

Chartered Institute of Marketing Bill, 2019

ARRANGEMENT OF SECTIONS

Section

Establishment of the Chartered Institute of Marketing

1. Establishment of the Institute
2. Objects of the Institute
3. Functions of the Institute
4. Governing body of the Institute
5. Functions of the Council
6. Tenure of office of members of the Council
7. Meetings of the Council
8. Disclosure of interest
9. Establishment of committees
10. Disciplinary Committee
11. Allowances
12. Ministerial directives

Membership and Qualification

13. Categories of Membership
14. Qualification for Fellow
15. Qualification for Full Member
16. Qualification for Associate Member
17. Qualification for Emerging Associate Member
18. Qualification for Graduate Member
19. Qualification for Honorary Member
20. Qualification for Student Member
21. Qualification for registration
22. Certificate of registration
23. Register of marketing professionals
24. Annual list of marketing professionals
25. Removal of names from register
26. Rights conferred by registration
27. Suspension of registration
28. Cancellation of registration
29. Representation to the Council and appeal

Administration of the Institute

30. President of the Institute
31. Vice-President

Chartered Institute of Marketing Bill, 2019

32. Registrar
33. Functions of the Registrar
34. Appointment of other staff
35. Collaboration with other bodies
36. Annual General Meeting

Financial Provisions

37. Funds of the Institute
38. Bank account of the Institute
39. Fees
40. Accounts and audit
41. Internal Audit Unit
42. Annual report and other reports

Miscellaneous Provisions

43. Status of Institute
44. Offences and penalties
45. Regulations
46. Interpretation
47. Transitional provisions
48. Savings

SCHEDULES

FIRST SCHEDULE

Disciplinary Committee and Procedure for Proceedings

SECOND SCHEDULE

Professional Misconduct

A
BILL

ENTITLED

CHARTERED INSTITUTE OF MARKETING BILL, 2019

AN ACT to establish the Chartered Institute of Marketing as a regulatory body to set standards in the marketing profession and to provide for related purposes.

PASSED by Parliament and assented to by the President:

Establishment of the Chartered Institute of Marketing

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Chartered Institute of Marketing.

(2) The Institute may for the performance of its functions acquire and hold movable and immovable property, dispose of property and may enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Institute under the State Lands Acts, 1962 (Act 125) and the costs shall be borne by the Institute.

Objects of the Institute

2. The objects of the Institute are to operate as an independent autonomous body to set standards and regulate the marketing profession.

Functions of the Institute

3. To achieve the objects, the Institute shall
- (a) provide world class training and conduct examinations to improve the skills and competencies of all those working in and aspiring to work in marketing;
 - (b) set the marketing agenda for the country;
 - (c) champion the role and value of marketing as a critical tool for business development;
 - (d) influence Government policy and regulation on marketing activities;
 - (e) advocate responsible and ethical marketing practice for marketers and businesses in general;
 - (f) develop constant marketing innovative research, best practice and thought leadership processes; and
 - (g) promote marketing as a leading career path and employment choice for future generations.

Governing body of the Institute

4. (1) The governing body of the Institute is a Council consisting of
- (a) the President who is the chairperson,
 - (b) the Vice President,
 - (c) the National Secretary,
 - (d) the National Treasurer,
 - (e) the Registrar,
 - (f) one representative from each of the following:
 - (i) the Ministry of Trade and Industry not below the rank of Director, and
 - (ii) the Ministry of Education not below the rank of Director, and
 - (g) two members elected by secret ballot by fully paid up members at the Annual General Meeting of the Institute.
- (2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

Functions of the Council

5. The Council shall
- (a) ensure the proper and effective performance of the functions of the Institute;

Chartered Institute of Marketing Bill, 2019

- (b) determine strategies and formulate the policies for the achievement of the objects of the Institute; and
- (c) manage the funds of the Institute and determine the proper use of the funds and fixed assets of the Institute.

Tenure of office of members of the Council

6. (1) A member of the Council shall hold office for a period not exceeding three years and is eligible for re-election but a member shall not be appointed for more than two terms.

(2) Where a member of the Council, resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, a new member shall be appointed through the appointment or election procedure in accordance with section 4.

(3) A member of the Council may at any time resign from office in writing addressed to the President of the Institute.

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

(5) Where there is a vacancy

- (a) under subsection (3) or (4), or subsection (2) of section 8,
- (b) as a result of a declaration under subsection (2), or
- (c) by reason of the death of a member,
- (d) where a member of the Council for sufficient reasons, unable to act as a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy in accordance with the Act.

Meetings of the Council

7. (1) The Council shall meet at least once every three months for the despatch of business at the time and in the place determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one third of the membership of the Council convene an extraordinary meeting of the Council at the time and in the place determined by the chairperson.

Chartered Institute of Marketing Bill, 2019

(3) The quorum at a meeting of the Council is seven members of the Council with at least two office holders of the Institute or a greater number determined by the Council in respect of an important matter.

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

(5) Matters before the Council shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Council may determine the procedure for its meetings.

Disclosure of interest

8. (1) A member of the Council who has an interest in a matter for consideration shall

- (a) disclose in writing the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) not participate in the deliberation of the Council in respect of that matter.

(2) A member ceases to be a member of the Council, if that member has an interest in a matter before the Council and

- (a) fails to disclose that interest, or
- (b) participates in the deliberations of the matter.

Establishment of committees

9. (1) The Council may establish committees consisting of members of the Council or non-members or both to perform a function of the Council.

(2) A committee of the Council consisting of members and non-members shall be chaired by a member of the Council.

(3) Section 8 applies to a member of a committee of the Council.

Disciplinary Committee

10. (1) Without limiting subsection (1) of section 8, the Council shall have a Disciplinary Committee.

(2) The composition of the Disciplinary Committee, the procedures for the conduct of inquiries by the Disciplinary Committee and the powers of the Disciplinary Committee shall be as set out in the First Schedule.

Allowances

11. Members of the Council and members of a committee of the Council shall be paid the allowances determined by the Council.

Ministerial directives

12. The Minister shall give directives to the Council on matters of policy and the Council shall comply.

Registration

Categories of membership

13. (1) The Institute shall have the following categories of membership:

- (a) Fellows;
- (b) Full Members;
- (c) Associate Members;
- (d) Emerging Associate Members;
- (e) Graduate Members;
- (f) Student Members;
- (g) Honorary Members; and
- (h) Corporate Members.

(2) A person may become a member of the Chartered Institute of Marketing if that person

- (a) holds high academic and professional qualification,
- (b) has acquired practical experience in the subject of marketing, and
- (c) has the capacity to undertake a marketing duty.

Qualification of Fellow

14. (1) A person with at least one of the following qualifications can be a fellow:

- (a) a Fellow of the Chartered Institute of Management in the United Kingdom;

Chartered Institute of Marketing Bill, 2019

- (b) a Fellow of any other recognised marketing professional body approved by the Institute;
- (c) a Full Member with over fifteen years contribution to marketing practice or education, and who has a highly proven record of expertise, experience and success within senior management in Ghana or elsewhere; or
- (d) a Full Member who has served on the Council for more than twelve years.

(2) The decision for conferring a fellow status is vested in the Governing Council.

Qualification of Full Member

15. A person with at least one of the following qualifications can be a Full Member:

- (a) a Full Member of the Chartered Institute of Marketing in the United Kingdom;
- (b) a Full Member of any other recognised marketing professional body approved by the Institute; or
- (c) a degree in a business related subject, with a minimum of ten years practical experience within a recognised area of marketing practice or marketing education and continues to hold such an appointment equivalent to a Marketing Director.

Qualification of Associate Member

16. A person with any one of the following qualifications can be an Associate Member:

- (a) Associate Member of the Chartered Institute of Marketing in the United Kingdom;
- (b) Associate Member of any other recognised marketing professional body approved by the Institute;
- (c) a degree in a business related subject with a minimum of three years experience in a recognised area of marketing;
- (d) a certificate of participation in Chartered Institute of Marketing Postgraduate Diploma in Marketing; or
- (e) a non-degree in a business related subject, with a minimum of ten years practical experience within a recognised area of marketing practice or marketing education and continue to hold such an appointment equivalent to a Marketing Director.

Qualification of Emerging Associate Member

17. A person with a non-business degree and at least five years experience in a recognised area of marketing can be an Emerging Associate Member.

Qualification of Graduate Member

18. A person with any one of the following qualifications can be a Graduate Member:

- (a) Diploma in Marketing from the Chartered Institute of Marketing in the United Kingdom;
- (b) University degree in a business related subject with marketing specialisation; or
- (c) Higher National Diploma in Marketing with no practical experience.

Qualification of Student Membership

19. A Student Member shall be a candidate of

- (a) Chartered Institute of Marketing, United Kingdom;
- (b) other recognised marketing professional institutions; or
- (c) other tertiary institutions pursuing marketing qualifications.

Qualification of Honorary Member

20. An Honorary Member shall

- (a) have more than fifteen years marketing experience and should be at senior management position; or
- (b) be the Institute Marketing Man or Marketing Woman of the Year award winner.

Qualification for registration

21. (1) A person does not qualify to be registered by the Institute to practise marketing unless the person

- (a) passes a examination conducted by the Institute; or
- (b) holds a relevant qualification from an institution recognised by the Institute.

(2) The Council shall inform an applicant of the acceptance or refusal of the application for registration as a marketing professional not later than six months after the receipt of the application.

Certificate of registration

22. (1) The Council shall direct the Registrar to enter the name of the applicant in the register and issue the applicant with a certificate of registration on the payment of the prescribed fee where an application for registration is accepted by the Council.

(2) A certificate of registration is valid for one year and shall be renewed annually by the applicant on the payment of the prescribed fee.

Register of marketing professionals

23. (1) The Institute shall have a register known as the Register of Marketing Professionals.

(2) The Registrar shall record the names of registered marketing professionals in the register.

(3) The Registrar shall keep the register.

Annual list of marketing professionals

24. The Registrar shall publish the list of registered marketing professionals annually in selected dailies as determined by the Council.

Removal of names from register

25. (1) The Registrar shall remove from the register the name of a person who has been found guilty of Professional Misconduct by the Disciplinary Committee.

(2) The name of a person may be restored to the register by the Registrar as directed by the Council.

Rights conferred by registration

26. A marketing professional registered under this Act is entitled to practise marketing.

Suspension of registration

27. The Council may suspend the registration of a person engaged in the practice of marketing where

- (a) an offence in relation to the person is being investigated,
- (b) allegations of Professional Misconduct have been made against the person,
- (c) a false declaration has been made in an application for a certificate or licence issued to that person, or
- (d) the person has contravened a provision of this Act.

Cancellation of registration

28. The Council shall cancel the registration of a person who engages in the practice of marketing on the recommendation of a committee of the Council where the person

- (a) is convicted of an offence under this Act or the Regulations;
- (b) has lost the qualification on the basis of which the registration was made; or
- (c) is convicted to a term of imprisonment for a criminal offence related to the practice of marketing.

Representation to the Council and appeal

29. (1) Registration shall not be cancelled or suspended unless the Council has given the person at least thirty days' notice of its intention to suspend or cancel the registration and has provided the person with an opportunity to make a representation to the Council.

(2) A person who is dissatisfied with a decision of the Council may appeal to the High Court.

Administration of the Institute

President of the Institute

30. (1) There shall be a President of the Institute who shall be elected by members of the Institute.

(2) The President may delegate a function to the Vice-President or an officer of the Institute but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

(3) The President shall hold office on terms and conditions specified in the letter of appointment.

(4) The President shall hold office for a period of not more than three years and is eligible for re-appointment.

Vice-President

31. (1) There shall be a Vice-President of the Institute who is elected by the members of the Institute.

(2) The Vice-President shall assist the President of the Institute in the performance of the functions of the President.

(3) The Vice-President may be assigned other responsibilities that the Council may determine from time to time.

Registrar

32. (1) The Institute shall have a Registrar who shall be appointed by the Council.

(2) The Registrar shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Registrar shall be the secretary to the Council.

Functions of the Registrar

33. (1) Subject to the directions of the Council on matters of policy, the Registrar of the Institute shall

- (a) exercise general authority over the staff of the Institute;
- (b) be responsible for
 - (i) the co-ordination and implementation of programmes of the Institute,
 - (ii) giving advice to the Council on the appointment, assignment, discipline, suspension and dismissal of an employee,
 - (iii) the preparation of the annual estimates of income and expenditure, and
 - (iv) the management of the budget and resources of the Institute within the approved estimates;
- (c) provide the Council with returns, reports and any other relevant information that the Council may require;
- (d) ensure the implementation of the decisions of the Council;
- (e) attend meetings of the Council; and
- (f) arrange the business of the Council and cause to be recorded and kept the minutes of the meetings of the Council.

(2) The Registrar shall perform any other functions determined by the Council.

(3) The Registrar may delegate a function to an officer of the Institute but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Appointment of other staff

34. (1) The Institute shall have other officers and employees that are necessary for the proper and effective performance of its functions.

(2) Other public officers may be transferred or seconded to the Institute or may otherwise give assistance to the Institute.

Chartered Institute of Marketing Bill, 2019

(3) The Institute may engage the services of advisers on the recommendations of the Council.

(4) The terms and conditions of service of officers and employees of the Institute shall be determined by the Council.

Collaboration with other bodies

35. The Council shall collaborate with other bodies in the performance of functions under this Act.

Annual General Meeting

36. (1) The Council shall convene an Annual General Meeting of the Institute to

- (a) elect members of the Council;
- (b) consider the annual report of the Council, the audited accounts of the Institute and the auditor's report on the accounts; and
- (c) consider other matters.

(2) The President of the Institute or in the absence of the President, the Vice-President shall preside at each Annual General Meeting of the Institute.

(3) In the absence of both the President and the Vice-President of the Institute, a member of the Council elected from among the members of the Council present at the meeting shall preside.

Financial Provisions

Funds of the Institute

37. (1) The funds and property of the Institute consists of

- (a) moneys paid to the Institute by way of grants, gifts, fees, subscriptions, rents, interest and royalties;
- (b) moneys derived from the sale of property held by or on behalf of the Institute;
- (c) other moneys or property lawfully received by the Institute for its purposes;
- (d) the accumulations of income derived from any property or money; and
- (e) moneys from any other source approved by the Council.

Bank account

38. Moneys for the Institute shall be paid into the bank account of the Institute opened by the Council for the purpose.

Fees

39. (1) Persons eligible for membership of the Institute shall be enrolled on the payment of an entrance fee and an annual subscription determined by the Council.

(2) Payment of fees shall be made to the Registrar of the Institute.

(3) Annual subscriptions payable under this section shall be due on the 7th day of January each year and in the case of members enrolled after this date, on the date of their enrolment.

Accounts and audit

40. (1) The Council shall keep books of account and proper records in relation to them in the form approved by the Auditor.

(2) The Council shall submit the accounts of the Institute to the Auditor for audit within three months after the end of the financial year.

(3) The Auditor shall, not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Governing Council.

(4) The Internal Audit Agency Act, 2003 (Act 658) apply to this Act.

(5) The financial year of the Institute shall be the same as the financial year of the Government.

Internal Audit Unit

41. (1) The Institute shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

(3) The Internal Auditor is responsible for the internal audit of the Institute.

(4) The Internal Auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months

(a) prepare and submit to the Council, a report on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

(b) make recommendations in each report with respect to matters which appear to the Internal Auditor as necessary for the conduct of the affairs of the Institute.

Chartered Institute of Marketing Bill, 2019

(5) The Internal Auditor shall, in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), submit a copy of each report prepared under this section to the Minister and the chairperson of the Council.

Annual report and other reports

42. (1) The Council shall, within one month after the receipt of the audit report, submit an annual report to the Annual General Meeting covering the activities and the operations of the Institute for the year to which the report relates.

(2) The annual report shall include the report of the auditor of the Institute.

(3) The Council shall, within one month after the receipt of the annual report, submit the report to the Minister with a statement that the Council may consider necessary.

(4) The Council shall also submit to the Minister any other reports which the Minister may require in writing.

Miscellaneous Provisions

Status of Institute

43. The Institute is a Category IV public agency under the Subvented Agency Act, 2006 (Act 706), is fully commercial and shall not receive Government subvention.

Offences

- 44.** (1) A person who
- (a) makes a false declaration in an application for registration as a marketing professional,
 - (b) wilfully and falsely uses a name, title or addition implying a qualification to engage in the practice of marketing,
 - (c) without being registered under this Act,
 - (i) practices or professes to practice as a marketing professional, or
 - (ii) receives payment for the practice of marketing, or
 - (d) wilfully destroys or damages a register kept under this Act,

commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both and in the case of a continuing offence to a further fine of ten penalty units for each day during which the offence continues after written notice has been served on the offender by the Institute.

- (2) Where an offence under this Act is committed by
 - (a) a body corporate, each director or secretary of that body shall be guilty of the offence, or
 - (b) a partnership, each partner shall be guilty of the offence.
- (3) Despite subsection (2), a person shall not be convicted of an offence if the person proves that the offence was committed without that person's knowledge or consent, or that the person took the necessary steps having regard to the circumstances, to prevent the commission of the offence.

Regulations

- 45.** (1) The Minister may, on the advice of the Council by legislative instrument, make Regulations to
- (a) prescribe the conditions for registration of marketing professionals including the use of a personal identification number for a qualified marketing professional and the use of certificates;
 - (b) prescribe practice standards for marketing professionals;
 - (c) provide for the discipline of marketing professionals;
 - (d) prescribe fees to be paid under this Act;
 - (e) prescribe details of Registers to be kept; and
 - (f) provide for any other matter necessary for the effective implementation of the provisions of this Act.
- (2) Despite the Statutory Instruments Act, 1959 (No. 52), the penalty for the contravention of the disciplinary regulations shall be a fine of not more than two thousand, five hundred penalty units.

Interpretation

- 46.** In this Act, unless the context otherwise requires,
- “committee” means a group chosen by the governing body to act on its behalf;
 - “corporate member” means an institutional member approved by the Council;

Chartered Institute of Marketing Bill, 2019

- “Council” means the governing body of the Institute established under section 4;
- “high academic and professional qualifications” means a professional marketing qualification, masters and doctoral degree;
- “Institute” means the Chartered Institute of Marketing established under section 1;
- “marketing” means the activities that relate to the identification, anticipation and satisfaction of customer wants profitably;
- “marketing professional” means a person who has formal marketing qualification from the Institute or other bodies approved by the Institute;
- “Member” means member of the Institute;
- “Minister” means the Minister responsible for Education;
- “Professional Misconduct” means conduct as defined in the Second Schedule;
- “public agency” means a body set up by Government in the public interest;
- “public interest” includes any right or advantage which enures or is intended to enure to the benefit generally of the whole of the people of Ghana;
- “Regulations” means the Regulations made under this Act; and
- “Student Member” means a person who is undertaking a programme or course of study in a recognised institution of marketing within or outside the country.

Transitional provisions

47. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Chartered Institute of Marketing, Ghana established in 1981 immediately before the coming into force of this Act and the persons employed by the Institute shall be transferred to the Chartered Institute of Marketing, Ghana established under this Act and accordingly proceedings taken by or against the former Institute may be continued by or against the Institute.

(2) A contract subsisting between the Institute established in 1981 and another person in effect immediately before the coming into force of this Act shall subsist between the Institute and that other person.

Chartered Institute of Marketing Bill, 2019

Savings

48. Registers of marketing professionals in use immediately before the coming into force of this Act and every document, regulation, bye-law, notice, direction, appointment or any act lawfully, made, or prepared shall continue in force as if made, kept, prepared or issued under the corresponding provisions of this Act until expressly repealed, cancelled or revoked.

FIRST SCHEDULE

(section 10(2))

Disciplinary Committee and Procedure for Proceedings

1. (1) The Council shall appoint five persons, at least three of whom shall be from among its members, to constitute a Disciplinary Committee for the purposes of an inquiry into the conduct of a member under this Act.

(2) One of the members shall be appointed by the Council to be chairperson of the Committee.
2. (1) The Council shall cause a statement to be prepared setting out the charges to be investigated by the Disciplinary Committee and the Secretary of the Council shall submit a copy of the statement to each member of the Committee and to the person whose conduct is the subject of the inquiry.

(2) Where the inquiry is to be held in consequence of a petition or complaint alleging misconduct by any person, the Secretary of the Council shall, in addition, transmit a copy of that petition or complaint to that person and to each of the members of the Disciplinary Committee.
3. (1) The Secretary of the Council shall give notice of the first date fixed for the inquiry to the person whose conduct is the subject of the inquiry.

(2) Each notice shall be sent to the last known address of the person and shall be delivered by hand or sent by registered mail, at least fourteen days before the date fixed for the inquiry.

(3) Where a person to whom a notice has been given, fails to appear in person or is not represented by counsel, the inquiry may be held by the Disciplinary Committee in the absence of that person.

Chartered Institute of Marketing Bill, 2019

4. (1) If the Council is of the opinion that the evidence of a person or the production of a document by a person is necessary to enable a matter to be investigated by the Disciplinary Committee, the Council shall direct the Secretary of the Council to require that person to attend or produce the document at a time and place specified in a notice which shall be addressed to and delivered at the known place of residence of that person by hand or registered mail.

(2) A person commits an offence under this Act, if that person after being served with a notice, without reasonable cause fails to attend or produce a document at the time and place specified in the notice.

(3) The Secretary of the Council shall be the secretary to the Disciplinary Committee and shall sign every notice issued for the purpose of a disciplinary proceeding.
5. The Disciplinary Committee shall have power to administer oaths or affirmations to persons who are required to give evidence before the Committee, and a person who refuses to be sworn or affirmed commits an offence.
6. A person who willfully gives false evidence on examination on oath or affirmation before a Disciplinary Committee commits an offence.
7. A person whose conduct is the subject of investigation at an inquiry or who is in anyway concerned or implicated in the inquiry may be represented by counsel at the inquiry.
8. The Council may authorise a legal practitioner to assist the Disciplinary Committee in the leading and taking of evidence.
9. An inquiry held by the Disciplinary Committee shall be held in camera unless the Council otherwise determines.
10. A question before the Disciplinary Committee shall be determined

Chartered Institute of Marketing Bill, 2019

by the decision of the majority of the members of the committee present and voting at the meeting.

11. Upon the conclusion of an inquiry, the Disciplinary Committee shall prepare and submit a report to the Council on its findings on the matter in respect to which the inquiry was held.

SECOND SCHEDULE

(section 46)

Professional Misconduct

“Professional Misconduct” on the part of a member of the Institute includes the member

- (a) providing false information to seek admission for membership;
- (b) disclosing information acquired in the course of professional engagement to another person without the consent of the client or customer otherwise than as required by law;
- (c) including in a statement, a return or form submitted to the Council, particulars knowing the particulars to be false;
- (d) stealing, embezzling and misappropriating funds and property in the custody of that member;
- (e) permitting unqualified persons to use certificate to gain employment or for other purposes;
- (f) destroying official records without authorisation with the aim of concealing evidence;
- (g) failing to keep or maintain the ethical standards of the profession;
- (h) committing gross negligence in the conduct of professional duties;
- (i) undertaking a transaction without indicating that the member is in a conflict of interest situation;
- (j) submitting a bill or charging fees for services that the member knows to be false or misleading;
- (k) charging fees
 - (i) for a service that is free, or
 - (ii) that is excessive in relation to the service offered or performed;
- (l) misusing a corporate name and logo for personal interest;

Chartered Institute of Marketing Bill, 2019

- (m) engaging in the money laundering of funds or illegal transfer; and
- (n) expressing a professional opinion without sufficient information to arrive at the opinion.

Date of *Gazette* notification: 27th February, 2019.

Chartered Institute of Marketing Bill, 2019

EXPLANATORY MEMORANDUM

This purpose of the Bill is to establish the Chartered Institute of Marketing to regulate marketing professionals locally and to provide the statutory authority for the operations of the Chartered Institute of Marketing. The Chartered Institute of Marketing, Ghana (CIMG) was established in July 1981.

The object of the Institute is to set standards in the marketing profession comparable to similar professional bodies in other countries. The Institute is also to promote the marketing profession and ensure a high quality of service and maintain international standards.

The Bill establishes the Chartered Institute of Marketing as a corporate body with the object of regulation and ensuring the highest professional standards in the practice of marketing, *clauses* 1 and 2. The Institute will operate as an independent autonomous body. The functions of the Institute are to promote the study and practice of modern scientific marketing and to establish close co-operation among persons engaged in marketing locally. The Institute is also to promote high professional standards in the local business community and educate the general public on marketing concepts and conduct local examinations for its students, *clause* 3.

The governing body of the Institute is a Council of eleven persons, of which include a President, a Vice-President, the National Secretary, a Registrar and a National Treasurer. Other members include a representative each from the Ministries of Trade and Industry, and Education. Two other persons elected at the annual general meeting, a representative each of the Association of Ghana Industries and the Ghana National Chamber of Commerce are also members, *clause* 4. The interest of Government in the affairs of the Institute will be through the nomination of a representative from the Ministry of Education at Director Level. The functions of the Council are set out in *Clause* 5.

Clauses 6 to 12 deal with the standard provisions on the tenure of office of members of the Council, meetings of the Council, disclosure of interest, a disciplinary committee and Committees of the Council.

Chartered Institute of Marketing Bill, 2019

The others are allowances to be paid to members of the Council and ministerial directives.

Clauses 13 to 29 cover categories of membership, qualifications and the registration of persons engaged in marketing. *Clause 13* deals with membership of the Institute. The categories of persons to be admitted as members are fellows, full members, associate members, emerging associate members, graduate members, student members, honorary members and corporate members.

Clauses 14 to 20 set out the qualifications required for the categories of membership. The Bill states in *clause 21*, the required qualification to be registered as a marketing professional. A person qualifies to be registered to engage in marketing if that person holds a certificate from an institution recognised by the Institute, or if the person passes a licentiate examination conducted by the Institute. *Clause 22* states that the Council is to issue a certificate of registration to a successful applicant on registration. The certificate is valid for one year and renewable annually. *Clause 23* is on the Register of marketing professionals to be kept by the Registrar. *Clause 24* requires the Council to keep and publish a list of registered marketing professionals periodically in the *Gazette* as determined by the Council.

Clause 25 deals with the removal of names from the register. The conditions for removal are if a person is found guilty of a Professional Misconduct by the Disciplinary Committee. However, a person's name may be restored to the register on the directives of the Council.

Clause 26 spells out the rights conferred by registration. *Clauses 27 and 28* specify the conditions under which the registration of a marketing professional can be suspended or cancelled. *Clause 29* deals with representation to the Council and appeal. Registration can be suspended or cancelled only when the Council has given at least thirty days notice of its intention and the person concerned has been given an opportunity to make a representation to the Council.

Clause 30 to 36 deal with the administration of the Institute. *Clause 30* provides for the President of the Institute who is elected by the members of the Institute. The terms and conditions of the President are specified

Chartered Institute of Marketing Bill, 2019

in the letter of appointment and the President holds office for a period of not more than three years.

Clause 31 provides for a Vice-President of the Institute to assist the President in the performance of the functions of the President. *Clause 32* provides for the appointment of a Registrar who is responsible for the day-to-day administration of the affairs of the Institute and is answerable to the Council. The Registrar is responsible for the co-ordination and implementation of the programmes of the Institute. Other duties include advice to the Council on appointment, assignment, discipline of employees, preparation of the annual estimates of income and expenditure, management of the budget and resources of the Institute among others. Other duties include attendance of meetings of the Council and arrangement of the business and record of the minutes of meetings of the Council.

The appointment of other staff of the Institute is provided for in *clause 34*. Other public officers may be transferred or seconded to the Institute. The terms and conditions of service of the officers and employees of the Institute are determined by the Council.

Clause 35 is on collaboration of the Institute with other bodies in the performance of its functions. Under *clause 36*, an annual general meeting is to be convened by the Council to elect Council members, consider the annual reports, audited accounts and other matters. The President or in the absence of the President, the Vice-President of the Institute is to preside at each annual general meeting. In the absence of both, a member of the Council elected from among the members of the Council present at the meeting is to preside.

Clauses 37 to 42 deal with financial provisions. The funds and property of the Institute include donations, grants, gifts, fees, rent and moneys derived from the sale of property, *clause 37*. *Clause 38* requires the Institute to set up a bank account. Under *clause 39*, fees are to be paid to the secretary of the Council by persons eligible for membership. Standard provisions on accounts and audit, annual report and other reports are dealt with in *clauses 40 to 42*.

Offences, Regulations, interpretation, transitional provisions and savings clauses are dealt with in *clauses 44 to 48*. *Clause 43* is on the status of the Institute. It is a category IV public agency under the Subvented

Chartered Institute of Marketing Bill, 2019

Agency Act, 2006 (Act 706). The Institute is fully commercial and not reliant on government subvention. *Clause 44* sets out offences and penalties. Regulations are to be made to prescribe practice standards for marketing, discipline, fees and details of registers to be kept, *clause 45*.

Finally, the registers of marketing professionals in use before the coming into force of the Bill are saved in *clause 48*.

DR. MATTHEW OPOKU PREMPEH (MP)
Minister responsible for Education

Date: 19th February, 2019.