

SECURITY AND INTELLIGENCE AGENCIES ACT, 1996 (ACT 526)

ARRANGEMENT OF SECTIONS

Section

PART I—NATIONAL SECURITY COUNCIL

1. The National Security Council.
2. Procedure at meetings of the Council.
3. Secretary to the Council.
4. Functions of the Council.

PART II—REGIONAL AND DISTRICT SECURITY COUNCILS

5. Establishment of regional and district security councils.
6. Membership of REGSEC.
7. Functions of REGSECS.
8. Membership and procedure of DISEC.
9. Functions of DISEC.

PART III—THE INTERNAL AND EXTERNAL INTELLIGENCE AGENCIES

10. Continuation in existence of National Security Intelligence Agencies.
11. Governing body of the Intelligence Agencies.
12. Functions of the Intelligence Agencies.
13. Appointment of Directors.
14. Functions of the Directors.
15. Other employees of the Intelligence Agencies.
16. Committees.
17. Ministerial responsibility for the Intelligence Agencies and annual report to Parliament.

PART IV—NATIONAL SECURITY CO-ORDINATOR

18. Appointment of National Security Co-ordinator.
19. Functions of the Co-ordinator.
20. Staff for office of Co-ordinator.

PART V—COMPLAINTS TRIBUNAL AND WARRANTS

21. Investigation of complaints.
22. Complaints Tribunal.
23. Examination of complaints.
24. Proceeding at Investigation.
25. Notification to the Director.
26. Representation before Tribunal.
27. Decision of the Tribunal.
28. Appeal to the Court of Appeal.
29. Application for warrant.
30. Matters to be specified in application for warrant.
31. Effect of warrant.

PART VI—FINANCIAL AND MISCELLANEOUS PROVISIONS

32. Expenses of Council and the Intelligence Agencies.
33. Accounts and Audit.
34. Retirement benefit.
35. Oaths.
36. Authorised disclosure of information.
37. Offence to disclose information and identity.
38. Disclosure before Parliament.
39. Application of Evidence Decree, 1975 (N.R.C.D. 323).
40. Protection of employees.
41. Regulation.
42. Interpretation.
43. Saving provision.

SCHEDULE

Schedule—Forms of Oath

THE FIVE HUNDRED AND TWENTY-SIXTH

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE SECURITY AND INTELLIGENCE AGENCIES ACT, 1996

AN ACT to make provision in respect of the National Security Council; to provide for the establishment of Regional and District Security Councils, to specify some of the state agencies responsible for implementing government policies on security of the State and attendant issues on or relating to the internal and external security of Ghana and to provide for related matters.

DATE OF ASSENT: 30TH DECEMBER, 1996

BE IT ENACTED by Parliament as follows—

PART I—NATIONAL SECURITY COUNCIL

Section 1—The National Security Council.

- (1) There shall be the National Security Council referred to in this Act as "the Council".
- (2) The Council shall consist of—
 - (a) the President;
 - (b) the Vice-President;
 - (c) the Ministers for the time being holding the portfolios of foreign affairs, defence, interior, and finance and such other Ministers as the President may determine;
 - (d) the Chief of Defence Staff and two other members of the Armed Forces;
 - (e) the Inspector-General of Police and two other members of the Police Service, one of whom shall be the Commissioner of Police responsible for Criminal Investigations Department;
 - (f) the Director-General of the Prisons Service;
 - (g) the Director of External Intelligence;
 - (h) the Director of Internal Intelligence;
 - (i) the Director of Military Intelligence;
 - (j) the Commissioner of Customs, Excise and Preventive Service; and
 - (k) three persons appointed by the President.

Section 2—Procedure at Meetings of the Council.

- (1) The President shall preside at meetings of the Council and in his absence the Vice-President shall preside.
- (2) The President may, acting in consultation with the Council, invite such persons as he considers necessary for any deliberations of the Council.
- (3) A person invited to participate in the deliberations of the Council under subsection (2) of this section shall not vote on any matter for decision before the Council.
- (4) The Council shall regulate the procedure at its meetings.

Section 3—Secretary to the Council.

The Secretary to the Cabinet shall be the secretary to the Council.

Section 4—Functions of the Council.

The functions of the Council shall include—

- (a) considering and taking appropriate measures to safeguard the internal and external security of Ghana;
- (b) ensuring the collection of information relating to the security of Ghana and the integration of the domestic, foreign and security policies relating to it so as to enable the security services and other departments and agencies of Government to co-operate more effectively in matters relating to national security;
- (c) assessing and appraising the objectives, commitments and risks of Ghana in relation to the actual and potential military power in the interest of national security; and
- (d) taking appropriate measures regarding the consideration of policies on matters of common interest to the departments and agencies of the Government concerned with national security.

PART II—REGIONAL AND DISTRICT SECURITY COUNCILS

Section 5—Establishment of Regional and District Security Councils.

- (1) There shall be a Regional and District Security Council for each region and district of the country.
- (2) The Regional and District Security Councils referred to in this Act as "REGSECS" and "DISECS" respectively shall operate as committees of the Council and shall perform such functions of the Council in the regions and districts as the Council shall determine.
- (3) A REGSEC shall in the performance of its functions be answerable to the Council.
- (4) A DISEC shall in the performance of its functions be answerable to the relevant REGSEC.

Section 6—Membership of REGSEC.

- (1) A REGSEC shall consist of—
 - (a) the Regional Minister, who shall be the Chairman;
 - (b) the Deputy Regional Minister or Ministers;
 - (c) the chief executive of the Metropolitan, Municipal or District Assembly in the regional capital;
 - (d) an officer of the Armed Forces nominated by the Chief of Defence Staff;
 - (e) the Regional Police Commander;
 - (f) the Regional Crime Officer;
 - (g) the Regional Officer of the Internal Intelligence Agency specified in Part III of this Act;
 - (h) the Customs, Excise and Preventive Service officer in charge of the region, if any;
 - (i) the Prisons Service officer in charge of the region;
 - (j) the Immigration officer in charge of the region;
 - (k) the Fire officer in charge of the region; and
 - (l) two other persons nominated by the Regional Minister in consultation with the National Security Co-ordinator appointed under section 18 of this Act.
- (2) A REGSEC shall regulate the procedure at its meetings.

Section 7—Functions of REGSECS.

A REGSEC shall in relation to the region—

- (a) perform such functions of the Council as the Council may assign to it; and
- (b) provide early warning to Government of the existence or likelihood of any security threat to the region, to the country or to the Government.

Section 8—Membership and Procedure of DISEC.

- (1) A DISEC shall consist of—
 - (a) the District Chief Executive who shall be the Chairman;
 - (b) the District Police Commander;
 - (c) the District Crime Officer;
 - (d) the District representative of the Internal Intelligence Agency;
 - (e) the Customs, Excise and Preventive Service officer in charge of the district, if any;
 - (f) the Immigration officer in charge of the district;
 - (g) the Fire Officer in charge of the district; and
 - (h) two other persons nominated by the District Chief Executive in consultation with the Co-ordinator.
- (2) The DISEC shall regulate the procedure at its meetings.

Section 9—Functions of a DISEC.

A DISEC shall in relation to the district—

- (a) perform such functions of the Council as the Council may assign to it;
- (b) provide early warning to Government of the existence or likelihood of any security threat to the district, to the country or to the Government.

PART III—THE INTERNAL AND EXTERNAL INTELLIGENCE AGENCIES

Section 10—Continuation in Existence of National Security Intelligence agencies.

The Departments existing immediately before the coming into force of this Act and known as the Bureau of National Investigation and the Research Department respectively are hereby continued in

existence under this Act as the Internal and External Intelligence Agencies of the State, referred to in this Act as “the Intelligence Agencies”.

Section 11—Governing Body of the Intelligence Agencies.

The governing body of the Intelligence Agencies shall be the National Security Council.

Section 12—Functions of the Intelligence Agencies.

(1) The Intelligence Agencies shall have the following functions—

- (a) collect, analyses retain and disseminate as appropriate information and intelligence respecting activities that may constitute threats to the security of the State and the government of Ghana;
- (b) safeguard the economic well-being of the State against threats posed by the acts or omissions of persons or organisations both inside and outside the country;
- (c) protect the State against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking and similar offences;
- (d) protect the State against the activities of persons, both nationals and non-nationals, intended to overthrow the government of Ghana or undermine the constitutional order through illegal political, military, industrial or other means or through any other unconstitutional method; and
- (e) perform such other functions as may be directed by the President or the Council.

Section 13—Appointment of Directors.

(1) There shall be appointed for each of the Intelligence Agencies provided under this Act a Director who shall be the head of the relevant Agency.

(2) The Directors shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission and upon such terms and conditions as shall be determined by the appointing authority.

Section 14—Functions of the Directors.

A Director appointed under section 13 shall—

- (a) be responsible for the efficient and effective performance of the functions of the Intelligence Agency of which he is head;
- (b) control and administer the Intelligence Agency under him subject to such directions as the President or the Council may give;
- (c) pursue and ensure political party neutrality of his Intelligence Agency in the performance of its functions.

Section 15—Other Employees of the Intelligence Agencies.

(1) There shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission, such other staff and employees as shall be required for the effective performance of the functions of the Intelligence Agencies.

(2) The President may in accordance with article 195(2) of the Constitution delegate the power of appointment under this section.

(3) Other public officers may be seconded or transferred to any of the Intelligence Agencies.

Section 16—Committees.

The Council may for the discharge of the functions provided in this Act appoint committees composed of members of the Council or non-members or both and assign to the committee such of its functions as the Council may determine, except that a committee composed entirely of non-members may only advise the Council.

Section 17—Ministerial Responsibility for the Intelligence Agencies and Annual Report to Parliament.

(1) The President shall assign ministerial responsibility for the Intelligence Agencies to such Minister as the President shall consider appropriate.

(2) The Minister assigned responsibility under subsection (1) of this section shall in respect of each year submit a report to Parliament on the Intelligence Agencies.

PART IV—NATIONAL SECURITY CO-ORDINATOR.

Section 18—Appointment of National Security Co-ordinator.