

# NATIONAL PLANNING COMMISSION ACT, 2006

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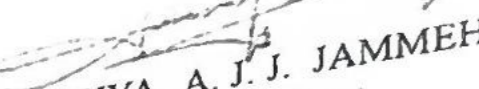


THE GAMBIA

NO. 14 OF 2006

Assented to by The President,

this 26 day of December, 2006

  
 YAHYA A. J. J. JAMMEH  
 President

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**AN ACT** to provide for the establishment of the National Planning Commission as a national planning body to promote a more coordinated response to meet the socio-economic development objectives of The Gambia and for matters connected therewith.

[ ]

**ENACTED** by the President and the National Assembly.

**PART I - PRELIMINARY**

1. This Act may be cited as the National Planning Commission Act, 2006.

Short title

**PART IV - MANAGEMENT AND STAFF**

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Interpretation

2. In this Act, unless the context otherwise requires-

"Commission" means the National Planning Commission established under section 3;

"Commission member" means a Commissioner appointed under section 4 (1) and includes the Chairperson;

"President" means the President of the Republic of The Gambia;

"Secretariat" means the National Planning Commission Secretariat established under section 19.

## PART II - ESTABLISHMENT AND COMPOSITION OF THE NATIONAL PLANNING COMMISSION

3. (1) There is hereby established the National Planning Commission, which shall be-

- (a) the apex planning authority in The Gambia, and
- (b) responsible for coordinating all planning activities.

(2) The Commission is a body corporate with perpetual succession and a common seal and may-

- (a) sue or be sued in its corporate name;
- (b) enter into contracts, and acquire, hold and dispose of property; and

Establishment of the National Planning Commission

(c) so far as is possible for a body corporate, exercise the rights, powers and obligations of a natural person of full age and capacity.

(3) The application of the common seal of the Commission shall be authenticated by the signature of the Chairperson or, in his or her absence, by that of the Director-General.

(4) A document bearing the imprint of the common seal of the Commission is deemed to be properly sealed, unless the contrary is proved.

4. (1) The Commission shall consist of-

- (a) a full-time Chairperson;
- (b) the Secretary of State for Finance and Economic Affairs;
- (c) the Secretary of State for Trade, Industry and Employment;
- (d) the Secretary General, Office of the President;
- (e) the Governor of the Central Bank of The Gambia;
- (f) the President of The Gambia Chamber of Commerce and Industry;
- (g) a representative of The Gambia Association of Local Government Authorities;

Composition of the Commission

## National Planning Commission Act, 2006

(h) the Director-General of the Commission who shall also be the Secretary to the Commission; and

(i) two other members.

(2) The Chairperson shall be a person with wide knowledge and experience in development planning and management.

(3) The Commission members, other than *ex-officio* Commission members, shall be appointed by the President after consultation with the Public Service Commission.

5. (1) The Commission members, other than *ex-officio* Commission members, shall hold office for a term of five years and may be re-appointed for one further term.

(2) A person is not qualified to be a Commission member or to continue to be a Commission member if –

(a) he or she is adjudged to be a person of unsound mind;

(b) he or she has been convicted of an offence involving dishonesty or fraud and has not been granted a free pardon; or

(c) in the case of a person who has professional qualifications, he or she is disqualified or suspended otherwise than at his or her request, from practicing his or her profession by the order of a competent authority made in respect of him or her personally.

Tenure of office of Commission members

## National Planning Commission Act, 2006

(3) The Commission members, other than *ex-officio* Commission members, shall be appointed by the President after consultation with the Public Service Commission.

6. The Commission may give to the Chairperson general directions as to the management of the property, business and funds of the Commission and other matters relating to the Commission.

7. For the purpose of discharging its functions under this Act, the Commission may delegate, to the Chairperson, the power to –

(a) acquire or authorize the acquisition of any movable or immovable property and transfer or allocate any funds of the Commission for that purpose;

(b) authorize the disposal of securities of any kind belonging to the Commission;

(c) open and operate current, deposit or credit account on behalf of the Commission at any bank or financial institution; and

(d) negotiate and obtain loans on behalf of the Commission and also determine the nature and conditions of the loans.

8. (1) The Commission shall meet for the discharge of its business at least once in every three months at such times and places as the Chairperson shall appoint.

Delegation of powers of the Commission

Delegation of powers of the Commission

Meetings of the Commission

- (2) The Chairperson shall at the written request of not less than five Commission members convene a special meeting of the Commission to transact any extra-ordinary business specified in the request.
- (3) A written notice of a special meeting of the Commission shall -
  - (a) be sent to each Commission member not later than forty-eight hours before the meeting; and
  - (b) specify the business for which the meeting is being convened.
- (4) The quorum of the Commission at any meeting is five.
- (5) The Commission shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have a casting vote.
- (6) The Chairperson shall preside at every meeting of the Commission at which he or she is present, and, in his or her absence, the Commission members present shall appoint one of their number to preside at the meeting.
- (7) The minutes of every meeting of the Commission shall be recorded by the Secretary, and signed by the Chairperson or the person who presided at the meeting, after confirmation by the Commission members who were present at the meeting.

- (8) The Commission may at any time invite a person to any of its meetings, but a person so invited is not entitled to vote at any of the meetings of the Commission.
  - (9) The validity of the proceeding of the Commission shall not be affected by -
    - (a) a vacancy in its membership;
    - (b) a defect in the appointment of any of its members; or
    - (c) reason that a person not entitled to do so, took part in the proceedings.
  - (10) Subject to this section, the Commission may regulate its own procedure.
9. (1) The Commission may appoint such technical and other committees, comprising Commission members and other persons, as it deems necessary to carry out, on its behalf, such of its functions as it may determine.
- (2) A decision of a committee appointed under this section has no effect unless it is confirmed by the Commission.
10. (1) A Commission member who has an interest in a company or an undertaking with which the Commission proposes to enter into a contract shall -
  - (a) disclose to the Commission the nature of his or her interest; and

(b) not participate in any deliberation and voting of the Commission in respect of the contract.

(2) The President may remove from the Commission a Commission member who contravenes the provisions of subsection (1).

11. A resolution is a valid resolution of the Commission if-

(a) it is signed or assented to by a majority of the Commission members; and

(b) notice of the proposed resolution was given to each Commission member,

notwithstanding that it was not passed at a meeting of the Commission.

12. No action, suit, prosecution or other proceeding shall be brought or instituted against a Commission member personally in respect of any thing done in good faith in pursuance, execution or intended execution of any of the provisions of this Act.

13. A Commission member shall be paid such allowances as the President may approve.

### PART III – FUNCTIONS

14. The Commission shall -

(a) formulate comprehensive national development strategies and policies and ensure that the strategies influence the plans of the implementing agencies;

Transaction of business without meeting

Protection of Commission members

Allowances to Commission members

Functions of the Commission

(b) coordinate the preparation and implementation of the multi-year rolling plans for The Gambia, including the five-year Medium Term Plan and the Poverty Reduction Strategy Paper;

(c) ensure that the policies, programmes and projects resulting from national, regional and sectoral development plans are effectively implemented;

(d) make recommendations on the financial allocations for the programmes and projects in the national and sectoral development plans;

(e) work closely with the Department of State for Finance and Economic Affairs on overall allocations to plan priorities;

(f) make proposals for ensuring the even development of the Local Government Areas ;

(g) approve plans from regional and sectoral planning authorities, including the harmonized Local Government plan, which shall be integrated into the national plan to-

(i) ensure synergy in regional and sectoral planning, and

(ii) prevent duplication of efforts;

- (h) periodically review the national development agenda to reflect the changing domestic and international economic, social, political and environmental conditions and make recommendations for revision of existing policies and programmes, where and when necessary;
- (i) coordinate the implementation of and monitor and evaluate the development policies, programmes and projects;
- (j) report on the impact of the implementation of programmes and projects on the well-being of Gambians;
- (k) advise and make recommendations to the President on all matters relating to national, regional and sectoral planning and on their implementation, monitoring and evaluation;
- (l) perform such other functions as are assigned to it in this Act and any other legislation.

15. (1) The regional and sectoral planning authorities shall -

- (a) cooperate with the Commission in the exercise of its functions under this Act; and
- (b) prepare Medium Term Plans or Public Expenditure Reviews for approval by the Commission.

Relationship with regional and sectoral planning authorities

Director-General

(2) The Commission shall provide directives and guidelines for the regional and sectoral planning authorities to guide and direct them in the preparation of their plans.

(3) In this section, regional and sectoral planning authorities, include the planning units of all Departments of State and -

- (a) Council Development Committees;
- (b) Village Development Committees; and
- (c) Ward Development Committees,

established under the Local Government Act, 2002.

#### PART IV - MANAGEMENT AND STAFF

16. (1) The Chairperson shall be-

- (a) the overall head of the Commission; and
- (b) responsible for the execution and implementation of the policies and decisions of the Commission.

(2) The Chairperson shall be paid the salary and allowances, and be entitled to the other benefits, of a Secretary of State.

17. (1) There shall be for the Commission a Director-General who shall be appointed by the President after consultation with the Commission and the Public Service Commission.

No. 5 of 2002

Role of Chairperson

National Planning Commission Act, 2006

(2) The Director-General shall –

- (a) have considerable knowledge and experience in development issues and in administration and management;
- (b) be the administrative head of the Secretariat;
- (c) assist the Chairperson in the execution and implementation of the policies and decisions of the Commission; and
- (d) be responsible for the transaction of the day-to-day business of the Secretariat.

(3) The Chairperson may delegate to the Director-General such of his or her functions as are necessary to enable him or her to transact efficiently the day-to-day business of the Secretariat, and for that purpose, the Chairperson may, from time to time, issue written instructions to the Director-General.

18. (1) The Director-General as Secretary to the Commission shall –

- (a) keep the books and records and conduct the correspondence of the Commission;
- (b) prepare the agenda and record the minutes of meeting of the Commission; and
- (c) perform such other functions as may be assigned to him or her by the Commission.

Duties of Secretary

Directorates of the Commission

National Planning Commission Act, 2006

(2) The Chairperson shall designate an officer of the Commission to be Secretary to the Commission in the absence of the Director-General.

19. (1) There is hereby established for the Commission a Secretariat.

(2) The Commission shall appoint for the Secretariat such employees as it thinks necessary for the due discharge of the functions of the Commission, on such terms as to remuneration and otherwise as it may determine.

(3) The Commission is responsible for the discipline and removal of employees of the Commission.

(4) The Commission shall, with the approval of the President, make regulations establishing schemes for pensions, gratuities and other retirement benefits in respect of employees of the Commission.

(5) The Commission shall, for the purpose of achieving maximum efficiency in the discharge of its functions under this Act, institute schemes for the training of its employees in the relevant disciplines and in other skills, with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the affairs of the Commission.

20. (1) The Commission shall establish the following Directorates—

- (a) Directorate of Economic Policy Analysis and Management;

- (b) Directorate of Development Planning, Implementation and Coordination;
- (c) Directorate of Research, Monitoring and Evaluation;
- (d) Directorate of Finance and Administration; and
- (e) such other Directorates as it may require for the proper functioning of the Commission.

(2) Each Directorate shall be headed by a Director and staffed with qualified policy analysts in health, education, agriculture, water and sanitation, and other experts, including economists, accountants, administrative officers and planners.

#### PART V- FINANCIAL PROVISIONS

21. The Commission shall maintain a fund into which shall be paid –

- (a) sums appropriated to it, from time to time, by the National Assembly;
- (b) grants and gifts, provided that the terms and conditions attached to a grant or gift are not inconsistent with the functions of the Commission;
- (c) proceeds from sale of publications and other documents; and
- (d) such other sums as may accrue to the Commission from any other source.

Fund of the Commission

Estimates, accounts and audit

22. The Commission may, from time to time, apply the proceeds of the fund established in pursuance of section 21 to –

- (a) the cost of administration of the Commission;
- (b) the reimbursement to Commission members or any committee appointed by the Commission for such expenses as may be authorized by the Commission, in accordance with the rates approved by the President;
- (c) the payments of salaries, fees and other remuneration, allowances, pensions and gratuities payable to Commission members, employees of the Commission, as appropriate, and experts, professionals or agents appointed by the Commission;
- (d) the maintenance of any property acquired or vested in the Commission; and
- (e) meeting such other expenses as may be approved by the Commission for the purposes of this Act.

23. (1) The Commission shall, not later than three months before the end of each financial year, prepare and submit to the President for approval, estimates of the income and expenditure of the Commission for the ensuing year.

(2) The Commission shall keep proper records and books of accounts of its income, expenditure and transfers.

(3) The Commission shall prepare, in respect of each financial year, a statement of accounts.

(4) The Commission shall, within three months of the end of each financial year, submit its statement of accounts to the Auditor General for audit.

(5) The audited accounts of the Commission and the Auditor General's report on those accounts shall form part of the Auditor General's overall report to the National Assembly.

24. (1) The Commission shall, not later than three months after the end of each financial year, submit to the President, in respect of the financial year, an annual report on the activities of the Commission.

(2) The report under subsection (1) shall include-

(a) information with regard to the activities and policy of the Commission;

(b) a copy of the audited accounts of the Commission in respect of that year, together with the Auditor General's report on the accounts; and

(c) such other information as the President may request.

(3) The President shall, as soon as possible after receiving the annual report, cause it to be laid before the National Assembly.

Annual report

(4) The Chairperson shall also, from time to time, provide the President with such information relating to the affairs of the Commission as the President may request.

25. The Commission shall be exempted from such duties as the President may approve.

## PART VI - LEGAL PROCEEDING

26. (1) No action may be brought against the Commission unless at least one month's written notice of the intention to bring the action has been served on the Commission by the intending plaintiff or his or her agent.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief, which he or she claims.

27. The notice referred to in section 26 and any summons, notice or other document required or authorized to be served on the Commission in connection with a suit by or against the Commission, may be served by delivering it or sending it by registered post addressed to the Chairperson.

28. In an action or suit against the Commission, no-

(a) execution or attachment or process in the nature of an execution or attachment shall be issued against the Commission; or

Exemption from duties

Notice of legal action

Service of process

Execution of judgment

(b) sums of money which may by judgment of the court be awarded against the Commission, shall be paid by the Commission from its funds,

before the expiration of at least three months from the date of judgment of the court.

29. In a suit against the Commission, the Commission may be represented in court at any stage of the proceedings by an officer or any other employee of the Commission duly authorized in writing by the Commission in that behalf.

30. An officer of the Commission or any other person acting on the direction of the Commission shall not be personally liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

## PART VII- MISCELLANEOUS

31. The poverty reduction strategy coordination and aid coordination functions of the Department of State for Finance and Economic Affairs and the policy analysis functions of the Office of the President are hereby transferred to the Commission.

32. The President may, on the recommendation of the Commission, make regulations that are necessary to give effect to this Act.

Representation

Indemnity

Transfer to the Commission of some existing functions

Regulations

PASSED in the National Assembly this Eleventh day of December  
in the year of Our Lord Two Thousand and Six

D. C. M. Kebbeh  
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill  
which has passed in the National Assembly, and found by me to be a true and correct  
copy of the said Bill.

D. C. M. Kebbeh  
Clerk of the National Assembly.