

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH ACT, 1996 (ACT 521)

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REPUBLIC OF GHANA

**THE FIVE HUNDRED AND TWENTY-FIRST
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH ACT, 1996

AN ACT to re-establish the Council for Scientific and Industrial Research to promote, encourage and regulate research and the application of science and technology in development and to provide for related matters.

DATE OF ASSENT: 26TH NOVEMBER, 1996

BE IT ENACTED by Parliament as follows—

PART I—ESTABLISHMENT OF COUNCIL

Section 1—Establishment of Council.

(1) There is established by this Act a Council for Scientific and Industrial Research referred to in this Act as “the Council”.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(3) The Council may for the discharge of its functions acquire and hold any movable or immovable property and enter into any contract or other transaction.

(4) Where the Council has resolved that it is necessary or expedient to acquire any property under subsection (3) of this section, the property may be acquired under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125).

Section 2—Functions of the Council.

The functions of the Council are—

(a) to pursue the implementation of government policies on scientific research and development;

- (b) to advise the Minister on scientific and technological advances likely to be of importance to national development;
- (c) to encourage co-ordinated employment of scientific research for the management, utilization and conservation of the natural resources of Ghana in the interest of development;
- (d) to encourage in the national interest scientific and industrial research of importance for development of agriculture, health, medicine, environment, technology and other service sectors and to this end to encourage close linkages with the productive sectors of the economy;
- (e) to co-ordinate all aspects of scientific research in the country and to ensure that the Council, the research institutes of the Council and other organisations engaged in research in Ghana, co-ordinate and co-operate in their research efforts;
- (f) to exercise control over the research institutes, centres, units and projects of the Council and to have power after consultation with the Minister to create, reconstitute, merge or dissolve any institute, centre, unit or project of the Council;
- (g) to review, monitor and periodically evaluate the work of the institutes administered by the Council in order to ensure that research being carried out by the institutes directly benefits identified sectors of the economy and is within the national priorities;
- (h) to institute a system of contract research to ensure that research being carried out in the Council is relevant and cost effective;
- (i) to encourage and promote the commercialization of research results;
- (j) to undertake or collaborate in the collation, publication, and dissemination of the results of research and other useful technical information.
- (k) to organise and control services and facilities available to the Council and generally to manage the properties of the Council;
- (l) to co-ordinate human resource development in institutes of the Council and to encourage the training of scientific personnel and research workers through the provision of grants and fellowships;
- (m) to co-operate and liaise with international and local bodies and organisations, in particular the Universities and the private sector on matters of research; and
- (n) to perform such other functions as may be determined by the Minister.

Section 3—Composition of the Council.

- (1) The Council shall consist of the following members appointed by the President in consultation with the Council of State—
 - (a) a Chairman;
 - (b) the Director-General appointed under section 11;
 - (c) one representative each nominated by—
 - (i) Ghana National Chamber of Commerce;

- (ii) Heads of the universities of Ghana serving on a rotational basis for a term of three years at a time;
 - (iii) Ghana Academy of Arts and Sciences;
 - (iv) Ministry of Science, Technology and Environment;
 - (v) Ministry of Food and Agriculture;
 - (vi) Ministry of Industry;
 - (vii) Ministry of Health;
 - (viii) National Development Planning Commission;
 - (ix) National Council for Tertiary Education;
 - (x) Directors of the Research Institutions of the Council;
 - (xi) The senior staff of the Council;
 - (xii) Ghana Institute of Engineers;
- (d) three persons representing the private sector one of whom shall come from agriculture and one from the Chamber of Mines;
- (e) two persons representing the Association of Ghana Industries; and
- (f) two other persons of reputable knowledge in science at least one of whom shall be a woman.
- (2) Representatives of the Ministries on the Council shall be officers not below the rank of Directors.

Section 4—Terms of Office of Members.

- (1) Subject to the provisions of this Act, a member of the Council other than the Chairman or an ex-officio member shall hold office for a term not exceeding three years but is eligible for reappointment.
- (2) A member other than an ex-officio member may at any time by a notice in writing addressed to the President resign his office.
- (3) The office of a member absent from Ghana for a continuous period of 12 months shall become vacant at the end of that period.

Section 5—Filling of Vacancies.

In the event of the death or resignation of a member or where the office of a member becomes vacant under subsection (3) of section 4 of this Act, a replacement shall be appointed by the President in consultation with the Council of State.

Section 6—Allowance to Members.

No member of the Council shall be entitled to any allowance in respect of his membership, but the Council may pay to members of the Council and to other persons attending meetings such travelling and other allowances as the Council in consultation with the Minister may determine.

PART II—MEETINGS AND COMMITTEES OF THE COUNCIL

Section 7—Meetings of the Commission.

- (1) The Council shall ordinarily meet for the despatch of business at such times and places as the Chairman may determine but shall meet at least once every three months.
- (2) The Chairman shall at the request in writing of not less than seven members of the Council call an extra-ordinary meeting at such place as he may determine.
- (3) The Chairman if present, shall preside at every meeting of the Council and in his absence a member of the Council elected by the members present shall preside at the meeting.
- (4) The quorum at a meeting of the Council shall be nine or such greater number as the Council may determine.
- (5) Questions proposed at a meeting of the Council shall be determined by simple majority of the members present and voting and where there is equality of votes the Chairman or the person presiding shall have a second or casting vote.
- (6) The Council may request the attendance of any person at any of its meetings except that the person shall not vote on any question before the Council and his presence at the meeting shall not count towards the constitution of a quorum.
- (7) The validity of any act or proceedings of the Council shall not be affected by any vacancy among its members or any defect in the appointment or qualification of a member.
- (8) There shall be a representative of the Deputy Directors-General in attendance at meetings of the Council.
- (9) Subject to the provision of this section, the Council shall determine and regulate its own procedure.

Section 8—Committees of the Council.

- (1) The Council may appoint committees consisting of such persons as it may determine whether members of the Council or not to exercise any of its functions under this Act.
- (2) The Chairman of each committee shall be a member of the Council.

Section 9—Sectoral Research Committees.

- (1) Without prejudice to subsection (1) of section 8, the following Sectorial Research Co-ordinating Committees of the Council are hereby established under the office of the Director-General—
 - (a) Agriculture, Forestry and Fisheries Research Co-ordinating Committee;
 - (b) Health and Medicine Research Co-ordinating Committee;
 - (c) Industry and Natural Sciences Research Co-ordinating Committee;
 - (d) Social Sciences Research Co-ordinating Committee; and
 - (e) Environmental Research Co-ordinating Committee.

(2) The Committees established under subsection (1) shall consist of such persons and perform such functions subject to subsection (3) of this section as the Council may determine.

(3) Each Sectoral Research Co-ordinating Committee shall be responsible to the Council for the effective co-ordination nation-wide of research and development activities by organisations and individuals within the relevant sector.

(4) The Council may create, reconstitute, merge or dissolve any Sectoral Research Co-ordinating Committee.

PART III—ADMINISTRATION AND MISCELLANEOUS PROVISIONS

Section 10—Organisation of the Council.

(1) The Council may create such departments or divisions as it may consider necessary for the efficient discharge of its functions.

(2) Without prejudice to subsection (1) of this section there shall be established by the Council a Technical Division and a General Administration Division.

Section 11—Appointment of Director-General.

(1) There shall be appointed by the Council under article 195 (3) of the Constitution a Director-General who shall be the chief executive of the Council.

(2) The Director-General shall hold office on such terms and conditions as shall be specified in his letter of appointment.

(3) Subject to the general directives of the Council, the Director-General shall be responsible for the effective co-ordination of research activities of the Council.

(4) The Director-General may delegate the functions of his office to any officer of the Council but he shall not be relieved from his ultimate responsibility for the discharge of any delegated function.

Section 12—Appointment of Deputy Directors-General.

(1) The Council shall have Deputy Directors-General who shall be in charge of the National Sectoral Research Co-ordinating Committees.

(2) The Deputy Directors-General shall be appointed by the Council under clause (3) of article 195 of the Constitution upon such terms and conditions as may be specified in their letters of appointment.

(3) Without prejudice to subsection (1) of this section, each Sectoral Research Co-ordinating Committee shall be served by a technical division of the secretariat set up under section 13.

Section 13—Secretariat of the Council.

There shall be a Secretariat of the Council.

Section 14—Secretary of the Council.

(1) The Council shall under clause (3) of article 195 of the Constitution appoint a suitable person not being a member of the Council to be its secretary.

(2) The secretary shall be the Head of the General Administration Division of the Council and be responsible to the Director-General.

Section 15—Other Staff of the Council.

The Council may under clause (3) of article 195 of the Constitution employ upon such terms and conditions as it thinks fit such persons as may be required for the proper and efficient discharge of its functions.

Section 16—Research Institutes, Units and Projects.

(1) The Council may establish such research institutes, units, centres and projects as it thinks fit for the carrying out of its functions under this Act.

(2) With effect from the coming into force of this Act, the institutes, units, centres and projects specified in the Schedule to this Act shall be considered to be research institutes, units, centres and projects under subsection (1) of this section.

(3) The Council may by legislative instrument and with the approval of the Minister amend the Schedule.

Section 17—Appointment of Management Boards for Institutes, Units and Projects.

(1) The Council shall appoint management boards consisting of such number of persons as it thinks fit except that 40 per cent of the membership shall be from the private sector.

(2) The Council shall determine the duties and terms of reference for each management board.

(3) The Council shall appoint a Director or a suitable person to be in charge of each institute or organ under its control upon such terms and conditions as the Council may determine.

(4) Subject to the policy laid down by the Council, and the need to obtain its approval in respect of any decision on programmes, budget and management, the person in charge of an institute shall be responsible for the day-to-day management of the institute.

(5) The Council may request any management board appointed under this Act or such other person or body as the Council thinks fit to manage on behalf of the Council any property of the Council.

Section 18—The Funds of the Council.

The funds of the Council shall consist of—

- (a) appropriations made by Parliament for the Council;
- (b) donations and grants;
- (c) any loans granted to the Council by the Government or any banking institution;
- (d) any moneys accruing to the Council in the course of the performance of its functions under this Act; and
- (e) gifts.

Section 19—Utilization of Gifts.

(1) Any gift intended by any person for the Council or for any institute, unit, centre or project of the Council shall be made directly to the Council which shall utilize the gifts for its objects under this Act.

(2) In deciding to what use to put any gift, the Council shall have particular regard to the expressed wishes of the donor of the gift as are not inconsistent with the objects of the Council and in the case of any inconsistency arising between the expressed wishes of the donor of any gift and the objects of the Council, the gift may be utilised by the Council in furtherance of such of its objects as it thinks fit.

(3) The question as to whether or not any inconsistency exists as stated in subsection (2) of this section and the decision of the Council thereon shall in all cases be final and conclusive.

Section 20—Borrowing Powers and Bank Account.

(1) Subject to the provisions on loans in Article 181 of the Constitution the Council may obtain loans and other credit facilities on the guarantee of government from such bank and institutions as the Minister may approve.

(2) The Council may open bank accounts in such banks as the Minister for Finance may approve.

Section 21—Accounts and Audit.

(1) The Council shall keep books of account and proper records in relation to them and the accounts and records of the Council shall be in a form approved by the Auditor-General.

(2) The accounts of the Council shall be audited by the Auditor-General within six months after the end of each financial year.

Section 22—Financial Year.

The financial year of the Council shall be the same as that of the government.

Section 23—Budget Estimates.

The Director-General shall prepare budget estimates for each financial year and present the estimates to the Council for its approval not later than four months before the end of the financial year.

Section 24—Annual Report.

(1) The Council shall as soon as possible after the expiration of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Council for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with such statement as he may consider necessary.

(4) The Council shall also submit to the Minister such other reports as the Minister may in writing request.

Section 25—Regulation.

- (1) The Council may with the approval of the Minister make regulations for the purpose of giving effect to the provisions of this Act.
- (2) The Council may in particular make regulations—
 - (a) to regulate the selection, grading appointment, promotions, conditions of service, termination of appointment and retirement benefits of the employees of the Council; and
 - (b) to amend the Schedule to this Act.
- (3) Regulations made under this Act shall be issued under the signature of the Chairman or the person for the time being acting as Chairman.

Section 26—Exemption from Tax and Rates.

- (1) The Council shall be exempted from the payment of Income Tax imposed under the provisions of the Income Tax Decree, 1975 (S.M.C.D. 5) and from any rates.

Section 27—Staff or other Employees of Former Council.

All persons employed by the former Council immediately before the coming into force of this Act shall, on the coming into force of this Act be deemed to have been duly appointed as employees of the Council.

Section 28—Ministerial Responsibility and Directives.

The Minister for Environment, Science and Technology shall have ministerial responsibility for the Council and may give to the Council such directives of a general nature as to the policy to be followed by the Council in the performance of its functions.

Section 29—Interpretation.

In this Act unless the context otherwise requires—

"Minister" means the Minister responsible for Environment, Science and Technology; and "scientific research" includes social sciences research.

Section 30—Dissolution Repeal and Vesting

- (1) The Council for Scientific and Industrial Research Decree, 1968 (N.L.C.D. 293), Council for Scientific and Industrial Research (Amendment) Decree, 1969 (N.L.C.D. 329) and the Council for Scientific and Industrial Research (Amendment) Decree, 1976 (S.M.C.D. 66) are hereby repealed by this Act and accordingly the Council established under that Decree is dissolved.
- (2) Notwithstanding the repeal of the enactments specified in subsection (1) of this section, any regulation or other statutory instrument made under those enactments and in force immediately before the coming into force of this Act shall be deemed to have been made under the corresponding provisions of this Act.
- (3) All rights, assets, properties, obligations and liabilities held for or on behalf of the dissolved Council for Scientific and Industrial Research and all person employed for or by the dissolved Council are by this section transferred to the Council under this Act.

SCHEDULE

(Section 16 (2))

- (a) Animal Research Institute;
- (b) Building and Road Research Institute;
- (c) Crops Research Institute;
- (d) Food Research Institute;
- (e) Forestry Research Institute of Ghana;
- (f) Institute of Industrial Research;
- (g) Water Research Institute;
- (h) Institute for Scientific and Technological Information;
- (i) Plant Genetic Resources Centre;
- (j) Oil Palm Research Institute;
- (k) Savanna Agricultural Research Institute;
- (l) Soil Research Institute; and
- (m) Science and Technology Policy Research Institute.

Date of Gazette Notification: 29th November, 1961.