

ACT 454**NATIONAL COUNCIL FOR TERTIARY EDUCATION ACT, 1993**

ARRANGEMENT OF SECTIONS

The Council

SECTION

1. Establishment of the Council.
2. Functions of the Council.

The Board

3. Composition of the Board.
4. Allowances of members of the Board.
5. Qualifications of members of the Board.
6. Tenure of office of members of the Board.
7. Filling of vacancies.
8. Meetings of the Board.
9. Committees of the Board.

Administration

10. Staff of Council.
11. Executive secretary.
12. Expenses and funding.
- 12A. Retention of internally generated funds.
13. Accounts and audit.
14. Submission of audited accounts to the Council.
15. Annual report.
16. Responsibility for Council.
17. Regulations.
18. Interpretation.

ACT 454**NATIONAL COUNCIL FOR TERTIARY EDUCATION ACT, 1993¹**

AN ACT to establish a National Council for Tertiary Education to oversee the proper administration of institutions designated as institutions of tertiary education in Ghana; to provide for the composition of the Council and provide for related matters.

*The Council***1. Establishment of the Council**

There is hereby established by this Act a body to be known as the National Council for Tertiary Education.

1. The Act was assented to on 6th July, 1993.

2. Functions of the Council

(1) The functions of the Council are

- (a) to advise the Minister on the development of institutions of tertiary education;
- (b) to enquire into the financial needs of the institutions of tertiary education and advise the Minister accordingly;
- (c) to recommend to the Minister, for the preparation of the annual national education budget,
 - (i) block allocations of funds towards running costs, and
 - (ii) grants towards capital expenditure,of each institution of tertiary education, indicating how the allocations are to be disbursed;
- (d) to recommend national standards and norms, including standards and norms on staff, costs, accommodation and time utilisation, for the approval of the Minister and to monitor the implementation of approved national standards and norms by the institutions;
- (e) to advise governing councils of institutions of tertiary education on suitable measures to generate additional funds for their institutions;
- (f) to advise the institutions of tertiary education on the applications for and acceptance of external assistance in accordance with government policy;
- (g) to advise the Minister generally on rates of remuneration and other conditions of service of staff of the institutions;
- (h) to publish information on tertiary education;
- (i) to perform any other functions provided in this Act; and any other functions relating to tertiary education that are incidental to the functions specified in this Act.

(2) The Council shall take into account the total national resources, needs and development programmes, especially those of the entire education sector when advising the Minister under this Act.

The Board

3. Composition of the Board

(1) The governing body of the Council is a Board consisting of

- (a) a person of wide academic and administrative experience who shall be the chairman,
- (b) one person with extensive experience in university work,
- (c) two heads of universities and university colleges in the Republic representing the universities and university colleges on a rotational basis,
- (d) a principal of a polytechnic representing the polytechnics on a rotational basis,
- (e) one representative of the Council for Scientific and Industrial Research,

- (f) the chairman of the National Board of Accreditation,
- (g) the chairman of the National Teacher Training Council,
- (h) one representative of the Association of Ghana Industries,
- (i) one person with considerable experience of schools administration in the Republic,
- (j) one representative of the National Development Planning Commission,
- (k) one representative of the Minister for Finance,
- (l) one representative of the Minister for Education,
- (m) one representative of the Ghana Academy of Arts and Sciences,
- (n) one representative of the Minister for Manpower, Development and Employment, and
- (o) four other persons at least two of whom are women.

(2) The chairman and the other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The chairman shall hold office for four years and is eligible for re-appointment.

4. Allowances of members of the Board

The salaries and allowances payable and the facilities and privileges available to the chairman and the other members of the Council shall be determined by the President in accordance with article 71 (1) (d) of the Constitution.

5. Qualifications of members of the Board

- (1) A person is not qualified to be a member of the Board if that person
- (a) has been adjudged or otherwise declared
 - (i) bankrupt under a law in force in the Republic and has not been discharged, or
 - (ii) to be of unsound mind or is detained as a criminal lunatic under a law in force in the Republic; or
 - (b) has been convicted
 - (i) for high crime under the Constitution or for treason or for an offence involving the security of the Republic, fraud, dishonesty or moral turpitude, or
 - (ii) for any other offence punishable by death or by a sentence of not less than ten years; or
 - (c) has been found by the report of a commission or a committee of inquiry to be incompetent to hold public office or is a person in respect of whom a commission or committee of inquiry has found that while being a public officer that person acquired assets unlawfully or defrauded the Republic or misused or abused public office, or wilfully acted in a manner prejudicial to the interest of the Republic, and the findings have not been set aside on appeal or judicial review, or

- (d) is under sentence of death or any other sentence of imprisonment imposed by a Court; or
- (e) is otherwise disqualification by law; or
- (f) is not a person of high moral character and integrity.

(2) The President shall in appointing a member consider the expertise and experience of that person and the ability to contribute to the work of the Council.

(3) Without prejudice to subsections (1) and (2), a member of the Board shall cease to be a member if, if in the case of a person possessed of professional qualification that person is disqualified from practising in the Republic by an order of competent authority made in respect of that person or if that person ceases to be a member otherwise than at the personal request of that person.

6. Tenure of office of members of the Board

(1) A member of the Board, other than an ex officio member, shall serve for a term of three years, but is eligible for re-appointment.

(2) A member of the Board, other than an ex officio member, shall not serve for more than two terms in succession.

(3) A member of the Board, other than one appointed as an ex officio member, may by notice in writing to the President resign from office.

(4) A member who is absent from four consecutive meetings of the Board without sufficient reason ceases to be a member.

(5) A member shall not hold office under more than one provision under section 3 (1) and where a member becomes the holder of two offices, that member shall notify one of the institutions concerned for another person to be nominated for appointment instead.

7. Filling of vacancies

(1) Where the chairman of the Board dies, resigns, is removed from office or is absent from the Republic for a continuous period exceeding three months or is by reason of illness unable to perform the functions of office, the members of the Board shall elect one of their members to act as chairman until the chairman is able to perform the functions of office or until a new chairman is appointed.

(2) Where a person is elected as chairman or appointed as a member to fill a vacancy that person shall hold office for the remainder of the term of the previous chairman or member and is, subject to this Act, eligible for re-appointment, re-election or renomination.

8. Meetings of the Board

(1) The Board shall meet at least once every three months for the despatch of business at the times and places determined by the chairman.

(2) The chairman shall, at the request in writing of not less six members of the Board, call an extraordinary meeting of the Board at the time and place determined by the chairman.

(3) The chairman shall preside at meetings of the Board and in the absence of the chairman the members present shall elect one of their number to preside.

(4) The quorum at a meeting of the Council is eight.

(5) Questions proposed at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and where the votes are equal the chairman or the person presiding shall have a casting vote.

(6) The Board may co-opt a person to act as an adviser at its meeting but the co-opted person is not entitled to vote on a matter for decision by the Board.

(7) An act or a proceeding of the Board shall not be invalidated by a vacancy among its members or a defect in the appointment of a member.

(8) Subject to this section, the Board shall regulate the procedure for its meetings.

9. Committees of the Board

(1) The Board may appoint committees consisting of members or non-members or both to perform or advise the Council on any of its functions under this Act, but a committee consisting entirely of non-members may only advise the Council.

(2) The members of a committee appointed under subsection (1) may be paid the allowances determined by the Minister in consultation with the Minister responsible for Finance.

(3) A head of an institution to which this Act applies shall not be a member of a committee which is appointed to consider and make recommendations on the allocations for recurrent or capital grant to an institution of tertiary education.

*Administration***10. Staff of Council**

(1) The President shall in accordance with article 195 of the Constitution appoint the officers who the Council may require for the effective performance of its functions under this Act.

(2) The President may delegate the function of appointment under subsection (1) by directions in writing to the Council or to a member of the Board or to a public officer with the conditions determined by the President.

(3) Other public officers may be transferred to the Council or otherwise give assistance to the Council.

11. Executive secretary

(1) The President shall appoint in accordance with article 195 of the Constitution, shall appoint an officer to be designated as the executive secretary to the Council.

(2) The President may delegate the function under subsection (1) by direction in writing to the Council or to a member of the Council or to a public officer.

(3) The executive secretary is the head of the secretariat of the Council and is responsible under the general supervision and direction of the Council, for the day-to-day management and administration of the affairs of the Council.

(4) The executive secretary shall

- (a) be the secretary to the Board and shall attend the meetings of the Board, and
- (b) in consultation with the chairman arrange the business and cause to be recorded and kept minutes of the meetings of the Board.

12. Expenses and funding

(1) Parliament shall provide the Council with the funds that it requires for the performance of its functions.

(2) The Council may receive moneys from any other source approved by the Minister responsible for Finance.

12A. Retention of internally generated funds²

The National Council for Tertiary Education may retain the percentage specified in the second column of the First Schedule out of the moneys realised in the performance of its functions.

13. Accounts and audit

(1) The Council shall keep proper books of accounts and proper records in relation to the accounts and shall prepare at the end of each financial year within a period of three months after the end of the financial year, a statement of its accounts in the form directed by the Auditor-General.

(2) The books and accounts of the Council shall each year be audited by the Auditor-General and a report on the audit shall be submitted to the Board.

14. Submission of audited accounts to the Council

(1) An institution to which this Act applies shall, within two months of the receipt of its audited accounts, submit a copy of the report with its comments on it to the Council.

(2) The Board shall within two months after receipt of an audited account under subsection (1) submit the report with its comments on it to the Minister.

2. Inserted by section 2 of the Ministries, Departments and Agencies (Retention of Funds) Act, 2007 (Act 735).

15. Annual report

(1) The Minister shall submit to Parliament within six months after the end of each financial year a report on the activities and operations of the Council during the preceding year.

(2) The annual report of the Council shall include

- (a) a copy of the audited accounts of the Council together with the Auditor-General's report on it, and
- (b) any other information that Parliament may request.

(3) A copy of the annual report shall be submitted to the President and the Minister responsible for the Communications.

16. Responsibility for Council

The Minister responsible for Education shall have ministerial responsibility for the Council.

17. Regulations

The Minister may, on the advice of the Board, by legislative instrument, make Regulations for the proper implementation of this Act.

18. Interpretation

In this Act, unless the context otherwise requires,

"Auditor-General" includes an auditor appointed by the Auditor-General;

"Board" means the governing body of the Council;

"Council" means the National Council for Tertiary Education established under section 1;

"institution" means an institution of tertiary education;

"institution of tertiary education" means

- (a) university or university college,
- (b) polytechnic,
- (c) other diploma awarding institutions, and
- (d) post secondary school institutions;

"Minister" means the Minister responsible for Education.

