

S.M.C.D. 151
NATIONAL FILM AND TELEVISION INSTITUTE ACT, 1978

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S.M.C.D. 151
NATIONAL FILM AND TELEVISION INSTITUTE ACT, 1978(1)

AN ACT to provide for the establishment of a national film and television institute and to provide for related matters.

Establishment of Institute

1. Establishment of National Film and Television Institute

- (1) There is hereby established a National Film and Television Institute.
- (2) The Institute is a body corporate, with perpetual succession and a common seal and may sue and be sued in its corporate name.
- (3) The Institute may, in connection with the performance of its functions under this Act or any other enactment, purchase, hold, manage or dispose of movable or immovable property and may enter into contracts and transactions which are expedient.
- (4) Where there is a hindrance to the acquisition by the Institute of property the property may be acquired for the Institute under the State Property and Contracts Act, 1960 (C.A. 6) or under the State Lands Act, 1962 (Act 125) and the Act shall apply in relation to the acquisition with the modifications that are necessary to provide for the vesting of the property acquired in the Institute and for the cost of the acquisition to be defrayed by the Institute.

Objects and Functions of Institute

2. Objects of the Institute

The objects of the Institute are,

- (a) to train young men and women in the skills and techniques of film production,
- (b) to train film and television producers and actors in the production and publication of feature films for adult education on national and international basis, and
- (c) to organise classes, lectures, seminars, demonstrations, experiments, researches and practical training in film production.

The Board

3. Governing body of the Institute

- (1) The governing body of the Institute is the board of governors consisting of
 - (a) the chairman,
 - (b) the director of the Institute,
 - (c) one representative of the Ministry of Information,

- (d) one representative of the Ministry of Education,
- (e) one representative of the Friedrich-Ebert Foundation,
- (f) one representative of the Ghana Broadcasting Corporation,
- (g) one representative of the Ghana Film Industry Corporation,
- (h) one representative of the School of Drama, Institute of African Studies, University of Ghana, Legon,
- (i) one representative of the Arts Council of Ghana, and
- (j) one representative of the Association of Cinematographic Film Exhibitors and Distributors.

(3) The chairman of the Board shall be appointed by the President acting in consultation with the Council of State by virtue of article 70 of the Constitution.

(4) The term of office of members of the Board, other than the director, shall be two years.

(5) A member of the Board is eligible for re-appointment, at the expiration of the term of office.

(6) A member of the Board, other than the director, shall be paid the travelling and other allowances determined by the Minister with the approval of the Minister responsible for Finance.

(7) A member of the Board other than the director, may resign from office by writing addressed to the Minister and may be removed from office by the President acting in consultation with the Council of State

- (a) if the member is adjudged to be a person of unsound mind,
- (b) if the member is sentenced to death or to a term of imprisonment exceeding twelve months without the option of a fine or is convicted of an offence involving dishonesty or moral turpitude and in each case has not been granted a free pardon.

(8) A person appointed to fill a vacancy created by resignation or removal from office of a member shall hold office for the unexpired period of that member.

(9) Subject to this Act, where a member of the Board is incapacitated by absence from the Republic or illness or any other sufficient cause from performing the functions of office, the President may, on the advice of the Council of State, appoint another person to hold office in place of the member until the expiration of the term of office of the member.

4. Meetings of the Board

(1) The Board shall meet once a month but may be summoned to transact an extra-ordinary business on a particular date at the request of the chairman or three other members of the Board.

(2) The request shall be made to the director in writing with a summary of the business to be transacted at least seven days before that date.

(3) The chairman shall preside at the meetings of the Board and in the absence of the chairman a member of the Board appointed by the members present from among themselves shall preside.

(4) The quorum for a meeting of the Board is four.

(5) A question before a meeting of the Board shall be determined by a simple majority of the members present and voting.

- (6) At a meeting of the Board, the person presiding shall have a casting vote.
- (7) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of them.
- (8) A member of the Board who has an interest in a contract proposed to be made with the Institute
- (a) shall disclose the nature of that interest to the Board, and
 - (b) shall, unless the Board otherwise directs, be disqualified from participating in the deliberations of the Board on the contract, and
 - (c) is disqualified from voting in a decision of the Board on that contract.
- (9) A member of the Board who infringes a provision of subsection (8) shall cease to be a member of the Board.
- (10) The Board may appoint a number of committees consisting of persons who are members of the Board or not as it thinks fit to perform the functions that the Board may assign to them.
- (11) The Board may co-opt a person to act as adviser at any of its meetings, but a person so co-opted is not entitled to vote at the meeting on a matter for decision by the Board.

Management and Staff of the Institute

5. Director of the Institute

- (1) The Institute shall have a director who shall be the chief executive.
- (2) The director shall be appointed by the President acting in accordance with the advice of the Board on the terms and conditions specified in the instrument of appointment.
- (3) Where the office of the director becomes vacant the Board shall notify the Minister of the occurrence of the vacancy.
- (4) A vacancy in the post of director shall be filled in accordance with subsection (2).
- (5) Where the director is temporarily incapacitated from the performance of functions under this Act, the Board may authorise the secretary to perform those functions for the duration of the incapacity.
- (6) Subject to the general control of the Board on matters of policy, the director
- (a) shall be charged with the direction of policy, the day-to-day business of the Institute and of its administration, organisation and control of the employees of the Institute, and
 - (b) shall ensure the maintenance of the academic standards of the Institute.
- (7) For the purposes of paragraph (b) of subsection (6), the director shall, with the approval of the Board,
- (a) prescribe the curriculum and syllabus of the Institute,
 - (b) regulate the conduct of examinations and the award of certificates,
 - (c) determine the admission of students to the Institute, and
 - (d) discipline, suspend or dismiss for good cause a student of the Institute.

6. Execution of contracts

- (1) The use of the seal of the Institute shall be authenticated by
 - (a) the signature of the director or any other member of the Board authorised by the Board to authenticate the application of the seal, and
 - (b) the signature of the secretary or any other officer of the Institute authorised by the Board to act in the secretary's place for that purpose.

(2) The Institute may by instrument in writing under its common seal empower a person generally or in respect of a specified matter as its attorney, to execute deeds on its behalf in a place not situated in the Republic; and a deed signed by that attorney on behalf of the Institute and under the seal of the attorney, is binding on the Institute and is of effect as if it were made under the common seal of the Institute.

(3) An instrument or a contract which, if executed or entered into by a person other than a body corporate, would not be required to be under seal, may be executed or entered into on behalf of the Institute by the director or a member of the Board if that person has previously been authorised by a resolution of the Board to execute or enter into that particular instrument or contract.

(4) The Institute may by writing under its common seal appoint a person outside the Republic as agent to execute or enter into an agreement or a contract and the agreement or contract if executed or entered into on behalf of the Institute shall have effect as if it had been duly executed or entered into as prescribed for the purposes of subsection (3).

(5) A document purporting to be an instrument executed or issued by or on behalf of the Institute and to be

- (a) sealed with the common seal of the Institute authenticated in the manner provided by subsection (1),
- (b) signed by and under the seal of a person appointed as attorney under subsection (2), or
- (c) signed by the director or by a member of the Board or any other person authorised in accordance with subsection (3) to act for that purpose,

shall be deemed to be so executed or issued until the contrary is shown.

7. Staff of the Institute

(1) The Institute may engage the employees that are necessary for the proper and efficient conduct of the business, and for the performance of the functions, of the Institute.

(2) The Institute may engage the services of consultants and specialists on the terms and conditions that the Board may determine on the recommendations of the director.

(3) Subject to article 195 of the Constitution

- (a) the Board is, in consultation with the Public Services Commission, responsible for the appointment and promotion of the employees of the Institute,
- (b) the Board acting on the recommendation of the director is responsible for the discipline and removal of the employees of the Institute.

(4) The terms and conditions of service of the teaching staff of the Institute shall be determined by the Board in consultation with the Public Services Commission.

(5) The Board may delegate to the director the power to appoint, promote, discipline or remove employees of the Institute as determined by the Board.

(6) Public officers may be transferred or seconded to the Institute or may otherwise give assistance to the Institute.

(7) Public officers transferred or seconded may be appointed at the point in the salary scale of the Institute which approximates as closely as possible to the point in the salary scale applicable to employees of the Institute of a similar class, category or description.

(8) A public officer seconded to the service of the Institute is eligible for consideration for promotion in the Service from which the public officer was seconded.

(9) Where a pensionable public officer is seconded to the service of the Institute,

(a) the period during which that public officer serves with the Institute shall for the purposes of computation of the time and amount of pension under an enactment relating to pensions applicable to that officer, be deemed to be service in a pensionable office, and

(b) the amount of the pension shall be calculated on the basis of the emoluments applicable at the time of the retirement to the post held by the officer in the service from which that public officer was seconded.

(10) A person who immediately before the coming into operation of this Act was a member of the teaching staff or an employee of the Institute as formerly existing shall continue to be a member or employee of the Institute subject to this Act.

8. Secretary of the Institute

(1) The Institute shall have a secretary who shall be appointed under article 195 of the Constitution on the terms and conditions determined by the Board in consultation with the Public Services Commission.

(2) The secretary shall act as secretary to the Board and shall, subject to the directions of the Board, arrange the business for, and cause to be recorded and kept, minutes of the meetings of the Board.

(3) The secretary shall perform any other functions directed in writing by the Board.

(4) The secretary shall assist the director in the day-to-day administration of the Institute.

(5) The secretary shall be assisted by the staff of the Institute so directed by the Board on the recommendations of the director.

Financial Provisions

9. Funds of the Institute

The funds of the Institute consist of

(a) the moneys appropriated by Government for the purposes of the Institute,

(b) the moneys paid to the Institute by way of grants, subsidies, donation, gifts, fees, subscriptions, rents, interest or royalties,

(c) the moneys derived from the sale of property held by or on behalf of the Institute, and

(d) the accumulations of income derived from property or money held by or on behalf of the Institute.

10. Borrowing powers

(1) Subject to article 181 of the Constitution, the Institute may obtain loans and other credit facilities on the guarantee of the Government from the banks, other credit financial institutions, local authority or persons approved by the Minister responsible for Finance.

(2) The Institute may charge its assets, undertakings and income with the repayment of money borrowed together with interest on that money and may do any other things necessary in connection with or incidental to that borrowing.

11. Bank account of the Institute

(1) The moneys amounting to one hundred cedis or more received for or on behalf of the Institute by an officer or employee of the Institute shall as soon as practicable after receipt of the money be paid into a bank account as directed by the Board.

(2) Money shall not be withdrawn from the bank account of the Institute except by cheque signed by an officer or employee of the Institute authorised for the purpose by the Board and countersigned by the director or secretary.

12. Accounts and audit

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

(2) The books and accounts of the Institute shall, within three months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The Institute shall pay in respect of the audit, the fees that the Auditor-General and the Board may agree or in the case of failure to agree, the fees that the Minister may prescribe.

(4) The Board shall, as soon as possible after receiving the report of the Auditor-General, forward a copy of the report to the Minister.

(5) The Minister shall as soon as practicable on receipt of the report, lay before Parliament a copy of the Auditor-General's report forwarded under this section.

13. Financial year of the Institute

(1) The Institute's financial year shall end on the 30th day of June in each year.

(2) *Spent.2(2)*

Miscellaneous

14. Annual report

(1) The director shall, as soon as possible after the expiration of each academic year but within three months after the expiration, submit to the Board an annual report dealing generally with the activities and operations of the Institute, including a statement of account for the preceding financial year.

(2) The Board shall, as soon as practicable after the receipt of the director's annual report forward it to the Minister.

(3) The Minister shall lay a copy of the report before Parliament.

15. Directions of the Minister

The Minister may give general directions in writing to the Institute on matters of policy and the Institute shall comply with the directions.

16. Regulations

(1) The Minister may, after consultation with the Board, by Legislative Instrument, make Regulations for the purpose of carrying out the objects of the Institute.

(2) Without prejudice to the generality of subsection (1) the Minister may, by Legislative Instrument, make Regulations governing the terms and conditions of service of the employees, other than members of the teaching staff, of the Institute.

17. Exemptions

Subject to clause (2) of article 174 of the Constitution, the Institute is exempted from the payment of the taxes and duties which the Minister responsible for Finance may in writing approve.

18. Interpretation

In this Act, unless the context otherwise requires,

“**academic year**” means a period of nine months commencing in October and ending in June;

“**Board**” means the board set up under section 3;

“**director**” means the director of the Institute;

“**Institute**” means the National Film and Television Institute established by section 1;

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

“**Regulations**” means Regulations made under this Act.

Endnotes

1 (Popup - Footnote)

1. This Act was issued as the National Film and Television Institute Decree, 1978 ([S.M.C.D. 151](#)) made on the 2nd day of February, 1978 and notified in the *Gazette* on 17th February, 1978.

2 (Popup - Footnote)

2. The subsection provided that:

“For the purpose of this section the period extending from the commencement of this Decree to the 30th day of June, 1978 shall be deemed to be a financial year.”