

ACT 635
GHANA COLLEGE OF PHYSICIANS AND SURGEONS ACT, 2003

ARRANGEMENT OF SECTIONS

Establishment of College

1. Establishment of Ghana College of Physicians and Surgeons.
2. Objects of the College.
3. Functions of the College.

The Council

4. Council of the College.
5. Composition of the Council.
6. Functions of the Council.
7. Tenure of office of members of the Council.
8. Filling of vacancy.
9. Allowances for members.
10. Meetings and acts of the Council.

Administration

11. Vice-President to act as President.
12. Secretary to the Council.
13. Executive board.
14. Functions of the executive board.
15. Tenure of office and proceedings of the executive board.
16. Committees of the executive board.
17. Secretary to the executive board.

Divisions of the College

18. Constituent Divisions.
19. The Division of Physicians.
20. Division of Surgeons.
21. Divisional boards.
22. Composition of divisional board.
23. Election of members of divisional board.
24. Tenure of office of members of divisional board.
25. Faculty Committees.

26. College membership.
27. Rector and Vice-Rector.
28. Editor, Treasure and other employees.

Financial, Miscellaneous Provisions

29. Funds of the College.
30. Accounts and audit.
31. Internal audit.
32. Annual report.
33. Financial year.
34. Regulations.
35. Interpretation.
36. Transitional provisions.

ACT 635
GHANA COLLEGE OF PHYSICIANS AND SURGEONS ACT, 2003(1)

AN ACT to establish a Ghana College of Physicians and Surgeons as a national postgraduate medical college for training specialists in medicine, surgery and related disciplines and to provide for related matters.

Establishment of College

1. Establishment of Ghana College of Physicians and Surgeons

- (1) There is established by this Act a Ghana College of Physicians and Surgeons.
- (2) The College is a body corporate with perpetual succession and a common seal and may sue and be sued in its name.
- (3) The College may, for the performance of its functions under this Act, acquire and hold movable or immovable property, dispose of its property and enter into a contract.

2. Objects of the College

The objects of the College are,

- (a) to promote specialist education in medicine, surgery and related disciplines,
- (b) to promote continuous professional development in medicine, surgery and related disciplines,
- (c) to promote and coordinate education and research in medicine, surgery and related disciplines, and
- (d) to contribute to the formulation of policies on sound health and public health generally.

3. Functions of the College

The College shall, in pursuance of its objects,

- (a) organise and supervise specialist training, continuous professional development and support research in medicine, surgery and related disciplines;
- (b) conduct and organise specialist examinations in medicine, surgery and related disciplines;
- (c) prepare and publish journals and pamphlets on its own or in collaboration with any other bodies or organisations;
- (d) award diplomas, certificates and other professional distinctions;
- (e) foster co-operation with other institutions with similar objectives; and
- (f) initiate and participate in actions and discussions aimed at sound health and formulation of public policies on health.

The Council

4. Council of the College

The governing body of the College is a Council.

5. Composition of the Council

(1) The Council consists of

- (a) the President of the Council as the chairperson of the Council,
- (b) the Rector of the College,
- (c) the heads of the constituent Divisions who shall be Vice-Presidents,
- (d) two Fellows from each Division of the College,
- (e) one representative of the Ministry of Health not below the rank of Director in the Civil Service,
- (f) one representative of the Ministry of Education not below the rank of Director in the Civil Service,
- (g) one representative of the Medical and Dental Professions,
- (h) three eminent persons nominated by the College, and
- (i) one resident elected by the residents.

(2) The President of the Council shall be elected by the Council from among the members of the Council who are Fellows of the College.

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

6. Functions of the Council

The Council is responsible for the

- (a) formulation of policies and supervision of the implementation of the policies,
- (b) mobilisation, control and supervision of the finances of the College,
- (c) admission of Fellows, Members and Associate Members of the College, and
- (d) public relations of the College.

7. Tenure of office of members of the Council

(1) The President shall hold office for a term of two years and is eligible for re-election for another term only.

(2) Subject to subsections (3) and (4), a person who is a member of the Council by virtue of that person's office shall continue to be a member of the Council for as long as that person occupies that office.

(3) A member of the Council who is a Fellow of a Division of the College or who is a representative of a Ministry shall hold office for a term of two years and is eligible for re-appointment, but shall not hold office for more than two consecutive terms.

(4) A resident who is a member of the Council shall be a member of the Council for a term of two years and shall not be re-appointed.

(5) Where a member is absent from the country for a continuous period of more than twelve months, except for a good cause determined by the Council, the office of that member becomes a vacant.

(6) A person who is a member of the Council other than by virtue of that person's office ceases to be a member of the Council if that person is absent from three consecutive meetings of the Council without sufficient cause.

(7) Despite anything in this section, the tenure of office of the first members of the Council shall be one year only but the members are eligible for re-election or re-appointment.

8. Filling of vacancy

(1) Where a member of the Council resigns, dies, ceases to hold office or is for a sufficient reason unable to perform the functions of office, the President shall request the appropriate body to nominate another person for appointment and in the case of the President of the Council another person shall be elected in accordance with subsection (2) of section 5.

(2) Where a member is temporarily absent from the country, a substitute may be appointed in the same manner that the absent member was appointed, to act for the absent member during the period of absence.

9. Allowances for members

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

10. Meetings and acts of the Council

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

(2) The President of the Council shall convene an extraordinary meeting of the Council, on the

request of at least one-third of the members of the Council.

(3) The quorum at a meeting of the Council shall be not less than one half of the membership including the Rector.

(4) A meeting of the Council shall be chaired by the President of the Council or in the absence of the President, by one of the Vice-Presidents of the College elected for the purpose by the members of the Council.

(5) A meeting of the Council shall, in the absence of the President of the Council and Vice-Presidents, be chaired by a member of the Council, elected by the members present at the meeting from among their number.

(6) A question before the Council shall be decided by a simple majority of the members present and voting.

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

(8) The Council shall cause to be recorded and kept minutes of meetings of the Council.

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

(10) An act of the Council is not invalid because of a vacancy in the membership of the Council or a defect in the appointment or qualification of a member.

Administration

11. Vice-President to act as President

Where for a sufficient reason other than the expiration of the term of office, the office of the President of the Council becomes vacant, one of the Vice-Presidents shall be elected, as provided for the election of the President of the Council under section 5 (2), to act as President for the remainder of the term of office of the President of the Council.

12. Secretary to the Council

The Council shall appoint a secretary to the Council.

13. Executive board

(1) The College shall have an executive board which shall be responsible for the academic affairs of the College.

(2) The executive board consists of

- (a) the Rector as the chairperson of the executive board,
- (b) the Vice-Presidents of the College,
- (c) the Vice-Rector,
- (d) the Editor of the College,
- (e) the Treasurer of the College,
- (f) the secretary of the Division of Physicians,

- (g) the secretary of the Division of Surgeons, and
- (h) four representatives of each constituent Division elected by the Division.

14. Functions of the executive board

The executive board shall, among other things,

- (a) organise and control courses of study and examinations held in connection with those courses;
- (b) make by-laws, rules and standing orders for the conduct of the business of the College, including election to the Council;
- (c) determine the criteria for the admission of Fellows, Members and Associate Members to the College;
- (d) approve a structure of operation that will enable the College to perform its functions;
- (e) prescribe standards and training programmes for specialists;
- (f) approve Courts of Examiners to conduct appropriate specialists examinations and make recommendations to the Council on the basis of the results of the examinations, for the award of diplomas, membership or fellowship of the College;
- (g) approve examiners and alternates, examinations, fees and allowances payable to examiners and other persons connected with the conduct of examinations;
- (h) determine the areas in medicine and surgery that require special attention;
- (i) harmonise, where necessary, the standards, training programmes and syllabuses for specialist education of the College and other appropriate bodies duly recognised by the College;
- (j) process and give accreditation to training centres throughout the country for the training of specialists;
- (k) recommend for appointment the teachers and trainers of the various Faculties; and
- (l) determine and review from time to time, the annual fee payable by Fellows, Members and Associate Members of the College.

15. Tenure of office and proceedings of the executive board

(1) An elected representative of a constituent Division on the executive board under paragraph (h) of section 13 (2) shall hold office for two years and is eligible for re-election, but shall not be elected for more than two consecutive terms.

(2) The quorum at a meeting of the executive board shall be not less than one-half of the membership including the Rector or the person acting for the time being as the chairperson.

(3) The Rector shall preside at meetings of the executive board and in the absence of the Rector the Vice-Rector shall preside and in the absence of both the Rector and the Vice-Rector the members shall elect one of their number to preside.

(4) A decision of the executive board shall be by a simple majority of the members present and voting and in the event of an equality of votes the Rector or the person acting as chairperson shall have a casting vote.

(5) Except as otherwise expressly provided for in this section the executive board shall regulate its proceedings and may make standing orders for that purpose.

16. Committees of the executive board

(1) For the efficient performance of its functions the executive board may form various committees including education, research, finance, accreditation, and editorial committees.

(2) A Fellow of the College who is not a member of the executive board may be co-opted to serve on a committee of the executive board.

17. Secretary to the executive board

The Council shall appoint a secretary to the executive board.

Divisions of the College

18. Constituent Divisions

(1) The College shall have as constituent Divisions,

- (a) the Division of Physicians,
- (b) the Division of Surgeons, and
- (c) any other Division that the Council on the advice of the executive board may determine.

(2) A Division shall have a head who shall be a Vice-President of the Council.

(3) A constituent Division shall consist of a number of Faculties created by the Division with the approval of the executive board.

(4) A Faculty shall have a chairman who shall be appointed by the executive board from among the Fellows of the Faculty.

(5) A Division may, subject to the approval of the executive board, add new Faculties or remove old Faculties when necessary.

19. The Division of Physicians

The Division of Physicians shall include the following Faculties:

- (a) Clinical Medicine including
 - (i) Internal Medicine,
 - (ii) Child Health,
 - (iii) Psychiatry, and
 - (iv) Radiology, Oncology and Radiotherapy;
- (b) Laboratory Medicine including
 - (i) Anatomic Pathology,
 - (ii) Chemical Pathology,
 - (iii) Microbiology, and

- (iv) Haematology and Transfusion Medicine; and
- (c) Community Health including
 - (i) Family Practice, and
 - (ii) Public Health.

20. Division of Surgeons

The Divisions of Surgeons shall include the Faculties of

- (a) Anaesthesiology and Intensive Care,
- (b) Dental Surgery and Sub-specialties,
- (c) Obstetrics and Gynaecology,
- (d) General and Specialised Surgery, and
- (e) Emergency Medicine.

21. Divisional board

A constituent Division shall have a divisional board which shall

- (a) be responsible for the overall supervision and organisation of the affairs of the constituent Division;
- (b) appoint Court of Examiners for approval by the executive board; and
- (c) regulate its own proceedings.

22. Composition of divisional board

A divisional board consists of

- (a) the head of the Division as the chairperson of the board,
- (b) the secretary of the Division,
- (c) the assistant secretary of the Division,
- (d) the chairpersons of the Faculties in the Division, and
- (e) nine Fellows in good standing who belong to the Division, and elected at an annual general meeting.

23. Election of members of divisional board

Members of the divisional board shall be elected as follows:

- (a) the head and the secretary of the Division shall be elected at an annual general meeting from among the Fellows who belong to that Division, and
- (b) the assistant secretary shall be elected at a meeting of the divisional board, from two Fellows nominated by the secretary.

24. Tenure of office of members of divisional board

A member of the divisional board shall hold office for a term of two years and is eligible for re-election but a member shall not be elected for more than two consecutive terms.

25. Faculty committees

(1) A Faculty shall have a faculty committee consisting of

- (a) the chairperson, and
- (b) subject to the approval of the executive board, six or more Fellows who belong to the Faculty as members, one of whom shall be elected a secretary.

(2) The chairperson and the other members of the faculty committee shall be elected by the Fellows of the Faculty.

(3) The chairperson and the other members of the faculty committee shall hold office for a term of two years and are eligible for re-election but shall not be elected for more than two consecutive terms in succession.

(4) A faculty committee shall promote the academic programmes of the Faculty.

26. College membership

The College shall consist of

- (a) the Foundation Fellows, who are persons admitted as Fellows of the College at its inception,
- (b) the Fellows, Members and Associate Members who are medical or dental practitioners who have passed the prescribed examinations conducted by the constituent Divisions, and
- (c) the Honorary Fellows who are professionals of high distinction as the College may decide to honour.

27. Rector and Vice-Rector

(1) There shall be a secretariat for the College which shall be headed by a Rector.

(2) The Council shall appoint a medical or dental practitioner and a Fellow of the College as the Rector who shall hold office for a term of four years.

(3) The Rector is the academic and administrative head of the College.

(4) There shall be a Vice-Rector who shall be elected by the Fellows of the College from among their number.

(5) The Vice-Rector shall perform the functions assigned by the Rector and shall act as Rector when the Rector is incapacitated or absent.

28. Editor, Treasurer and other employees

(1) There shall be an Editor of the College who is responsible for publications of the College.

(2) The executive board shall elect the Editor from among the Fellows of the College and the Editor shall hold office for two years and is eligible for re-election but shall not hold office for more than two consecutive terms.

(3) There shall be a Treasurer of the College elected by Council from among members of the Council.

(4) The Treasurer shall hold office for two years, and is eligible for re-election but shall not hold office for more than two consecutive terms.

(5) Except as otherwise provided in subsections (1) and (3) and without prejudice to subsections (2) and (4), the Council may employ for the College the required number of persons for the proper and efficient performance of the College's functions on terms and conditions that the Council considers appropriate.

(6) Staff of the secretariat of the College shall be appointed by the Council.

Financial, Miscellaneous Provisions

29. Funds of the College

The funds of the College include

- (a) funds provided from the Consolidated Fund,
- (b) fees charged by the College,
- (c) income from investments,
- (d) donations, gifts, bequests, and
- (e) grants and loans.

30. Accounts and audit

(1) The Council shall open for the College an account with a recognised bank.

(2) The Council shall maintain proper books of account and other records of account in the form approved by the Auditor-General.

(3) The books of account shall be audited by the Auditor-General within six months after the end of each financial year.

(4) In addition to the annual audit, technical audits may be conducted on selective basis by the Auditor-General.

31. Internal audit

(1) There shall be appointed by the Council, an internal auditor for the College, who is responsible for the internal audit of the College.

(2) The internal auditor is answerable to the executive board.

(3) The internal auditor shall submit quarterly audit reports to the Council through the executive board.

(4) This section shall be read as one with the Internal Audit Agency Act, 2003 (Act 658) and where there is a conflict, that Act shall prevail.

32. Annual report

(1) The Council shall submit to the Minister as soon as practicable and in any event not more than eight months after the end of each financial year a report dealing generally with the activities of the

College during the year to which the report relates.

(2) The report shall include

- (a) the audited accounts of the College and the Auditor-General's report on the accounts of the College, and
- (b) any other information considered necessary by the Council.

(3) 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.

33. Financial year

The financial year of the college is the same as the financial year of the Government.

34. Regulations

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

35. Interpretation

In this Act, unless the context otherwise requires,

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

“**Associate Member**” means an Associate Member of the College;

“**Council**” means the Postgraduate Medical Council provided for in section 4;

“**College**” means the Ghana College of Physicians and Surgeons as established in section 1;

“**executive board**” means the executive board provided for in section 13;

“**divisional board**” means the divisional board of a constituent Division as provided for in section 21;

“**faculty committee**” means a faculty committee established under section 25;

“**Fellow**” means a Fellow of the College as provided for in section 26;

“**Member**” means a Member of the College as provided for in section 26;

“**Minister**” means the Minister responsible for Health;

“**President**” means the President of the Council elected under section 5 (2);

“**resident**” means a person who is undertaking specialist training in the College;

“**Vice-President**” means the head of a constituent Division under section 18 (2), who by virtue of being a head becomes Vice-President of the Council under section 5 (1) (c).

36. Transitional provisions

(1) Until the date of the first meeting of the Council appointed under this Act, the body appointed by the President of the Republic to establish the Council shall perform the functions conferred by this Act on the Council, and any other functions performed by that body before that date, whether before or after the commencement of this Act, shall have effect as if performed by the Council.

(2) For the purpose of determining the composition of the Council in the first instance, paragraphs (c) and (d) of section 5 (1) shall not apply and the body appointed by the President of the Republic to establish the College shall nominate the three eminent persons required under paragraph (h) of section 5 (1).

Endnotes

1 (Popup - Footnote)

1. This Act was assented to on 28th January, 2003 and notified in the *Gazette* on 21st February , 2003.