

INSTITUTE OF PROFESSIONAL STUDIES ACT, 1999 (ACT 566)

ARRANGEMENT OF SECTIONS

PART I ESTABLISHMENT AND OBJECTIVES OF THE INSTITUTE OF PROFESSIONAL STUDIES

Section

1. Establishment of Institute of Professional Studies
2. Objectives of the Institute
3. Governing body of the Institute
4. Functions of the Council
5. Tenure of office of members of the Council
6. Meeting of the Council
7. Committees of the Council
- 8 Professional Advisory Committee, members, functions
9. Allowances for members of the Council and committees

PART II ACADEMIC BOARD

10. Academic Board of the Institute
11. Composition of the Board
12. Functions of the Board
13. Committees of the Board
14. Meetings of the Board
15. Statutes of the Board

PART III ORGANISATION OF THE INSTITUTE

16. Divisions of the Institute
17. Internal organisation of the Institute
18. Students Representative Council

19. Convocation

20. Congregation

PART IV ADMINISTRATION OF THE INSTITUTE

21. Director of the Institute

22. Deputy Director of the Institute

23. Registrar

24. Other staff of the Institute

PART V FINANCIAL AND MISCELLANEOUS PROVISIONS

25. Funds of the Institute

26. Accounts and audit

27. Annual report and other reports

28. Statutes of the Institute

29. Relationship with other institutions

30. Regulations

31. Transfer of assets and liabilities

32. Interpretation

33. Dissolution, repeal and savings

34. Transitional provisions

THE FIVE HUNDRED AND SIXTY-SIXTH

ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

THE INSTITUTE OF PROFESSIONAL STUDIES ACT, 1999

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.

DATE OF ASSENT: 22nd April, 1999.

PART I—ESTABLISHMENT AND OBJECTIVES OF THE INSTITUTE OF PROFESSIONAL STUDIES

Section 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 referred to in this Act as "the Institute".
- (2) The Institute shall be 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 discharge of its functions acquire and hold any movable or immovable property and enter into any contract or 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).

Section 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

(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 such certificates and diplomas as may be agreed upon by the Institute of Professional Studies Council established under section 3 of this Act 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.

Section 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 referred to in this Act as "the Council".

(2) The Council shall consist of.

(a) a 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 (TEWU);

(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 shall be 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.

Section 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;

(c) appoint lecturers and other persons to academic and administrative posts;

(d) 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

(e) 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.

Section 5—Tenure of Office of Members of the Council.

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

(2) A member of the Council other than the Director of the Institute and other ex-officio members may at any time by letter addressed to the President through the chairman resign his 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 his office, for stated misbehaviour or for any other just cause.

(5) No member shall hold office under more than one provision under section 3(2) of this Act and where at any time a member becomes a holder of two offices on the Council, he shall notify one of the institutions he represents to nominate another person to be appointed in his stead.

(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.

Section 6—Meeting of the Council.

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

(2) The chairman shall upon 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 shall consist of seven members and shall include the Director of the Institute or the person acting in that capacity.

(4) Every meeting of the Council shall be presided over by the chairman and in his absence 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 second or casting vote.

(7) The Council may co-opt any person to act as an adviser at its meetings but no co-opted person is 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.

Section 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.

Section 8—Professional Advisory Committee, Members, Functions.

(1) Without prejudice to section 7 of this Act 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 the following.

- (a) a chairman who shall be a member of the Council;
- (b) the Controller and Accountant-General or his representative;
- (c) the Auditor-General or his representative;
- (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 as follows

- (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 such other functions as the Council may determine.

(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 for the despatch of business at such times and in such places as the chairman may determine but shall meet at least twice each academic year or once in every semester.

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

Section 9—Allowances for Members of the Council and Committees.

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

PART II—ACADEMIC BOARD

Section 10—Academic Board of the Institute.

There is established by this Act an academic board of the Institute referred to in this Act as "the Board".

Section 11—Composition of the Board.

The Board shall consist of the following persons-

- (a) the Director of the Institute who shall be the chairman;
- (b) the Deputy Director of the Institute;
- (c) the heads of departments of the Institute;
- (d) the heads of divisions; and
- (e) such other persons as are specified in the statutes of the Institute.

Section 12—Functions of the Board.

(1) The Board shall be 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 such other functions as may be conferred on it by statutes of the Institute or as the Council may refer to it.

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

Section 13—Committees of the Board.

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

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

Section 14—Meetings of the Board.

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

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

Section 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.

PART III—ORGANISATION OF THE INSTITUTE

Section 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 division with such specified courses of study as it considers necessary for the efficient discharge of the functions of the Institute.

Section 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.

Section 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.

Section 19—Convocation.

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

Section 20—Congregation.

(1) The Institute shall hold a congregation at such times as 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.

PART IV—ADMINISTRATION OF THE INSTITUTE

Section 21—Director of the Institute.

(1) There shall be a Director of the Institute who shall be 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 such directives as 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 his letter of appointment.

Section 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 such 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 discharge of his functions and perform such other functions related to academic affairs as the Director of the Institute may delegate to him; and

(b) perform such functions as may be prescribed by statute.

Section 23—Registrar.

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

(2) The Registrar of the Institute shall be responsible to the Director of the Institute in the discharge of his administrative functions.

(3) The Registrar of the Institute shall act as Secretary to the Council, the Board and such other boards and committees as may be prescribed by statutes.

(4) The Registrar of the Institute shall.

(a) attend all meetings of the Council; and

(b) arrange the business for and cause to be recorded and kept the minutes of the meetings of the Council.

(5) The Registrar of the Institute shall hold office on such terms and conditions as may be determined by the Council.

Section 24—Other Staff of the Institute.

(1) The Council may appoint such other officers and employees as may be necessary for

the proper and effective achievement of the objectives of the Institute.

(2) The terms and conditions of service of officers and all employees of the Institute shall be determined by the Council.

PART V—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 25—Funds of the Institute.

(1) The funds of finance of the Institute shall 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) Any sum of money received by or on behalf of the Institute shall be paid into such bank account as may be opened by the Council with the approval of the Accountant-General for the credit of the Institute's general or deposit account.

Section 26—Accounts and Audit.

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

(2) The books and accounts of the Institute shall be audited by the Auditor-General or an auditor appointed by him 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.

Section 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 such other reports as the Minister may in writing require.

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

Section 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 14 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 any statute affects academic matters, the Council shall similarly circulate the statute to the Academic Board.

Section 29—Relationship with other Institutions.

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

Section 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.

Section 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.

Section 32—Interpretation.

In this Act unless the context otherwise requires

"Institute" means the Institute of Professional Studies established under section 1 of this Act;

"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);

"management" means non accounting programmes run by the Institute;

"Minister" means the Minister responsible for Education;

Section 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) Notwithstanding 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) Any 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.

Section 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) a 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 all the powers and functions conferred by this Act on the Council.

Date of Gazette Notification: 30th April, 1999.