

UNIVERSITY OF MINES AND TECHNOLOGY, TARKWA ACT, 2004 (ACT 677)

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REPUBLIC OF GHANA

**THE SIX HUNDRED AND SEVENTY-SEVENTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED**

UNIVERSITY OF MINES AND TECHNOLOGY, TARKWA ACT, 2004

AN ACT to establish the University of Mines and Technology (UMaT), Tarkwa and to provide for related matters.

DATE OF ASSENT: 11th November, 2004.

BE IT ENACTED by Parliament as follows:

Section 1—Establishment of the University of Mines and Technology

(1) There is hereby established by this Act a University of Mines and Technology, Tarkwa referred to in this Act as the "University".

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

Section 2—Acquisition of Property

(1) The Council may acquire and hold any movable or immovable property, sell, lease, mortgage or otherwise dispose of the property.

(2) Where the Council decides and the Government agrees that for the purpose of this Act, an acquisition of property or right over land is necessary, the property or land may be acquired under the State Property and Contracts Act 1960 (C A 6) or the State Lands Act 1962 (Act 125).

Section 3—Power to Award Degrees

The University shall award its own degrees, diplomas and certificates.

Section 4—Aims of the University

(1) The aims of the University are:

- (a) to provide education, through teaching and active research; and
 - (b) to provide service through extension and consultancy activities to foster relationships with outside persons and bodies.
- (2) Notwithstanding subsection (1) the University shall place emphasis on:
- (a) courses of special relevance to the needs and aspirations of Ghanaians especially in mining and related engineering disciplines, management sciences and information technology;
 - (b) teaching methods of critical and independent thought for the benefit of the nation and the international community;
 - (c) mining, mineral, geological, petroleum and geomatic engineering, applied engineering sciences, economics, management, information technology and problems within Africa;
 - (d) fruitful research and knowledge which may spread abroad through the publication of books, journals and other suitable means of disseminating researches; and
 - (e) the development of close relationships with people in Ghana and with other institutions within Ghana and the outside world.

Section 5—Campus of the University

The University may, without limit to the power of the University Council establish other campuses as the Council may determine.

Section 6—The University Council

- (1) The University shall have a Council which shall be the governing body of the University.
- (2) The Council shall comprise the following:
 - (a) a Chairperson of the University Council who shall be appointed by the President acting in consultation with the Council of State;
 - (b) four persons nominated by the Minister at least one of whom shall be a woman;
 - (c) the Vice-Chancellor of the University;
 - (d) a representative of the Conference of Heads of Assisted Secondary Schools;
 - (e) two representatives from the professorial and non-professorial status elected by the convocation;
 - (f) a representative each of senior and junior staff and the alumni;
 - (g) two student representatives, one undergraduate and one post graduate; and
 - (h) one representative from the Ghana Chamber of Mines.

Section 7—Functions of the Council

- (1) The Council shall
 - (a) implement the aims of the University;

(b) make arrangements as it considers appropriate for the internal organization of the University including the establishment, variation and supervision of

(i) academic divisions, departments, institutions, hostels and other bodies;

(ii) professorships, lectureships and other posts, whether academic, administrative or otherwise;

(iii) fellowships, bursaries, exhibitions, scholarships, prizes honorary degrees and other awards; and

(c) promote income generating activities as part of the University's programme.

(2) For the purpose of achieving the aims of the University the Council may establish such committees or boards and assign functions as the Council considers appropriate.

Section 8—Terms of Office of Members of the Council

(1) Every member of the Council except the Vice-Chancellor shall hold office for a period of two years and shall be eligible for re-appointment.

(2) If a member of the Council is absent from meetings for a continuous period of twelve months the office of that member shall become vacant at the end of the period.

(3) A member of the Council except the Vice-Chancellor may resign from membership of the Council by writing addressed to the President through the chairperson of the Council.

(4) Where the office of a member becomes vacant by death or by virtue of his continuous absence from Ghana, the Council shall appoint another person nominated by the relevant body for the unexpired term of the office.

(5) Subject to subsection (2) where a member of the Council is temporarily absent from Ghana another person may be appointed to act during the absence of that member.

(6) A member of the Council is not entitled to remuneration for membership of the Council but the member is entitled to such allowances as the Council may determine.

Section 9—Meetings of the Council

(1) The Council shall meet at such times and places as the chairperson may determine for the despatch of its business but shall meet at least three times in each academic year.

(2) The chairperson shall preside at each meeting of the Council but in the absence of the chairperson, members of the Council shall elect one of the government nominees present to preside.

(3) The quorum at a meeting of the Council shall be nine.

(4) Decisions by the Council shall be made by consensus or by a simple majority of the votes cast.

(5) The Chairperson of the Council may co-opt any person to attend and participate in any of its meetings but a co-opted person is not entitled to vote on an issue for decision by the Council.

(6) The Pro Vice-Chancellor, the Registrar, the Finance Officer and a representative of the National Council for Tertiary Education shall attend meetings of the Council but shall not be entitled to vote on any issue for decision by the Council.

(7) The chairperson or the person presiding at a meeting of the Council shall in the event of equality of votes have a casting vote.

Section 10—General Powers of the Council

Subject to the provisions of this Act the University shall have powers to provide for any act or acts or thing in relation to the University which the Council considers necessary or expedient in its capacity as the governing body of the University.

Section 11—Chancellor of the University

(1) There shall be a Chancellor of the University who shall be appointed by the Council.

(2) The Chancellor shall confer on qualified persons degrees, diplomas and certificates awarded by the Academic Board and honorary degrees awarded by the Council in accordance with procedures prescribed by the statutes enacted by the Council.

(3) Subject to this section the Chancellor shall preside at ceremonies of the University.

Section 12—Vice-Chancellor of the University

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the Council.

(2) The Vice-Chancellor shall be appointed on such terms and conditions as may be specified in the appointing instrument.

(3) The Vice-Chancellor shall under the Council be the academic and administrative head of the University.

Section 13—Pro-Vice Chancellor of the University

(1) There shall be a Pro-Vice Chancellor who shall be appointed by the Council in accordance with the statutes of the University.

(2) The Pro-Vice Chancellor shall

(a) assist the Vice-Chancellor in the performance of the functions of Vice-Chancellor;

(b) act in the absence of the Vice-Chancellor; and

(c) perform other functions assigned to him or her by the Vice-Chancellor.

Section 14—Academic Board

There shall be an Academic Board referred to in this Act as the "Board" which shall consist of the Vice-Chancellor and other persons drawn from the academic staff of the University in accordance with statutes enacted by the Council.

Section 15—Functions of the Academic Board

(1) The Academic Board shall subject to the powers of the Council

(a) formulate and carry out the academic policies of the University;

(b) devise and regulate courses of instruction and study subject to accreditation by the National Accreditation Board;

(c) regulate the conduct of examinations and the award of degrees, diplomas and certificates;

(d) advise the Council on the admission of students and award of scholarships and bursaries; and

(e) report on such matters as may be referred to it by the Council.

(2) The Academic Board may make presentation to the Council on any matter connected with the University and shall have such additional functions as may be conferred on it by statutes enacted by the Council.

Section 16—Registrar of the University

The University shall have a Registrar who shall be appointed by the Council and shall act as Secretary to the Council and such other boards and committees as the Council may direct.

Section 17—Finance Officer of the University

The University shall have a Finance Officer who shall be appointed by the Council.

Section 18—Principal Officers of the University

The Principal officers of the University shall be:

(i) the Vice Chancellor;

(ii) the Pro-Vice Chancellor;

(iii) the Registrar;

(iv) the Finance officer; and

(v) the Librarian.

Section 19—Annual Report

(1) The Council shall within eight months after the expiration of each year submit to the Minister an annual report covering the activities and operations of the University 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 Council shall also submit to the Minister such other reports as the Minister may in writing require.

(4) The Minister shall within two months after the receipt of the annual report submit the report to Parliament with such statement as the Minister considers necessary.

Section 20—Funds

(1) The Funds of the University shall consist of

(a) subventions approved by Parliament;

- (b) tuition and boarding fees;
- (c) gifts;
- (d) grants;
- (e) endowments;
- (f) investments; and
- (g) monies from the sources approved by the University Council.

(2) The Council shall control the finances of the University as well as other finances arising out of the administration of the University which directly affect the educational policy of the University, and invite the opinions of the Academic Board and take into consideration any recommendation or report submitted by the Board.

(3) The Council shall be responsible for all measures necessary or desirable for the conservation and augmentation of the resources of the University; specify matters affecting the income or expenditure of the University in respect of which the consent of the Council should be obtained before action is taken or liability is incurred.

(4) The Council shall determine the allocation of all funds at the disposal of the University and how the resources are to be properly used.

Section 21—Books of Account

(1) The Council shall cause to be kept proper books of account and records which shall be in a form approved by the Auditor-General.

(2) The University's financial year shall be the same as the financial year of Government.

Section 22—Audit

(1) The books and account of the University shall be audited each year by the Auditor-General or an auditor appointed by him.

(2) Council shall pay in respect of the audit such fees (if any) as the Auditor-General and the Council may agree.

(3) The Council shall as soon as possible, upon receiving the report of the Auditor-General under this section, forward a copy of the report to the Minister responsible for Education.

Section 23—Transfer of Assets and Liabilities

(1) The assets, rights and properties held by or on behalf of the Kwame Nkrumah University of Science and Technology School of Mines and the Western University College, Tarkwa of the Kwame Nkrumah University of Science and Technology in existence immediately before the coming into force of this Act and all persons employed for or by the Kwame Nkrumah University of Science and Technology School of Mines and the Western University College, Tarkwa of the Kwame Nkrumah University of Science and Technology are by this section transferred to the University of Mines and Technology, Tarkwa established under section 1 of this Act.

(2) The obligations and liabilities subsisting against the Kwame Nkrumah University of Science and Technology School of Mines and the Western University College, Tarkwa of the Kwame Nkrumah University of Science and Technology immediately before the coming into force of this Act shall on the coming into force of this Act subsist between the University established under this Act and the party concerned.

Section 24—Enactment of Statutes

The Council may enact statutes for carrying into effect the provisions of the Act, and in particular to:

- (a) regulate the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the University and for determining the persons who form the academic staff of the University;
- (b) determine the persons who are authorized to sign contracts, cheques and other documents on behalf of the University and to regulate the procedure in relation to transactions entered into by the University;
- (c) fix the academic calendar of the University;
- (d) ensure that the seal of the University is kept in proper custody and is used only by its authority; and
- (e) provide for any matter which is required by this Act to be prescribed by statutes.

Section 25—Procedure for Enacting Statutes

- (1) For the purpose of enacting a statute, a draft of the statute shall be circulated to the members of the Council at least fourteen days before the meeting at which it is to be considered.
- (2) After consideration at the meeting, the draft may be provisionally approved either with or without amendment.
- (3) Written notice on the amendments shall be circulated to members at least three days before the meeting.
- (4) The statute as provisionally approved shall be circulated to the members of the Council; and where in the opinion of the Council the statute affects academic matters, the statute shall be circulated to the members of the Academic Board, at least seven days before the meeting at which the statute is to be confirmed.
- (5) A provisional statute may be confirmed without amendment at a meeting of the Council held not less than one month or more than six months after the meeting at which it was provisionally approved.

Section 26—Convocation

There shall be a convocation of the University with a membership prescribed by statute, which shall, subject to this Act, receive an annual report from the Vice-Chancellor on the performance of the University and shall have other powers and functions which may be prescribed by statute.

Section 27—Students Representative Council

There shall be a Students Representative Council of the University whose constitution and functions shall conform to the provisions of the by statute of the University.

Section 28—Regulations

The Minister may by legislative instrument and on the recommendation of the Council make such regulations as are considered necessary for Implementation of this Act.

Section 29—Interpretation

In this Act unless the context otherwise requires

"Council" means the University Council;

"Minister" means the Minister responsible for Education;

"University" means the University of Mines and Technology (UMaT),

Tarkwa established under section 1 of this Act.

Date of Gazette Notification: 12th November, 2004.