

ACT 566**INSTITUTE OF PROFESSIONAL STUDIES ACT, 1999**

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ACT 566

INSTITUTE OF PROFESSIONAL STUDIES ACT, 1999¹

AN ACT to establish an Institute of Professional Studies as a tertiary institution in place of the Institute of Professional Studies in existence immediately before the coming into force of this Act and to provide for related matters.

*Establishment and Objectives of the Institute of Professional Studies***1. Establishment of Institute of Professional Studies**

(1) There is established by this Act a body to be known as the Institute of Professional Studies.

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

(3) The Institute may for and in connection with the performance of its functions acquire and hold movable or immovable property and enter into a contract or any other transaction.

(4) Where the Institute has resolved and the Government has agreed that the acquisition of land or a right over land is necessary for the Institute, the land may be acquired under the State Lands Act, 1962 (Act 125).

2. Objectives of the Institute

(1) The objectives of the Institute are,

- (a) to provide tertiary education in the academic disciplines of accountancy and management;
- (b) to undertake the education and training of professional accountants, marketers and persons in other related fields of management;
- (c) to provide continuing management education and specialist training for professional accountants and business executives;
- (d) to promote accounting and management practice through research, seminars, lectures and other related activities; and

1 This Act was assented to on the 22nd April, 1999 and notified in the *Gazette* on 30th April 1999.

- (e) offer courses leading to the award of certificates, diplomas, higher national diplomas and degrees subject to such conditions as the authorities responsible for tertiary education shall direct.
- (2) The Institute shall have power to
 - (a) award certificates and diplomas as are agreed on by the Council established under section 3 with the National Board for Professional and Technician Examinations;
 - (b) provide for the general welfare, recreational and social needs of staff and students of the Institute; and
 - (c) do any other acts which are incidental to the performance of its functions.

3. Governing body of the Institute

(1) There is established by this Act a governing body of the Institute which shall be known as the Institute of Professional Studies Council.

(2) The Council consists of

- (a) the chairman,
- (b) the Director of the Institute,
- (c) one person representing each of the following:
 - (i) the Institute of Chartered Accountants (Ghana),
 - (ii) the Chartered Institute of Management Accountants,
 - (iii) the Institute of Chartered Secretaries and Administrators,
 - (iv) the Chartered Institute of Marketing, Ghana,
 - (v) the Ghana National Chamber of Commerce,
 - (vi) the Institute of Professional Studies Alumni Association,
 - (vii) the Teachers and Education Workers Union,
 - (viii) the Students Representative Council of the Institute,
- (d) two representatives of the senior members of staff of the Institute,
- (e) the Executive Secretary of the National Council for Tertiary Education, and
- (f) three other persons at least one of whom is a woman.

(3) The chairman and the other members of the Council shall be appointed by the President acting in consultation with the Council of State.

4. Functions of the Council

(1) The Council shall have general control over the management and policies of the Institute and shall

- (a) ensure the implementation and achievement of the objectives of the Institute;
- (b) appoint lectures and other persons to academic and administrative posts;

- (c) oversee the internal organisation of the Institute including the establishment, variation and supervision of academic divisions, departments and facilities of the Institute;
- (d) publish annually information on the activities of the Institute;
- (e) consider and approve annual estimates of income and expenditure of the Institute; and
- (f) perform any other function which are incidental to the achievement of the objectives of the Institute.

(2) The Council shall in the performance of its functions consult and collaborate with the National Accreditation Board and National Council for Tertiary Education.

5. Tenure of office of members of the Council

(1) A member of the Council other than the Director of the Institute and the other ex officio members shall hold office for a period of three years and are eligible for re-appointment.

(2) A member of the Council other than the Director of the Institute and the other ex officio members may at any time by letter addressed to the President through the chairman resign from office.

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

(4) The chairman or a member of the Council may be removed from office by the President for inability to perform the functions of office, for stated misbehaviour or for any other just cause.

(5) A member shall not hold office under more than one provision under section 3 (2) and where at any time a member becomes a holder of two offices on the Council, the member shall notify one of those institutions to nominate another person to be appointed in stead of that member.

(6) The chairman of the Council shall through the National Council for Tertiary Education and the Minister notify the President of vacancies that occur in the membership of the Council within one month of the occurrence of the vacancy.

6. Meetings of the Council

(1) The Council shall meet at least once every three months for the despatch of business at the times and in the places as the chairman may determine.

(2) The chairman shall on the request of not less than one third of the membership convene a special meeting of the Council.

(3) The quorum at a meeting of the Council is seven members including the Director of the Institute or the person acting in that capacity.

(4) The chairman shall preside at the meetings of the Council and in the absence of the chairman one of the members shall be elected to preside.

(5) Questions before the Council shall be decided by a majority of the members present and voting.

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

(7) The Council may co-opt a person to act as an adviser at any of its meetings but a co-opted person is not entitled to vote at the meeting.

(8) The Deputy Director, the Finance Officer of the Institute and a representative of the Ministry of Education shall attend meetings of the Council but shall not exercise any voting rights.

(9) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(10) Except as otherwise expressly provided for under this section, the Council shall determine and regulate the procedure for its meetings.

7. Committees of the Council

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.

8. Professional Advisory Committee, members, functions

(1) Without prejudice to section 7, there is established by this Act a committee of the Council to be known as the Professional Advisory Committee.

(2) The Professional Advisory Committee shall comprise

- (a) the chairman who is a member of the Council,
- (b) the Controller and Accountant-General or the representative of the Accountant General,
- (c) the Auditor-General or the representative of the Auditor-General,
- (d) one representative of the
 - (i) Ministry of Finance,
 - (ii) Public Services Commission,
 - (iii) Ghana Employers Association,
 - (iv) Institute of Chartered Accountants, Ghana,
 - (v) Institute of Chartered Secretaries and Administrators, and
 - (vi) Chartered Institute of Marketing, Ghana.

(3) The members of the Professional Advisory Committee shall be appointed by the Council in consultation with the Minister.

(4) The functions of the Professional Advisory Committee are,

- (a) to advise the Council on the appropriate training programmes for professional accountants, secretaries and administrators, marketers and related professionals;

- (b) to review the programmes of study instituted by the Institute and advise the Council on the programmes;
- (c) to monitor professional standards of the Institute and advise the Council on measures to maintain good standards; and
- (d) perform any other functions determined by the Council.

(5) A member of the Professional Advisory Committee shall hold office for a period of three years but is eligible for re-appointment.

(6) The Professional Advisory Committee shall meet at least twice each academic year or once in every semester for the despatch of business at the times and in the places determined by the chairman.

(7) The Professional Advisory Committee shall determine and regulate the procedure at its meetings.

9. Allowances for members of the Council and committees

Members of the Council and members of committees of the Council shall be paid the allowances determined by the Minister in consultation with the Minister for Finance.

Academic Board

10. Academic Board of the Institute

There is established by this Act an academic board of the Institute.

11. Composition of the Board

The Board consists of

- (a) the Director of the Institute as the chairman,
- (b) the Deputy Director of the Institute,
- (c) the heads of departments of the Institute,
- (d) the heads of divisions, and
- (e) any other persons as are specified in the statutes of the Institute.

12. Functions of the Board

- (1) The Board is responsible for
- (a) determining the criteria for the admission of candidates;
 - (b) matters that relate to the award of scholarships at the Institute;
 - (c) determining the content of curricula;
 - (d) determining academic standards, validation and review of courses;
 - (e) determining the policy and procedure for the assessment and examination of students;
 - (f) the procedure for the award of qualifications;
 - (g) the procedure for expelling students on academic grounds;

- (h) the development of academic activities of the Institute;
- (i) consideration of the resources required to support the academic activities of the Institute; and
- (j) the establishment of relationships with industry and business to promote the entrepreneurial development of students of the Institute.

(2) Without prejudice to subsection (1) the Board shall advise the Council generally and in particular on academic matters of the Institute and shall perform any other functions conferred on it by statutes of the Institute or as the Council may refer to it.

(3) The Board shall in the performance of its functions collaborate with the National Board for Professional and Technician Examinations.

13. Committees of the Board

(1) The Board may for the performance of its functions appoint committees and assign to these committees the functions it may determine.

(2) The membership of a committee appointed under subsection (1) and the tenure of office of its members shall be defined by statutes prescribed by the Council.

14. Meetings of the Board

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

(2) The Board shall determine and regulate the procedure at its meetings.

15. Statutes of the Board

The Board may by statutes provide for matters relating to its responsibilities and any other matter that falls within its power.

Organisation of the Institute

16. Divisions of the Institute

(1) For purposes of academic work the Institute shall have the following divisions:

- (a) the Accounting Division; and
- (b) the Management Division.

(2) The Council may with the approval of the National Council for Tertiary Education given in consultation with the Minister create in the Institute any other divisions with the specified courses of study that it considers necessary for the efficient functioning of the Institute.

17. Internal organisation of the Institute

(1) The Council may make arrangements concerning the internal organisation of the Institute including the establishment, variation and supervision of

- (a) halls of residence, academic divisions, departments and other bodies, and
- (b) lectureship, teaching, academic and administrative posts.

(2) The Council shall in respect of academic matters exercise the powers referred to in subsection (1) after consultation with the Board.

18. Students Representative Council

(1) The Institute shall have a Students Representative Council.

(2) The constitution and functions of the Students Representative Council of the Institute shall be subject to the approval of the Council.

19. Convocation

The Institute shall have a convocation and the membership, functions and powers of it shall be prescribed by statutes of the Council.

20. Congregation

(1) The Institute shall hold a congregation at the times that the Council may determine for the purpose of conferring degrees, diplomas and awarding certificates.

(2) A congregation of the Institute shall consist of the Council, the Board, members of the convocation, graduates of the Institute and any other persons prescribed by statutes.

Administration of the Institute

21. Director of the Institute

(1) There shall be a Director of the Institute who is a person with the requisite academic qualifications and practical managerial experience.

(2) The Director of the Institute shall be appointed by the Council and he shall be the principal academic and administrative officer of the Institute.

(3) The Director of the Institute shall, subject to the directives that the Council may give,

- (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) disciplinary matters of the Institute;
 - (iii) the appointment, assignment, discipline, suspension and dismissal of any employee of the Institute other than a member of the senior staff, in accordance with procedures and terms laid down by the Council;
 - (iv) the preparation of the annual estimates of income and expenditure;
 - (v) 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 it may require; and
- (d) ensure the implementation of the decisions of the Council.

(4) The terms and conditions of service of the Director of the Institute shall be specified in the letter of appointment.

22. Deputy Director of the Institute

- (1) The Institute shall have a Deputy Director who shall be appointed by the Council.
- (2) The Deputy Director of the Institute shall hold office on the terms and conditions as the Council may determine.
- (3) The Deputy Director of the Institute shall
 - (a) assist the Director of the Institute in the performance of functions and perform any other functions related to academic affairs that the Director of the Institute may delegate, and
 - (b) perform any other functions that may be prescribed by statute.

23. Registrar

- (1) The Institute shall have a Registrar who shall be appointed by the Council.
- (2) The Registrar of the Institute is responsible to the Director of the Institute in the performance of administrative functions.
- (3) The Registrar of the Institute shall act as secretary to the Council, the Board and any other boards and committees as may be prescribed by the statutes.
- (4) The Registrar of the Institute shall
 - (a) attend all meetings of the Council, and
 - (b) arrange the business for and shall record and keep the minutes of the meetings of the Council.
- (5) The Registrar of the Institute shall hold office on the terms and conditions determined by the Council.

24. Other staff of the Institute

- (1) The Council may appoint any other officers and employees necessary for the proper and effective achievement of the objectives of the Institute.
- (2) The terms and conditions of service of officers and the employees of the Institute shall be determined by the Council.

*Financial and Miscellaneous Provisions***25. Funds of the Institute**

- (1) The funds of finance of the Institute include
 - (a) annual grants from the Government,
 - (b) charges, dues and fees received by the Institute in the performance of its functions, and
 - (c) donations and income from any other source approved by the Council, but donations and income from foreign bodies shall require prior written approval of the Minister.

(2) A sum of money received by or on behalf of the Institute shall be paid into a bank account opened by the Council with the approval of the Accountant-General for the credit of the Institute's general or deposit account.

26. Accounts and audit

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

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

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

(4) The Director shall prepare budget estimates and a statement of assets and liabilities of the Institute for each financial year and present the estimates to the Council for its consideration and approval not later than three months before the end of the financial year.

27. Annual report and other reports

(1) The Council shall within six months after the expiration of each financial year submit to the Minister through the National Council for Tertiary Education an annual report covering the activities and operations of the Institute 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 through the National Council for Tertiary Education any other reports that 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 a statement the Minister considers necessary.

28. Statutes of the Institute

(1) The Council may make statutes to carry into effect the objectives of the Institute.

(2) Without limiting the generality of subsection (1), the Council may make statutes to

- (a) regulate the appointment, conditions of service, termination and retirement benefits of the staff of the Institute;
- (b) determine the persons who are authorised to enter into transactions, sign documents, negotiable instruments and contracts on behalf of the Institute;
- (c) determine the academic year of the Institute;
- (d) ensure that the seal of the Institute is kept in proper custody and used only on the authority of the Council.

- (3) A statute of the Institute shall be made in accordance with the following procedure:
- (a) the draft of the statute shall first be circulated to members of the Council at least fourteen days before the meeting at which it is to be considered;
 - (b) the draft of the statute may be approved by the Council provisionally with or without amendment;
 - (c) a provisional statute with or without amendment is not enforceable unless it is confirmed by the Council;
 - (d) the draft with or without amendment as provisionally approved by the Council shall be circulated to the members of the Council at least 7 days before the meeting at which it is to be confirmed.

(4) Where the Council considers that a statute affects academic matters, the Council shall similarly circulate the statute to the Academic Board.

29. Relationship with other institutions

The Council shall in the performance of its functions collaborate with the public and private institutions that it considers necessary, and shall in particular consult and collaborate with the National Council for Tertiary Education.

30. Regulations

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

31. Transfer of assets and liabilities

(1) All assets, rights and properties held on behalf of or for purposes of the Institute of Professional Studies in existence immediately before the coming into force of this Act are hereby transferred to the Institute established under this Act.

(2) All obligations and liabilities subsisting against the Institute for Professional Studies immediately before the coming into force of this Act shall on the coming into force of this Act subsist between the Institute and the party concerned.

32. Interpretation

In this Act, unless the context otherwise requires

- “**Auditor-General**” includes an auditor appointed by the Auditor-General;
- “**Board**” means the Academic Board established under section 10;
- “**Council**” means the Institute of Professional Studies Council established by section 3;
- “**Institute**” means the Institute of Professional Studies established under section 1;
- “**management**” means non-accounting programmes run by the Institute;
- “**Minister**” means the Minister responsible for Education.

“**National Board for Professional and Technician Examinations**” means the National Board for Professional and Technician Examinations established under the National Board for Professional and Technician Examinations Act, 1994 (Act 492);

“**National Council for Tertiary Education**” means the National Council for Tertiary Education established under the National Council for Tertiary Education Act, 1993 (Act 454)

33. Dissolution, repeal and savings

(1) The Institute of Professional Studies Decree, 1978 (S.M.C.D. 200) is repealed by this Act and accordingly the Management Board established under that Decree is dissolved.

(2) Despite the repeal under subsection (1) any regulation or other instrument made under that enactment and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) An appointment made and students taken in under the repealed enactment which are valid or subsisting on the coming into force of this Act shall remain valid or subsist as if made under the corresponding provision of this Act until terminated or otherwise dealt with under this Act.

34. Transitional provisions

(1) Until the commencement of the first meeting of the Council and until such time as the bodies specified in this Act are established, there shall be established by the Ministry of Education an Interim Management Board composed of

- (a) the chairman;
- (b) the Director of the Institute of Professional Studies,
- (c) a representative of
 - (i) the Institute of Chartered Accountants (Ghana),
 - (ii) the Chartered Institute of Marketing,
 - (iii) the Ministry of Finance,
 - (iv) the Student Representative Council of the Institute of Professional Studies,
 - (v) the Institute of Chartered Secretaries and Administrators,
 - (vi) the Ministry of Education,
 - (vii) the alumni,
 - (viii) the junior staff,
 - (ix) the senior staff, and
- (d) two representatives of the senior members,

all of whom shall be appointed by the Minister.

(2) The Interim Management Board shall have and exercise the powers and functions conferred by this Act on the Council.