

N.L.C.D. 291
GHANA ACADEMY OF ARTS AND SCIENCES ACT, 1968

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N.L.C.D. 291
GHANA ACADEMY OF ARTS AND SCIENCES ACT, 1968(1)

AN ACT to establish the Academy of Arts and Sciences and to provide for related matters.

Establishment of the Academy

1. Ghana Academy of Arts and Sciences

(1) There is hereby established a body corporate to be known as the Ghana Academy of Arts and Sciences.

(2) The Academy shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Objects of the Academy

The objects of the Academy are to,

- (a) promote the study, extension and dissemination of knowledge of the arts and sciences,
- (b) establish and maintain proper standards of endeavour in the fields of the arts and sciences,
- (c) recognise outstanding contributions to the advancement of the arts and sciences in the Republic, and
- (d) do any other things that are conducive or incidental to the attainment of all or any of the objects of the Academy.

The Council of the Academy

3. The Council of the Academy

The governing body of the Academy is the Council consisting of

- (a) the principal officers of the Academy, namely, the President and Vice-Presidents of the Academy, the secretary and treasurer, and
- (b) not less than four and not more than six other persons elected by a general meeting from among the Fellows.

4. Terms of office

(1) A member of the Council who is not an ex officio member shall hold office for a term of two years but is eligible for re-election.

(2) A member may, by writing signed personally by the member addressed to the President of the Academy, resign from the Council.

5. Management of the Academy's affairs and concerns

The Council is, subject to this Act, responsible for the management of the affairs and concerns of the Academy.

6. Filling of casual vacancies on the Council

Where a member is unable to act as a member, a replacement may be elected, in the same manner as in the case of the member unable to act, for the remainder of the member's term of office.

7. Meetings and proceedings of the Council

(1) The Council shall ordinarily meet at least once in every three months at the times and place approved by the Council.

(2) The President may, and shall on the request in writing signed by not less than five Fellows specifying the business to be transacted, call a special meeting of the Council at the time, which shall not be later than twenty days after the receipt of a request, and place approved by the President.

(3) The President shall preside at the meeting of the Council and in the absence of the President any one of the Vice-Presidents appointed by the members present shall preside at the meeting; and in the absence of any of the Vice-Presidents the members present may appoint one of their number to preside.

(4) At a meeting of the Council, one half of the total number of members of the Council shall form a quorum.

(5) For the purposes of subsection (4), the total number of members shall in the case of an odd number be that odd number less one.

(6) Questions proposed at a meeting of the Council shall be determined by a simple majority of the members present and voting, and where the votes are equal the person presiding shall have a casting vote.

(7) The decisions of the Council shall be notified to a general meeting of Fellows as soon as practicable.

(8) The proceedings of the Council shall not be invalidated by a vacancy among the members of the Council or by a defect in the appointment of a member.

Provisions relating to Fellows and General Meetings of Fellows

8. Fellows of the Academy

The Fellows consist of

- (a) the persons who were Fellows of the Ghana Academy of Sciences established by the Ghana Academy of Sciences Instrument, 1963 (E.I. 5), and
- (b) persons elected Fellows under this Act.

9. Election of Fellows

(1) A citizen or a person resident in the Republic who, in the opinion of the Council, has made a significant contribution to a branch of the arts or sciences may be elected a Fellow by a general meeting of Fellows called by the President for that purpose.

(2) At least two general meetings of Fellows shall be called by the President in every year for the election of Fellows.

(3) A decision of the Council that a person is qualified for election as a Fellow shall not have effect if more than two members of the Council vote against the decision.

10. Honorary Fellows

(1) A person of eminence in the arts or sciences, other than a citizen or a person resident in the Republic, who has contributed significantly to the extension of the arts or sciences may be elected an Honorary Fellow by the Council.

(2) The number of Honorary Fellows elected in any one year shall not exceed two.

(3) An Honorary Fellow is not entitled to participate in the election of Fellows.

11. Register of Fellows of the Academy

The secretary shall keep a register of Fellows and Honorary Fellows in which shall be entered the name, address and the date of election of a Fellow and an Honorary Fellow and any other particulars determined by the Council.

12. Privileges of Fellows and Honorary Fellows

Subject to this Act, the rights, privileges, obligations and precedence within the Academy of Fellows and Honorary Fellows shall be prescribed by the by-laws of the Academy.

13. Striking off the register

- (1) Subject to this section, the name of a Fellow or an Honorary Fellow shall be struck off the register
 - (a) where that Fellow resigns by writing signed personally by that Fellow addressed to the Council, or
 - (b) where the Council, by ballot of its members, passes a resolution stating that in the Council's opinion the Fellow has been guilty of conduct unbecoming of a Fellow, and the resolution is approved in accordance with sub-section (3) by a general meeting of Fellows.

(2) A resolution shall not be submitted to the Council unless the Fellow concerned has first been informed in writing of the alleged conduct and is given a reasonable opportunity to show cause why the name of that Fellow should not be struck off the register.

(3) A resolution shall not be approved by a general meeting of Fellows unless it is laid before the general meeting of Fellows and is approved by a ballot of the general meeting of Fellows in the prescribed manner.

14. General meetings of Fellows

(1) A general meeting of Fellows shall ordinarily be called by the President at the times and places appointed by the President, but the President shall call a general meeting of Fellows at least once in every six months.

(2) The President may, and shall on the request in writing signed by not less than five Fellows specifying the business to be transacted, call a special general meeting of Fellows at the time, which shall not be later than twenty days after the receipt of a request, and place appointed by the President.

(3) The President shall preside at a general meeting of Fellows and in the absence of the President one of the Vice-Presidents appointed by the Fellows present shall preside; and in the absence of the Vice-Presidents the Fellows present may appoint one of their number to preside.

(4) At a general meeting of Fellows one-third of the total number of Fellows resident in the Republic shall form a quorum.

(5) For the purposes of subsection (4) "one-third of the total number of Fellows resident in the Republic" shall be one-third of the number less the fraction of one-third but including the fraction of two-thirds which shall for those purposes be reckoned as one.

15. Elections by general meeting

(1) The election of new Fellows shall be by a general meeting of Fellows voting in person or by post or proxy; but the number of persons so voting shall not be less than two-thirds of the total number of Fellows resident in the Republic.

(2) The election of a person shall not have effect if more than one-fifth of the number of Fellows voting either in person or by post or proxy vote against the election.

(3) For the purposes of subsection (2), "one-fifth of the number of Fellows voting either in person or by post or proxy" shall be one-fifth of the number less the fraction except the fractions of three fifth or more which shall for those purposes be reckoned as one.²(2)

Sections of the Academy

16. Establishment of sections

There shall be established under the Academy a number of sections covering distinct fields of study determined by the Council.

17. Assignment of Fellows to the sections

The Council shall with the consent of a Fellow assign that Fellow to one or more sections.

18. Functions of the sections

(1) A section shall concern itself with the pure and fundamental aspects of its field of study and with the pursuit, encouragement and dissemination of knowledge relating to that field.

(2) A section shall in addition to subsection (1),

- (a) advise the Council or any of the principal officers on a matter concerning or falling within the section's field of study which the Council or a principal officer may refer to the section for advice, and
- (b) where it thinks fit, of its own accord offer suggestions or advice to the Council or to a principal officer on a matter concerning or falling within its field of study.

19. Chairmen of the sections

(1) A section shall have as chairman one of the Vice-Presidents assigned to it by the Council, but where a Vice-President is not assigned to a section the Fellows assigned to that section shall elect one of their number as chairman.

(2) The chairman shall hold office for two years and is eligible for re-assignment or re-election.³⁽³⁾

20. Meetings and other proceedings of a section

(1) Meetings and any other proceedings of a section shall, subject to this Act, be regulated in accordance with rules made in that behalf by the section and approved by the Council.

(2) A section may, with the approval of the Council, co-opt a person who is not a Fellow to attend meetings of the section for a period not exceeding one year, but that person is not entitled to vote on a matter for decision by the section.⁴⁽⁴⁾

(3) A section may renew its invitation to that person for further successive periods of one year.

21. Annual report of the sections

A section shall once in every year and at the time and in the form that the Council may determine submit to the Council a report of the activities of the section during the preceding year and a statement of its programme of activities for the year following.

Election and Functions of the Principal Officers

22. Elections of principal officers

The principal officers shall be elected by a general meeting of Fellows called for that purpose.

23. Terms of office of the principal officers

The principal officers shall be elected for a term of two years, and are eligible for re-election but the President shall not hold office as President for more than two successive terms.

24. General duties of the President and Vice-Presidents

(1) Subject to this Act, the President shall be the head of the Academy and shall exercise a general supervision over the affairs of the Academy.

(2) The Vice-Presidents shall generally assist the President in the performance of the functions of office.

25. Functions of the secretary

The secretary shall perform the functions that the Council may assign, and is in particular, responsible for

- (a) recording the proceedings of the general meetings of Fellows and of the meetings of the Council,
- (b) the conduct of the Academy's correspondence,
- (c) the custody of the Academy's records, and
- (d) the publications of the Academy or of an organ of the Academy.

26. Functions of the Treasurer

The Treasurer shall perform the functions that the Council may assign, and is, in particular, responsible for

- (a) the receipt and payments into the banking account of the moneys of the Academy,
- (b) the keeping of proper accounts of the receipts and payments, and
- (c) the custody of the books of account, securities and any other property of the Academy.

Administration of the Academy

27. Secretariat

The administration of the Academy's affairs is the responsibility of a secretariat which shall be headed by the secretary.

28. Staff

(1) The Council may appoint, on the terms and conditions determined by the Council, a number of persons as are required for the proper and efficient performance of the Academy's functions.

(2) Public officers may be transferred or seconded to the Academy or otherwise give assistance to the

Academy.

(3) The Council may grant, subject to the Social Security Act, 19915(5) and in accordance with rules made in that behalf by the Council, pensions, allowances, gratuities or retiring awards to employees of the Academy and may require them to contribute to a pension, provident fund or superannuation scheme.

Finance

29. Funds of the Academy

(1) The Funds of the Academy include

- (a) grants received from the Government by the Academy for the performance of its functions, which grants are hereby charged on the Consolidated Fund,
- (b) loans granted to the Academy by the Government or a banking institution,
- (c) moneys accruing to the Academy in the course of the performance of its functions under this Act, and
- (d) gifts.

(2) The moneys received by the Academy shall be deposited to the credit of the Academy in a bank approved by the Council.

30. Income and property of the Academy

(1) The income and property of the Academy shall be applied exclusively towards the promotion of the objects of the Academy under this Act, and subject to subsection (2) a part of this income and property shall not be paid or transferred directly or indirectly, by way of dividend, bonus or profit to a Fellow or to a member of the Council.

(2) Subsection (1) shall not prevent

- (a) the payment in good faith of reasonable and proper remuneration to an officer or employee of the Academy in return for services rendered by the officer or employee of the Academy;
- (b) the payment of interest at a reasonable rate on money lent to the Academy by the Government or a banking institution, or reasonable and proper rent for premises let to the Academy;
- (c) the gratuitous distribution among, or sale at a discount to Fellows of books or publications, whether or not published by the Academy, relating to the objects of the Academy;
- (d) a Fellow from the benefit of a fellowship, grant, scholarship or bursary set up in furtherance of an object of the Academy.

31. Remuneration

(1) The Council may, subject to this Act, pay to the members of the Council and to Fellows the travelling and any other allowances out of the funds of the Academy that the Council may determine.

(2) A member of the Council shall not be appointed to a salaried office of the Academy.

32. Accounts and audit

(1) The Council shall keep proper books of account and prepare proper records in relation to the accounts.

(2) The Council shall prepare in respect of each financial year a statement of account which shall include

- (a) a balance sheet, a statement of income and expense and a statement of surplus containing the information which, had the Council been a company registered under the Companies Act, 1963 (Act 179), would be required to be laid before the company by the directors at an annual meeting, and
- (b) any other information in respect of the financial affairs of the Academy that a general meeting of Fellows may require.

(3) The Council shall, within six months after the end of each financial year, submit the annual report to the general meeting of Fellows which shall include the statement of account mentioned in subsection (2).

(4) The Council shall submit to a general meeting of Fellows any other reports of the financial affairs of the Academy that the meeting may require.

(5) The books and accounts of the Academy shall be audited each year by the Auditor-General.

(6) The Auditor-General shall, within five months after the end of the financial year, forward to the Council a copy of the audited accounts and the report on the accounts.

(7) The Auditor-General shall report annually to the Council the results of the examination of the accounts of the Academy and the report shall state whether in the opinion of the Auditor-General,

- (a) proper books of accounts have been kept by the Council,
- (b) the financial statement of the Council
 - (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of accounts,
 - (ii) in the case of balance sheets, gives a true and fair view of the state of the Academy's affairs as at the end of the financial year,
 - (iii) in the case of the revenue or income and expenditure, gives a true and fair view of the income and expenditure or profit and loss account of the Academy for the financial year,

and the Auditor-General shall call the attention of the Council to any other matter falling within the scope of the examination which in the opinion of the Auditor-General should be brought to the attention of the general meeting of Fellows.

(8) The Auditor-General shall from time to time make to the Council any other reports as the Auditor-General considers necessary or as the Council may require.

(9) The annual report of the Auditor-General shall be included in the annual report of the Academy.

(10) The Council shall as soon as practicable, lay before a general meeting of Fellows a copy of the audited accounts and the Auditor-General's report on the accounts.

(11) A copy of the audited accounts shall be submitted to the Minister responsible for Finance.

(12) For the purposes of this section "**financial year**" means the financial year of the Government.

Miscellaneous

33. By-laws

A general meeting of Fellows may make by-laws or any other instruments not inconsistent with this Act for the purpose of regulating the Academy's business or a matter falling within the scope of the Academy's functions.

34. Transitional provisions

Spent.6(6)

35. Tax and rates exemptions

The Academy is exempted from a tax imposed under the Internal Revenue Act, 2000 (Act 592) and from any rates imposed under the Local Government Act, 1993 (Act 462).

36. Interpretation

In this Act, unless the context otherwise requires,

“**Academy**” means the Academy of Arts and Sciences established under section 1;

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**citizen**” means a citizen of Ghana;

“**Council**” means the Council of the Academy established under section 3;

“**Fellow**” means a Fellow of the Academy;

“**functions**” includes powers and duties;

“**general meeting**” means a general meeting of the Fellows;

“**Vice-President**” means the Vice-President of the Academy;

“**member**” means a member of the Council;

“**prescribed**” means prescribed by the by-laws;

“**President**” means the President of the Academy;

“**register**” means the register established under section 11.

37. Revocation and dissolution

Spent.7(7)

Endnotes

1 (Popup - Footnote)

1. The Act was issued as the Ghana Academy of Arts and Sciences Decree, 1968 ([N.L.C.D. 291](#)) made on the 10th day of October, 1968 and notified in the *Gazette* on 11th October, 1968.

2 (Popup - Footnote)

2. Substituted by paragraph (a) of the Ghana Academy of Arts and Sciences (Amendment) Act, 1971 (Act 392). The provision reads as follows:

“Provisions relating to elections by a general meeting of Fellows

(1) The election of any person by a general meeting of Fellows shall not have effect if—

- (a) more than one Fellow votes against the election of that person where the number of Fellows present and voting is less than eight; or
- (b) more than one-fifth of the number of the Fellows present vote against his election.

(2) For the purposes of [subsection \(1\)](#) of this section, “one-fifth of the number less all fractions except fractions of three-fifths or which shall for the said purposes be reckoned as one.”

3 (Popup - Footnote)

3. Substituted by paragraph (b) of the Ghana Academy of Arts and Sciences (Amendment) Act, 1971 (Act 392).

“19. Chairmen of sections

- (1) The Fellows assigned to a section shall elect one of their number as the Chairman of the section.
- (2) A Chairman shall hold office for a period of two years and is eligible for re-election.”

4 (Popup - Footnote)

4. The word “section” has been substituted for the word “Council”, where the word “Council” appears for the second time. It is making reference to the section and not to the Council.

5 (Popup - Footnote)

5. [P.N.D.C.L. 247](#).

6 (Popup - Footnote)

6. The section provided that until immediately before the first general meeting of Fellows the functions of the council under the Decree shall be exercised by an interim council consisting of such persons as the Fellows may appoint.

7 (Popup - Footnote)

7. [Section 36](#) provides that the Ghana Academy of Sciences Instrument, 1963 (E.I. 5) is hereby revoked and the Ghana Academy of Sciences established under that instrument is hereby dissolved.