be bound by a declaration of secrecy unless they are otherwise called upon to give evidence in a court of competent jurisdiction or to fulfil other obligations imposed by law.

(2) For the purposes of this section any former employee of the Bank shall be similarly bound and shall not disclose any information whether documentary or otherwise relating to the affairs of the Bank save by order of a court of competent jurisdiction.

(3) Any person who contravenes the provisions of this section commits an offence and shall be liable on indictment to imprisonment for a term not less than five years.

**PART II—CURRENCY**

**Unit of  
currency.**

**13.** (1) The unit of currency shall be the cedi which shall be divided into one hundred pesewas, and one pesewa being one hundredth part of a cedi.

**Amended by  
Act 282 s.2.**

(2) Any reference to the Ghana pound in any enactment, deed, security for money or other document or in any contract or agreement whether in writing or not or in any other manner whatsoever shall be construed as including a reference to the equivalent amount of the currency specified in subsection (3) of this section.

(3) For the purposes of this section one Ghana pound (₵2.40) is equivalent to two cedis and forty pesewas (₵2.40).

**Parity of the  
pound.  
Amended by  
Act 282 s.3.**

**14.** The parity of the cedi shall be equivalent to one decimal zero three six seven eight (1.03678) grams of fine gold.

**15.** (1) The Bank shall have the sole right of issuing bank notes and coin and neither the Government nor any other person shall issue currency notes, bank notes or coin or any documents or tokens payable to bearer on demand being documents or tokens likely to pass as legal tender. Right of  
issuic.

(2) The assets of the issue department of the Bank may include only the following, that is to say,

- (a) gold, coin or bullion;
- (b) notes, whether sterling or not, coin, bank balances and convertible currency with any bank outside Ghana;
- (c) Treasury Bills of the Government of any convertible currency country;
- (d) bills of exchange bearing at least two good signatures drawn on any place outside Ghana, payable in convertible currency and having a maturity not exceeding three months exclusive of days of grace;
- (e) securities of Governments other than the Government of Ghana expressed in convertible currency, so however, that not more than forty *per centum* of the total assets of the issue department is so held, such restrictions not applying if the assets are held for the financing of agricultural products or the marketing of crops;
- (f) subject to the provisions of subsection (3) of this section,
  - (i) Treasury Bills of the Government denominated in cedis and maturing within ninety-three days;
  - (ii) other securities of the Government denominated in cedis and maturing in not more than twenty years which have been publicly issued or form part of an issue which is being made to the public at the time of acquisition.

(3) The aggregate holding of Treasury Bills and of securities under paragraph (f) of the immediately preceding subsection shall not at any time exceed forty *per centum* of the currency in circulation:

Provided that the Minister may, by legislative instrument, vary the amount of the aggregate holding of such Treasury Bills and of securities to an amount not exceeding sixty *per centum* of the currency in circulation.

(4) The assets of the issue department shall be available to meet only,

- (a) the liabilities of that department, that is to say, an amount equal to the total amount of bank notes or coin which from time to time have been issued and not been held or withdrawn from circulation;
- (b) any disposal of assets of the bank.

(5) If at any time the assets of the issue department are insufficient to meet demands for the redemption of notes and coin any such deficiency shall be a charge on the Consolidated Fund:

Provided that if the Minister so directs, the Bank shall apply any amount in excess of two million four hundred thousand cedis which may be standing in the general reserve fund of the Bank to the making good, or towards the making good, of that deficiency and only when that amount has become exhausted shall the deficiency be a charge on the Consolidated Fund.

**16.** (1) The Bank shall issue bank notes and coins of such denominations as may be approved by the Minister of the recommendations of the Board. Denomina-  
tions and  
form of  
Bank notes  
and coin.



Amended by  
Act 282 s.5.

(2) Bank notes and coin issued by the Bank shall be of such forms and designs and bear such devices as shall be approved by the Minister on the recommendations of the Board.

(3) The standard weight and composition of coins issued by the Bank and the amount of remedy and variation shall be determined by the Minister on the recommendations of the Board.

Legal tender.

**17.** (1) Bank notes issued by the Bank shall be legal tender at their face value.

(2) Coins issued by the Bank shall, if such coins have not been tampered with, be legal tender for payments up to an amount not exceeding,

Amended by  
Act 282 s.6.

(a) twenty-four cedis in the case of coins of denominations of not less than five pesewas; and

(b) twenty-four pesewas in the case of coins of a lower denomination.

(3) On giving not less than three months notice in the *Gazette* the Bank shall have power to call in any of its bank notes and coin on payment of the face value thereof; and any such notes or coin with respect to which a notice shall have been given under this subsection shall, on the expiration of the notice, cease to be legal tender.

(4) For the purposes of this Act a coin shall be deemed to have been tampered with if the coin shall have been,

(a) impaired, diminished or lightened otherwise than by fair wear and tear, or

(b) defaced by stamping, engraving or piercing whether the coin shall or shall not have been thereby diminished or lightened.

Refund of  
lost or  
imperfect  
bank notes  
or coins.

**18.** (1) No person shall be entitled to recover from the Bank the value of any lost, stolen, mutilated or imperfect bank note or any coin tampered with.

(2) Subject to the provisions of the preceding subsection, the circumstances in which, and the conditions and limitations subject to which, the value of any lost, stolen, mutilated or imperfect bank notes or coins tampered with may be refunded as of grace shall be within the absolute discretion of the Board.

Evidence of  
imitation of  
a bank note.

*Sch.*

**19.** Where in any proceedings in any court of competent jurisdiction it has to be determined whether a document purporting to be a bank note is an imitation of a bank note, a certificate in the form set out in the Schedule to this Act under the hand of the Governor or, if the Governor is temporarily absent from duty or temporarily unable to perform his functions, under the hand of the Deputy Governor, shall be received in evidence without further proof as conclusive evidence of the fact that such document is an imitation of a bank note.

Exemption  
from stamp  
duty on bank  
notes.

**20.** The Bank shall not be liable to the payment of any stamp duty under the Stamps Ordinance (Cap. 168) in respect of bank notes issued by it.

Exchange of  
currency.

**21.** A person who delivers to the Bank an amount of currency shall be entitled to receive from the Bank in exchange therefor, without charge, bank notes or coin of the same amount and of such denomination as he may require:

Provided that if the Bank is unable to give bank notes or coins of the denomination required it shall give him bank notes or coin of the nearest other denomination.

**22.** (1) If on any particular day the total amount of media of payment exceeds by fifteen *per centum* or more the total amount of media of payment which have been in existence at any time during the twelve months immediately preceding that day, the Board shall forthwith make a report to this effect to the Minister specifying the causes which in their opinion have led to that situation and their proposals to the Minister as to the steps to be taken in view thereof.

Report on increase of amount of media of payment.

(2) For the purposes of this section, "media of payment" means the currency in circulation and current account deposits with banking institutions, not being currency in the hands of banking institutions and current account deposits of the Government and of banking institutions.

### PART III—GOLD AND FOREIGN EXCHANGE AND CREDIT OPERATIONS

#### *Gold and Foreign Exchange*

**23.** The Bank may,

- (a) import, export, refine, buy, hold, sell, transfer or otherwise deal in silver, platinum, gold and other precious metals;
- (b) acquire, hold and transfer foreign exchange and foreign Government securities;
- (c) effect foreign exchange transactions of any kind.

Transactions in assets of international value.

**24.** (1) The Bank may,

- (a) with the prior approval of the Minister,
  - (i) borrow from foreign institutions and pledge assets held by it as security for the repayment of the loan;
  - (ii) lend money or grant short-term credits to a foreign institution;
- (b) at the request of the Minister, guarantee a loan granted to the Government or to any person in Ghana by a foreign institution.

Power to borrow and guarantee.

(2) The Government may guarantee on behalf of the Republic any loan granted under sub-paragraph (ii) of paragraph (a) of subsection (1) of this section.

**25.** The Minister may in consultation with the Board take decisions relating to the exchange rate of the cedi in relation to external currencies.

Exchange rate of currency. Amended by Act 282 s.7.

**26.** Save as otherwise directed by the Minister the Bank shall hold, manage or control foreign exchange and the transfer of funds outside Ghana.

Control of foreign exchange.

**27.** (1) The Bank may purchase and sell external currencies, and purchase, sell, discount and rediscount bills of exchange and Treasury Bills drawn in or on places outside Ghana and maturing within ninety-one days, exclusive of days of grace, from the date of acquisition.

Purchase and sale of external currencies and securities.

(2) The Bank may purchase and sell securities of, or guaranteed by, the Government of a country outside Ghana.

*Credit Operations*

Credit operations.

28. Within the limits of its policy, the Bank may undertake the following credit operations with individuals, public institutions or bodies corporate whether private or public, that is to say,

- (a) buy, sell, discount and rediscount,
  - (i) inland bills of exchange and promissory notes arising out of *bona fide* commercial transactions bearing at least two good signatures and maturing within ninety days, exclusive of days of grace, from the date of acquisition by the Bank;
  - (ii) inland commercial bills of exchange and promissory notes bearing at least two good signatures drawn or issued for the purpose of financing seasonal agricultural operations or the marketing of crops, and maturing within one hundred and eighty days, exclusive of days of grace, from the date of acquisition by the Bank; and
  - (iii) hold Treasury Bills which have been publicly issued and are to mature within ninety-one days;
- (b) purchase and sell securities of the Government which have been publicly offered for sale and are to mature within a period of twenty years;
- (c) grant advances for fixed periods not exceeding three months against publicly issued Treasury Bills of the Government maturing within ninety-one days;
- (d) grant advances against,
  - (i) gold, coin or bullion;
  - (ii) securities of the Government which have been publicly offered for sale and are to mature within a period of twenty years;
  - (iii) bills of exchange and promissory notes as are eligible for purchase, discount or rediscount by the Bank; or
  - (iv) warehouse warrants issued by lawfully formed general and bonded warehouses or their equivalent, securing possession of goods, in respect of staple commodities or other goods duly insured with a letter of pledge from and the owner.

## PART IV—CONTROL OF BANKING

Liquid assets of banking institutions.

29. (1) The Bank may, after consultation with the Minister, prescribe that banking institutions shall hold liquid assets of a specific amount and composition and may fix such amount either as a certain percentage of all its deposit liabilities or both or in any other manner; and may also fix different percentages for different classes of deposits or assets, as may be defined in the prescription in any particular case.

(2) Any doubt arising as to whether a particular liability of a banking institution is to be regarded as a deposit shall be resolved by the Board and its decision thereon shall be final subject to appeal to the Minister.

(3) Every banking institution shall, at any such time and in respect of any such period as the Bank may require, render to the Bank a report on its liquid assets.

(4) Any prescription made by the Bank under this section shall be made by notice addressed to the banking institution concerned and may be published in the *Gazette*.

**30.** (1) Any banking institution which fails to hold liquid assets in accordance with section 29 of this Act, commits an offence and shall be liable in addition to any other penalty to pay an interest to the Bank, at a rate to be prescribed by the Board in consultation with the Minister, on the difference between the total amount of liquid assets which it is required to hold and the total amount of liquid assets held by it, in respect of any period during which such a difference exists; and the bank may direct that during a period specified in the direction such banking institution shall discontinue or limit, in a manner specified in the direction, the grant of credit or the making of investments and shall not redistribute dividends to its shareholders.

Offences in connection with holding of liquid assets.

(2) Any banking institution which, without the approval of the Bank, makes, during the existence of any deficiency in the amount of its specified liquid assets, any fresh advance to any person commits an offence.

(3) Any banking institution which commits an offence under this section shall be liable,

- (a) in the case of an offence under subsection (1) of this section to a fine in respect of each day during which the deficiency continues of an amount calculated as one two-thousandth part of the deficiency that exists on that day; and
- (b) in the case of an offence under subsection (2) of this section to a fine not exceeding one thousand two hundred cedis.

(4) The Bank may from time to time require any banking institution operating in Ghana to furnish, by a specified date, such information in such form as it may deem necessary to ensure compliance with the requirements of this section; and any banking institution which fails to furnish the information required under this subsection within the period specified commits an offence and shall be liable to a fine not exceeding one hundred and twenty cedis for every day during which the default continues.

Amended by Act 282 s.8 (b).

(5) The prosecution of an offence under this section shall be instituted by the Attorney-General.

(6) The provisions of section 307 of the Companies Code, 1963 (Act 179) shall not apply to an external company carrying on banking business in Ghana immediately before the coming into operation of the Companies (Amendment) Ordinance, 1950 (No. 76 of 1950) as they do not apply to any such company granted a licence under section 24 of the Companies Ordinance (Cap. 193).

**31.** (1) The Bank may from time to time request any banking or financial institution to furnish statements of its own accounts and other information relating thereto which the Bank may require.

Right to demand information from banking institutions.

(2) Whenever it deems it necessary, the Bank shall, through its agents appointed for the purpose, examine the books and accounts of banking and financial institutions.

(3) In the exercise of the functions conferred by the preceding subsection the agents shall have the right to demand from such institutions inspected all information and the making available to them of all books, registers and documents which they shall consider useful for their inspection and for a correct assessment of the position of any such institution.

(4) A report of the findings of each inspection containing the proposition of any measures considered necessary to avoid the repetition of irregularities or shortcomings found shall be addressed to the Governor.

Consultation  
with the  
Bank on  
changes of  
structure of  
banking  
institutions.

- 32.** The Bank shall be consulted on,
- (a) the establishment of a banking institution;
  - (b) the closing of banking institutions;
  - (c) the change of capital or name of a banking institution;
  - (d) the merger of two or more banking institutions;

and shall be informed on the opening or closing of branches or agencies of banking institutions and the change of place of a branch or agency of a banking institution.

Restrictions  
on credits  
and invest-  
ments.

**33.** The Bank may, with the prior approval of the Minister, in relation either generally or in respect of a particular class of credits or investments, direct banking institutions to refrain, generally or for a specific period, from increasing the total amount of credit granted or invested by them in other assets or to refrain from increasing it beyond a limit specified in the direction.

Amount of  
assets in rela-  
tion to  
paid-up  
capital.

**34.** The Bank may, by notice in the *Gazette*, fix the minimum amount of the paid-up capital and of the balance of undistributed net profits which a banking institution shall hold as a certain percentage of the total amount of its assets.

Transactions  
in securities.

**35.** (1) The Bank may purchase and sell, on the market, securities of the Government and other securities which are obligations to make payment in Ghana currency and which bear interest at a fixed rate.

(2) The Bank shall exercise its power under this section whenever in the opinion of the Governor this is necessary in order to increase or reduce the amount of media of payment within the meaning of section 22 of this Act, or carry out any of the objects specified in section 3 of this Act.

(3) The Bank may, after consultation with the Minister, issue securities of its own, prescribe conditions therefor and sell or purchase them.

#### PART V—THE BANK AS BANKER AND FISCAL AGENT

Banker and  
agent of the  
Government,  
etc.

**36.** (1) The Bank shall be the sole banker and fiscal agent in Ghana of the Government, and may act as banker to any Government institution or agency.

(2) The Bank shall not receive from the Government a remuneration for its services under this section, save in cases determined by agreement with the Minister.

(3) The Bank shall, pay, receive, collect and remit money, bullion and securities on behalf of the Government and undertake and transact any other business which the Government may from time to time entrust to the Bank.

(4) No interest shall be paid by the Bank on amounts deposited in any Government account.

(5) In any place where the Bank shall have no branch the Bank may appoint a banking institution to act as its agent for the collection and payment of Government moneys.

Temporary  
advances.

**37.** (1) The Bank may make temporary advances to the Government in respect of temporary deficiencies of budget revenue and the total amount of such advances shall not at any time exceed ten *per*

*centum* of the estimated budget revenue, as laid before the National Assembly, for the financial year in which the advances are made.

(2) Subject as aforesaid the Bank may in certain cases make advances not exceeding fifteen *per centum* of the estimated budget revenue if the President so requests.

(3) Any advance made under this section shall be repaid within three months of the end of the financial year to which it relates; and if any such advance remains unpaid after that date the power of the Bank to make further advances in any subsequent financial year shall not be exercisable unless the amounts due in respect of outstanding advances have been repaid.

(4) The Bank shall charge interest on such advances at a rate to be determined by the Board in consultation with the Minister.

**38.** The Bank shall be entrusted with the issue and management of Government loans publicly issued upon such terms and conditions as may be agreed between the Government and the Bank.

Management of the public debt.

#### PART VI—ACCOUNTS AND STATEMENTS

**39.** The financial year of the Bank shall be as laid down in the by-laws made by the Board.

Bank's financial year.

**40.** (1) The accounts of the Bank shall be audited by the Auditor-General or such other auditor as may be appointed by the Auditor-General with the prior approval of the Minister.

Audit.

(2) Without prejudice to the provisions of subsection (1) of this section, the Minister may at any time request the Auditor-General to make an examination of, and submit a report on, the accounts of the Bank, and the Auditor-General shall do so accordingly, and the Bank shall provide all necessary and proper facilities therefor.

(3) There shall be a Chief Internal Auditor of the Bank who shall be appointed by the Board after consultation with the Minister.

**41.** (1) The Bank shall, within three months from the close of its financial year,

Returns.

(a) transmit a copy of the annual accounts certified by the auditors to the Minister who shall cause the same, as soon as may be practicable, to be published in the *Gazette*;

(b) submit to the Minister an annual report by the Board on its working during the financial year in question which shall be published by the Bank.

(2) The annual accounts and the annual report shall be laid before the National Assembly by the Minister.

(3) The Bank shall, as soon as may be after the fifteenth day and also after the last day of each month make up and publish a return of its assets and liabilities as at the close of business on that day; or, if either of those days is a holiday, then at the close of business on the last preceding business day; and a copy of the return shall be transmitted to the Minister and shall be published in the *Gazette*.

#### PART VII—MISCELLANEOUS PROVISIONS

**42.** The Bank may appoint one or more other banking institutions to act as its agent for the issue, re-issue, exchange and withdrawal of bank notes and coin on such terms and conditions as may be agreed between the Bank and any such banking institution.

Appointment of other banks as currency agents.

Clearing  
houses.

**43.** It shall be the duty of the Bank to facilitate the clearing of cheques and other credit instruments for banking institutions.

Dealings  
with external  
banking ins-  
titutions, etc.

**44.** The Bank may,

- (a) maintain accounts with banking institutions and correspondents abroad;
- (b) act as correspondent, banker or agent of other monetary authorities and for any international banking institution or monetary authority established under governmental auspices.

General  
banking  
business.

**45.** Subject as is expressly provided in this Act, the Bank may generally conduct business as a bank.

Exemption  
from income  
tax.

**46.** The Bank shall be exempted from the payment of income tax in respect of its functions under this Act.

Information  
for research.

**47.** (1) For purposes of this Act the Bank may require information from any person in respect of any industrial, commercial or other business activities.

(2) Information received under this section shall be treated with the fullest confidence and utmost good faith.

(3) Any publication for statistical purposes of information obtained under this section shall not include any individual data.

(4) Any person who,

(a) fails to supply any information required from him under subsection (1) of this section, or

(b) contravenes the provisions of subsection (2) of this section,

commits an offence and shall be liable on indictment to a fine not exceeding one thousand two hundred cedis or to imprisonment to a term not exceeding five years.

Amended by  
Act 282 s.9.

Offences.

**48.** (1) Save as is otherwise expressly provided in this Act, any person who,

(a) contravenes any provision of this Act or any prescription or direction made or given under this Act and published in the *Gazette*; or

(b) knowingly makes an incorrect statement in a document submitted by him or an incorrect reply to a question asked of him for the purposes of this Act,

commits an offence and shall be liable to a term of imprisonment not exceeding twelve months or to a fine not exceeding four hundred and eighty cedis or to both such imprisonment and fine.

(2) Where an offence is committed by a body of persons, every person who at the time of its commission was a director, manager or partner of such body shall likewise be guilty thereof, unless he proves,

(a) that the offence was committed without his knowledge, or

(b) that he took all appropriate steps to ensure compliance with the provisions of this Act.

Amended by  
Act 282 s.10.

Power to  
sign.

**49.** (1) The Board may empower any employee of the Bank, in writing either generally or in respect of a particular document or class of documents to sign in its stead or on behalf of the Bank.

(2) The Governor and such employees of the Bank as the Board may authorise in this behalf by notification in the *Gazette*, are hereby severally empowered for and on behalf of the Bank to endorse and

transfer promissory notes, stock-receipts, debenture-stock, shares, securities and documents of title to goods standing in the name of or held by the Bank.

**50.** The Board may if it thinks fit enquire any officer or employee of the Bank to give security to the Bank for the faithful discharge of his duties to the satisfaction of the Board in such amount and in such manner as it thinks proper. Security from employees.

**51.** No employee of the Bank shall be liable for any loss or damage suffered by the Bank unless such loss or damage was caused by his own default or wilful act. Liability for losses.

**52.** The Board may, with the prior approval of the Minister, make bye-laws or other instruments, not inconsistent with the provisions of this Act for the purpose of regulating its constitution and other objects falling within the scope of its functions. Bye-laws by the Board.

**53.** The provisions of the Companies Ordinance (Cap. 193) or of any statutory re-enactment or modification thereof shall not apply to the Bank. Companies Ordinance.

**54.** The Bank shall not be placed in liquidation save in pursuance of legislation passed in that behalf and then only in such manner as that legislation may direct. Liquidation.

**55.** This Act shall bind the Republic. Act binds Republic.

**56.** The Commissioner responsible for Finance may, in consultation with the Board, by legislative instrument, make Regulations, Regulations.

- (a) prescribing the minimum rate of interest which a banking or financial institution may pay on depositors;
- (b) prescribing the maximum rate of interest and the amount of commission, discount and other payments, which a banking or financial institution may charge in respect of bills discounted, loans and other credit transactions; and
- (c) generally for giving full effect to the provisions of this Act.

**57.** (1) In this Act unless the context otherwise requires, Interpretation.  
 “Bank” means the Bank of Ghana established by section I of this Act;

“banking institution” means a company or co-operative credit society registered under the Co-operative Societies Ordinance (Cap. 190) or other body, other than the Bank, carrying on the business of receiving money on current or deposit account in order to make payments therefrom on demand by cheque or a company lawfully using the word “bank” or any other of its derivative as part of its title;

“Board” means the Board established by section 6 of this Act;

“bye-laws” means the bye-laws made under section 52 of this Act;

“Governor” includes the Deputy Governor;

“company” means a company registered under the Companies Ordinance (Cap. 193);

“financial institution” means a company or co-operative society whose business or part of whose business is the receipt of money on deposit or the making of loans;



- “foreign exchange” means
- (a) currency notes, bank notes or coins other than Ghana currency which are legal tender in any other country, and currency notes, bank notes, or coins which were at any time legal tender and which are convertible into currency which is legal tender in any other country;
  - (b) bills of exchange, letters of credit, foreign government treasury bills, promissory notes and balances in a bank payable otherwise than in Ghana currency;

“foreign institutions” means foreign Governments and agencies or institutions acting on behalf of foreign Governments, banking or financial institutions outside Ghana or international financial institutions;

“liquid assets” means the balances deposited with the Bank and such other assets as the Bank may, with the prior approval of the Minister, determine;

“Minister” means the Minister responsible for Finance.

(2) In this Act a reference to an official or other employee of the Bank shall not be construed as a reference to the Governor or the Deputy Governor.

Repeals.

58. The Bank of Ghana Ordinance (No. 34 of 1957) and the Bank of Ghana (Amendment) Act, 1961 (Act 84) are hereby repealed.

SCHEDULE

(Section 19)

I, ..... Governor/Deputy Governor of the Bank of Ghana for the time being acting as the chief executive of the Bank of Ghana, do hereby certify that I have examined the document marked ..... which purports to be a bank note of the denomination ..... bearing number ..... and dated ..... and that such document is an imitation of a bank note and is not a bank note issued or deemed to be issued by the Bank of Ghana.

Signature .....

Date .....