

NATIONAL COUNCIL FOR TERTIARY EDUCATION ACT, 1993 (ACT 454)

As amended by

MINISTRIES, DEPARTMENTS AND AGENCIES (RETENTION OF FUNDS) ACT, 2007
(ACT 735)1

ARRANGEMENT OF SECTIONS

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REPUBLIC OF GHANA

**THE FOUR HUNDRED AND FIFTY-FOURTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

THE NATIONAL COUNCIL FOR TERTIARY EDUCATION ACT, 1993

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.

DATE OF ASSENT: 6TH JULY, 1993

BE IT ENACTED BY PARLIAMENT as follows—

Section 1—Establishment of National Council for Tertiary Education.

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

Section 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 in Ghana;
- (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 purposes of 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 utilization, for the approval of the Minister and to monitor the implementation of any approved national standards and norms by the institutions;

(e) to advise governing councils of institutions of tertiary education on suitable measures for generating 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 in Ghana;

(i) to perform any other functions provided in this Act; and such other functions relating to tertiary education as are incidental to the functions specified in this Act.

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

Section 3—Composition of the Council.

(1) The Council shall consist of—

(a) a Chairman, who shall be a person of wide academic and administrative experience;

(b) one person with extensive experience in university work;

(c) two heads of universities and university colleges in Ghana representing the universities and university colleges on a rotational basis;

(d) a principal of a Polytechnic in Ghana representing the polytechnics on a rotational basis;

(e) a representative of the Council for Scientific and Industrial Research;

(f) Chairman, National Board of Accreditation;

(g) Chairman, National Teacher Training Council;

(h) one representative of the Association of Ghana Industries;

(i) one person with considerable experience of schools administration in Ghana;

(j) a representative of the National Development Planning Commission;

(k) a representative of the Minister for Finance;

(l) a representative of the Minister for Education;

(m) a representative of the Ghana Academy of Arts and Sciences;

(n) a representative of the Minister for Employment and Social Welfare; and

(o) four other persons at least two of whom shall be women.

(2) The Chairman and members of the Council shall be appointed by the President acting in consultation with the Council of State.

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

Section 4—Allowances of Chairman and Other Members of Council.

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.

Section 5—Qualifications of members of Council.

(1) No person is qualified to be a member of the Council who—

(a) has been adjudged or otherwise declared—

(i) bankrupt under any law in force in Ghana and has not been discharged, or

(ii) to be of unsound mind or is detained as a criminal lunatic under any law in force in Ghana;
or

(b) has been convicted—

(i) for high crime under the Constitution or for treason or for an offence involving the security of the State, 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 he acquired assets unlawfully or defrauded the State or misused or abused his office, or wilfully acted in a manner prejudicial to the interest of the State, and the findings have not been set aside on appeal or judicial review; or

(d) is under sentence of death or other sentence of imprisonment imposed on him by a court;
or

(e) is otherwise disqualified by a law for the time being in force.

(2) Members of the Council shall be persons of high moral character and integrity and the President shall in appointing a member have regard to the expertise and experience of the person and his ability to contribute to the work of the Council.

(3) Without prejudice to subsections (1) and (2) of this section a member of the Council shall cease to be a member if, in the case of a person possessed of professional qualification he is disqualified from practising his profession in Ghana by an order of any competent authority made in respect of him personally or he ceases to be a member otherwise than at his own request.

Section 6—Tenure of Office of Members of Council.

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

(2) No member of the Council other than an ex-officio member shall serve for more than two terms in succession.

(3) A member of the Council other than one appointed as an ex-officio member may at any time by notice in writing to the President resign his office.

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

(5) No member shall hold office under more than one provision under section 3 (1) of this Act and where at any time a member becomes the holder of two offices on the Council, he shall notify one of the institutions for which he represents for another person to be nominated for appointment in his stead.

Section 7—Filling of Vacancies.

(1) Where the Chairman of the Council dies, resigns, is removed from office or is absent from Ghana for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office, the members of the Council shall elect one of their members to act as Chairman until such time as the Chairman is able to perform the functions of his 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 he shall hold office for the remainder of the term of the previous Chairman or member and shall, subject to the provisions of this Act, be eligible for re-appointment, re-election or re-nomination.

Section 8—Meetings.

(1) The Council shall meet for the despatch of business at such times and places as the Chairman may decide but shall meet at least once every three months.

(2) The Chairman shall, at the request in writing of not less than six members of the Council, call an extraordinary meeting of the Council at such time and place as he may determine.

(3) The Chairman shall preside at every meeting of the Council and in his absence the members present shall elect one of their number to preside.

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

(5) All questions proposed at a meeting of the Council 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 Council may at any time co-opt any person to act as an adviser at its meeting but the person shall not be entitled to vote on any matter for decision by the Council.

(7) No act or proceeding of the Council shall be invalidated by a vacancy among its members or a defect in the appointment of a member.

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

Section 9—Council to Appoint Committees.

(1) The Council may appoint committees consisting of members or non-members or both to exercise or advise the Council on any of its functions under this Act except that 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 such allowances as may be determined by the Minister in consultation with the Minister responsible for Finance.

(3) No head of an institution to which this Act applies shall be a member of a committee which is appointed to consider and make recommendations on the allocations for recurrent or capital grant to any institution of tertiary education.

Section 10—Staff of Council.

(1) There shall be appointed by the President acting in accordance with the advice of the Council given in consultation with the Public Services Commission such officers as the Council may require for the effective discharge of its functions under this Act.

(2) The President may, subject to such conditions as he may think fit, delegate his function under subsection (1) by directions in writing to the Council or to a member of the Council or to any public officer.

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

Section 11—Executive Secretary.

(1) The President, acting in accordance with the advice of the Council given in consultation with the Public Services Commission, shall appoint an officer to be designated as the Executive Secretary to the Council.

(2) The President may, subject to such conditions as he may think fit, delegate his function under subsection (1) by direction in writing to the Council or to a member of the Council or to any public officer.

(3) The Executive Secretary shall be the head of the Secretariat of the Council and shall, under the general supervision and direction of the Council, be responsible 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 Council and shall attend all meetings of the Council; and

(b) in consultation with the Chairman arrange the business and cause to be recorded and kept minutes of all meetings of the Council.

Section 12—Expenses and Funding of Council.

Parliament shall provide the Council with such funds as it may require for the implementation of its functions; the Council may also receive monies from any other source approved by the Minister responsible for Finance.

Section 12A—Retention of internally generated funds.

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. [Amended by Departments and Agencies (Retention of Funds) Act, 2007 (Act 735) s.2, (sch.2)]

Section 13—Accounts.

(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 such form as the Auditor-General may direct.

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

Section 14—Submission of Audited Accounts of Institutions to the Council.

(1) Every 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 Council shall within two months after receipt of an audited account under subsection (1) of this section submit the report with its comments on it to the Minister.

Section 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) such other information as Parliament may request.

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

Section 16—Responsibility for Council.

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

Section 17—Regulations.

The Minister may on the advice of the Council by legislative instrument, make regulations for the proper implementation of the provisions of this Act.

Section 18—Interpretation.

In this Act unless the context otherwise requires—

"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;