

ACT 676
GHANA INSTITUTE OF MANAGEMENT AND PUBLIC
ADMINISTRATION ACT, 2004

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ACT 676

GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION ACT, 2004(1)

AN ACT to establish the Ghana Institute of Management and Public Administration as a public tertiary institution and to provide for related matters.

Establishment and Objects of Ghana Institute of Management and Public Administration

1. Establishment of the Ghana Institute of Management and Public Administration

(1) There is established by this Act a body to be known as the Ghana Institute of Management and Public Administration.

(2) The Institute is a body corporate with perpetual succession and 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 and immovable property and enter into a contract or any other transaction.

(4) The Institute shall operate under the Office of the President and is affiliated to the National Council for Tertiary Education.

(5) 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 for the Institute under the State

Lands Act, 1962 (Act 125).

2. Status of the Institute

- (1) The Institute is a public tertiary institution.
- (2) The Institute has
 - (a) financial autonomy, and
 - (b) academic autonomy subject to the provisions of this Act.

3. Object and functions of the Institute

(1) The object of the Institute is to train public servants of the country and to provide education, training and services in the fields of leadership, management and public administration for the public sector, private sector and non-governmental organisations.

- (2) For the purpose of achieving its object under subsection (1) the Institute shall
 - (a) promote education, training and services in the fields of leadership, business management and administration;
 - (b) provide professional, unbiased and dedicated advisory support services to various areas of the Government to enhance their capacity for sustainable development and management;
 - (c) promote the development of managerial skills for persons employed in the public and private sectors and non-governmental organisations and create awareness of the need for education, training and the provision of services in the fields of leadership, management and administration as a necessary requirement for maintaining the vitality of organisations in the development of the economy;
 - (d) promote the use of information technology as an essential tool to increase competitive advantage and enhance output for national development;
 - (e) assist Ghanaian enterprises through cost-effective education, training and the provision of services, research and consultancy to achieve efficient management, increase productivity and effective cost control;
 - (f) promote understanding and co-operation between public and private sector institutions in respect of public administration and management obligations; and
 - (g) offer courses leading to the award of certificates, diplomas and degrees in the Institute's area of competence subject to the conditions that the authorities responsible for tertiary education in the country shall direct.

4. Powers of the Institute

The Institute has the power to

- (a) award degrees, diplomas, certificates and any other academic and training distinctions to persons who successfully complete courses of study designed by the Institute, and
 - (i) agreed on by the Council established under section 5, and
 - (ii) approved by the National Accreditation Board;
- (b) award honorary degrees as agreed on by the Council;

- (c) draw up programmes and provide facilities
 - (i) for the education and training of management personnel in the public and private sectors and non-governmental organisations in leadership and governance skills and in the areas of commerce, industry, public administration, business administration, technology policy and application, human resource development and management research;
 - (ii) for research into issues of leadership and governance, management and administration and any other areas within the Institute's competence;
 - (iii) to promote the exchange of ideas and experiences to improve leadership skills, management and administrative capacity within the public and private sectors;
- (d) provide consultancy services in the areas of leadership skills, management and administration to support national development;
- (e) encourage or sponsor the publication of
 - (i) the results of studies,
 - (ii) research, and
 - (iii) consultancies into leadership skills, management and administration which the Institute considers are of academic or practical value; and
- (f) perform any other functions that are incidental to the performance of its functions under this Act.

5. Governing body of the Institute

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

(2) The Council consists of

- (a) the chairperson,
- (b) the chairperson of the Public Services Commission,
- (c) the Head of the Civil Service,
- (d) the Executive Secretary of the National Council for Tertiary Education,
- (e) the Executive Chairman of State Enterprises Commission,
- (f) the Rector of the Institute,
- (g) one person representing each of the following:
 - (i) the Association of Ghana Industries,
 - (ii) the Alumni Association of the Institute,
- (h) one senior member of staff of the Institute, and
- (i) two other persons, one of whom is a woman.

(3) The chairperson and the other members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

(4) The President shall in making the appointments under this section consider the academic qualifications, expertise, knowledge and experience of the persons in matters relating to public administration and management.

6. Functions of the Council

The Council shall have general control over the efficient management and policies of the Institute and shall

- (a) approve overall plans and programmes for the furtherance of the Institute's objects;
- (b) prescribe the terms and conditions for the admission of a person selected for a course of study and training organised by the Institute;
- (c) institute awards and scholarship schemes in furtherance of the Institute's objects;
- (d) award fellowships to deserving local and external persons;
- (e) appoint lecturers and any other persons to academic and administrative positions;
- (f) manage the finances and fixed assets of the Institute;
- (g) oversee the internal organisation of the Institute including the establishment, variation and supervision of academic divisions, departments and facilities of the Institute;
- (h) publish annual reports relating to the activities of the Institute;
- (i) consider and approve annual estimates of income and expenditure of the Institute;
- (j) be responsible for the discipline of staff of the Institute;
- (k) perform any other functions which are incidental to the achievement of the objects of the Institute.

7. Tenure of office of members of the Council

(1) A member of the Council, other than the Rector and the other ex officio members, shall hold office for a period not exceeding four years and is eligible for re-appointment for another term only.

(2) A member of the Council, other than the Rector and the other members, may at any time by letter addressed to the President through the Minister resign from office.

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

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

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

(6) The chairperson of the Council shall through the Minister notify the President of vacancies that occur in the membership of the Council within one month of the occurrence of the vacancy.

8. 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 determined by the chairperson.

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

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

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

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

(6) The chairperson 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 its meetings but a co-opted person shall not vote at a meeting.

(8) The Council may invite a person to attend the meetings of the Council, when requested to do so, but that person may not exercise 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.

9. Disclosure of interest

(1) A member of the Council who has an interest whether directly or indirectly in a matter being considered or dealt with by the Council shall disclose the nature of that interest at the meeting of the Council and shall not take part in the deliberation or decision of the Council with respect to that matter.

(2) A member who fails to disclose the interest under subsection (1) ceases to be a member.

10. 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, but a committee consisting entirely of non-members may only advise the Council.

11. Allowances for members of the Council and its committees

Members of the Council and its committees shall be paid the allowances including transport allowance determined by the Council.

Academic Board

12. Academic Board of the Institute

There is established by this Act an Academic Board of the Institute.

13. Composition of the Board

The Board consists of

- (a) the Rector who shall be the chairperson,
- (b) the heads of the academic divisions and departments of the Institute,
- (c) two other persons representing the academic, professional and administrative staff of the Institute as prescribed in the Statutes of the Institute, and
- (d) all Professors of the Institute.

14. Functions of the Board

(1) The Board shall

- (a) determine the criteria for the admission of students;
- (b) decide matters that relate to the award of bursaries and scholarships at the Institute;
- (c) determine the content of the curricula;
- (d) determine academic standards, validation and review of courses;
- (e) determine the policy and procedure for the award of qualifications;
- (f) regulate and assess the academic work of the Institute in the areas of teaching and research;
- (g) determine the policy and procedure for the assessment and examination of students and for the discipline of students;
- (h) consider the resources required to support the academic activities of the Institute; and
- (i) report back to the Council on matters referred to it by the Council.

(2) Without limiting the scope of 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 the Statutes of the Institute or referred to it by the Council.

15. Committees of the Board

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

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

16. 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 as the Board determined.

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

17. Statutes of the Board

(1) The Board may, by Statutes, provide for matters relating to its responsibilities and any other matter that falls within its power.

(2) The Statutes of the Board are subject to the approval of the Council.

Organisation of the Institute

18. Faculties of the Institute

For purposes of its academic work, the Institute shall have the faculties, divisions and administrative units as determined by the Council.

19. Internal organisation of the Institute

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

- (a) halls of residence, academic faculties, administrative divisions, departments, independent profit centres and other bodies,
- (b) lectureship, teaching and research, and
- (c) academic and administrative posts and functions.

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

20. Convocation

The Institute shall have a Convocation, the membership, functions and powers of which shall be prescribed by the Statutes of the Board.

21. Congregation

(1) The Institute shall hold a Congregation at the times determined by Council for the purpose of conferring degrees, diplomas, awarding certificates and any other qualifications.

(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 the Statutes.

Administration of the Institute

22. Rector of the Institute

(1) There shall be a Rector who shall be appointed by the Council.

(2) The Rector is the principal academic and administrative officer of the Institute and the chief executive of the Institute.

(3) The terms and conditions of service of the Rector shall be specified in the Rector's letter of appointment.

23. The functions of the Rector

(1) The Rector shall, subject to the general control by the Council on matters of policy as given by the Council,

- (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) the appointment, assignment, discipline, suspension and dismissal of an employee of the Institute, other than a senior member of staff, in accordance with the procedure and terms laid down by the Council; and
 - (iii) 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.

(2) The Rector 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.

24. Deputy Rector

(1) There shall be a Deputy Rector of the Institute who shall be appointed by the Council, in accordance with the Statutes of the Institute.

(2) The Deputy Rector shall act in the absence of the Rector.

25. Secretary

(1) The Institute shall have a secretary who shall be appointed by the Council.

(2) The secretary of the Institute shall hold office on the terms and conditions determined by the Council.

(3) The secretary of the Institute is responsible to the Rector in the performance of the Secretary's administrative functions.

(4) The secretary of the Institute shall act as secretary to the Council, the Board and any other boards and committees prescribed by the Statutes made under this Act.

(5) The secretary of the Institute shall

- (a) arrange the business of the Council,
- (b) attend meetings of the Council,
- (c) record and keep the minutes of the meetings of the Council, and
- (d) perform any other functions that the Council or the Rector may direct.

26. Academic, administrative and other staff

(1) The Council may appoint academic, administrative and any other staff for the Institute.

(2) The terms and conditions of service of persons appointed under subsection (1) shall be determined by the Council.

(3) The Council may delegate to the Rector its power of appointment under subsection (1) in respect of a grade of academic, administrative and any other staff of the Institute as determined by the Council.

27. Remuneration and pension of staff of the Institute

(1) Subject to this Act, the remuneration of the academic, administrative and the other staff of the Institute shall be determined by the Council.

(2) The Social Security Act, 1991(2) shall apply to members of staff and employees of the Institute.

Financial and Miscellaneous Provisions

28. Funds of the Institute

(1) The Funds of the Institute include

- (a) moneys that accrue to the Institute in the performance of its functions consisting of
 - (i) fees paid by course participants at the Institutes,
 - (ii) fees, charges, dues in respect of services rendered by or through the Institute,
 - (iii) proceeds from the sale of publications of the Institute, and
 - (iv) grants subscriptions, rents and royalties,
- (b) interest from investments,
- (c) donations and gifts, and
- (d) income from any other source approved by the Council.

(2) A sum of money received by or on behalf of the Institute shall be paid into bank accounts of the Institute opened by the Council with the approval of the Accountant-General.

(3) The Board may invest the funds of the Institute not required for immediate use.

29. Management of the Institute's finances

(1) The Council shall manage and control the finances of the Institute and determine matters that arise out of the financial administration of the Institute.

(2) Without limiting the scope of subsection (1), where matters concerning the financial administration of the Institute affect its education policy, the Council shall, prior to determining a matter, consult the Board and consider the recommendation or report made by the Board to the Council.

(3) The Council may, when it considers it necessary, give administrative directives in respect of the income and expenditure of the Institute.

30. Accounts and audit

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

(2) The account books and records of the Institute shall be audited annually 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.

31. Annual report

(1) The Council shall within eight months after the expiration of each financial year submit to the Minister 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 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 that the Minister considers necessary.

32. Statutes of the Institute

(1) The Council may make Statutes to carry into effect the objects of the Institute.

(2) Without limiting the scope of subsection (1), the Council may make Statutes

(a) to regulate the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the Institute;

(b) to determine the persons who are authorised to enter into transactions, sign documents, negotiable instruments and contracts on behalf of the Institute;

(c) for procedures to discipline students and staff of the Institute;

(d) for procedures for assessment and the award of degrees, diplomas and certificates of the Institute; and

(e) to oversee the award of bursaries and scholarships.

33. Procedure for enacting Statutes

(1) For the purpose of enacting a Statute under this Act, a draft of the Statute shall be circulated to the members of the Council at least fourteen days before the date of the meeting at which the Statute is to be considered.

(2) The Council shall, on the appointed date or any other date, consider the draft Statute and may approve the draft provisionally either with or without amendment of which written notice has been circulated to the members at least three days before the date of the meeting.

(3) The Statute as provisionally approved, shall be circulated to the members of the Council and where in the opinion of the Council it affects academic matters, to the Academic Board as well, at least seven days before the meeting at which it is intended to confirm the Statute.

(4) Within a period of not less than one month and not more than six months from the date of the meeting at which the Statute was provisionally approved, the Council shall hold a meeting and confirm the Statute without amendment.

(5) A Statute shall not be enacted which is inconsistent with this Act.

34. Relationship with other institutions

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

35. Borrowing powers

The Institute may obtain loans and other credit facilities on the security of its property and assets.

36. Exemption from local authority rates

The Institute is exempt from property rates levied by a local authority in respect of the Institute's halls of residence, staff quarters, guest houses, bungalows, recreation grounds, farms, hospitals and any other fixed assets of the Institute.

37. Regulations

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

38. Transfer of assets and liabilities

(1) The assets, rights and properties held by or on behalf of or for the purposes of the Ghana Institute of Management and Public Administration in existence immediately before the coming into force of this Act and the persons employed for or by the Institute are by this section transferred to the Ghana Institute of Management and Public Administration established under this Act.

(2) The obligations and liabilities subsisting against the Ghana Institute of Management and Public Administration immediately before the coming into force of this Act shall on the coming into force of this Act subsist between the Institute established under this Act and the party concerned.

39. 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 12;

“**Council**” means the governing body for the Institute established under section 5;

“**Deputy Rector**” means Deputy Rector of the Institute;

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

“**Institute**” means the Ghana Institute of Management and Public Administration established under section 1;

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

“**Rector**” means the chief executive of the Institute.

40. Dissolution, repeal, transitional and saving provisions

(1) The Ghana Institute of Management and Public Administration Law, 1993 (P.N.D.C.L. 318) is repealed by this Act and accordingly the Court of Governors established under that Law is dissolved.

(2) Despite the repeal under subsection (1), the Regulations, statutes or any 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) A document made and an admission of students made under the repealed enactment that 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.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 11th November, 2004 and notified in the *Gazette* on 12th November, 2004.

2 (Popup - Footnote)

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