

**P.N.D.C.L. 33**  
**REGIONAL MARITIME ACADEMY ACT, 1982**

ARRANGEMENT OF SECTIONS

*The Academy*

1. Regional Maritime Academy.
2. Divisions of Academy.
3. Object of the Academy.

*Board of Governors of the Academy*

4. Board of governors.
5. Composition of the Board.
6. Chairman of the Board.
7. Functions of the Board.
8. Terms of office.
9. Meetings of the Board.

*Officers and Staff of the Academy*

10. Principal Officers of the Academy.
11. The Principal.
12. Vice-principal.
13. Dean of Studies.
14. Secretary.
15. Academic and administrative staff.
16. Staff.
17. Remuneration and conditions of service.

*Financial Provisions*

18. Funds.
19. Budget.
20. Financial statement.
21. Financial year.

*Supplementary and Miscellaneous Provisions*

22. By-laws.

23. Exemptions.
24. Interpretation.
25. Repeal and revocation.

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**P.N.D.C.L. 33**  
**REGIONAL MARITIME ACADEMY ACT, 1982(1)**

**AN ACT to regulate the Regional Maritime Academy and provide for related matters.**

*The Academy*

**1. Regional Maritime Academy**

(1) There shall, subject to this Act, continue in existence the body known as the Regional Maritime Academy, Accra, Ghana.

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

(3) The Academy shall, in the performance of its functions, have academic, financial and administrative autonomy.

(4) The Academy may for the performance of its functions under this Act, acquire, hold and dispose of movable and immovable property and may enter into a contract or transaction.

**2. Divisions of Academy**

For the effective operation of the Academy, the Board of Governors may create units or divisions within the Academy.

**3. Object of the Academy**

The object of the Academy is to provide studies, training and research in maritime subjects for citizens of member states and any other persons approved by the Board.

*Board of Governors of the Academy*

**4. Board of governors**

The governing body of the Academy is a Board of governors.

**5. Composition of the Board**

(1) The Board consists of

- (a) the Minister responsible for Maritime Affairs from each Member State or the duly accredited representative of the Minister, and
- (b) one representative of the Permanent Secretariat of the Ministerial Conference of West and

Central African States on Maritime Transport, and

- (c) the Principal of the Academy, and
  - (d) a student actually studying in the Academy elected by the students as their representative.
- (2) Only members of the Board appointed under paragraph (a) of subsection (1) have the right to vote.

## **6. Chairman of the Board**

(1) A member of the Board under paragraph (a) of subsection (1) of section 5 shall be appointed by the other similarly appointed members to be the chairman of the Board for a period not exceeding one year.

(2) Members of the Board shall gain appointment to the post of chairman of the Board by rotation in the order in which the names of their representative states are arranged alphabetically.

## **7. Functions of the Board**

- (1) The Board is autonomous and shall be accorded full international status.
- (2) Without derogation from its functions under subsection (1), the Board shall
  - (a) determine and supervise the finances of the Academy,
  - (b) prepare overall plans and programmes for the furtherance of the objects of the Academy,
  - (c) prescribe the terms and conditions on which any person selected for any course of study and training organised by the Academy shall be admitted, and
  - (d) institute awards and scholarships in furtherance of the objects of the Academy.

## **8. Terms of office**

A member of the Board shall hold office

- (a) if the member is a Minister responsible for Maritime Affairs in a Member State, until the member ceases to be a Minister; and
- (b) if the member is a representative duly accredited by the member's Government, until the period specified in the member's letter of accreditation expires.

## **9. Meetings of the Board**

(1) The Board shall ordinarily meet for the despatch of its business at the times and places appointed by the chairman of the Board.

(2) The Board shall meet not less than twice a year, and at least one of the meetings shall be held at the Academy.

(3) The chairman of the Board may at any time and shall, on the request in writing of the Principal or not less than two-thirds of the members of the Board call a special meeting of the Board.

(4) The chairman shall preside at the meetings of the Board, and in the absence of the chairman, a member appointed by the members shall preside.

(5) Questions before the Board at a meeting shall be decided by a majority of the members present and voting, but where the votes are equal, the chairman or the person presiding shall have a casting vote.

(6) The quorum at a meeting of the Board is three.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among, or a defect in the appointment or nomination of members of the Board.

### *Officers and Staff of the Academy*

#### **10. Principal Officers of the Academy**

(1) The principal officers of the Academy are,

- (a) the Principal,
- (b) the Vice-Principal,
- (c) the Dean of Studies,
- (d) the Secretary, and
- (e) any other officer of the Academy determined by the Board.

(2) The principal officers shall be appointed by the Board.

#### **11. The Principal**

(1) The Principal is responsible to the Board, is the chief academic and administrative officer of the Academy and

- (a) shall exercise general authority over the staff of the Academy,
- (b) is responsible for the discipline in the Academy,
- (c) is responsible for co-ordination and the implementation of the programmes of the Academy, and
- (d) is responsible for the administration of the finance of the Academy.

(2) Without prejudice to subsection (1) the chairman of the Board or the Board may delegate any of their functions to the Principal.

#### **12. Vice-principal**

(1) The Vice-Principal of the Academy shall assist the Principal in the performance of functions under this Act and shall perform the functions that the Principal may assign to the Vice-Principal.

(2) In the absence of the Principal or where the Principal is incapacitated from performing the functions of the office, the Vice-Principal shall act in that office until the time that the Principal is again able to perform the functions or a new Principal is appointed.

#### **13. Dean of Studies**

There shall be a Dean of Studies who is responsible for the academic matters of the Academy subject to the general control of the Principal.

#### **14. Secretary**

(1) There shall be an officer to be designated as secretary to the Academy.

(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 that the Principal may assign to the secretary.

### **15. Academic and administrative staff**

Subject to article 195 of the Constitution, the Board, acting on proposals submitted to it by the Principal, shall appoint the members of the academic and administrative staff other than the principal officers of the Academy.

### **16. Staff**

(1) Subject to article 195 of the Constitution, the Principal of the Academy acting on behalf of the Board may employ any other persons as may be required for the efficient performance of the functions of the Academy.

(2) The Principal's powers of employment under subsection (1) shall be exercised in accordance with the procedures prescribed by the Board.

### **17. Remuneration and conditions of service**

(1) The rates of remuneration and any other conditions of service of members of staff and of the employees of the Academy shall be determined by the Board.

(2) The Board may make by-laws to provide for the contribution by the Academy to superannuation or any other similar fund instituted for the benefit of the staff and employees of the Academy.

## *Financial Provisions*

### **18. Funds**

(1) The funds of the Academy include

- (a) the contributions to the Academy by member states,
- (b) a donation, legacy or subsidy granted to the Academy from any source,
- (c) fees accruing to the Academy in the course of the performance of its functions including,
  - (i) fees paid by course participants to the Academy,
  - (ii) fees, charges and dues in respect of services rendered by or through the Academy,
- (d) the interests and income derived from properties of the Academy,
- (e) the loans which are granted to the Academy for the achievement of a specified purpose, and
- (f) any other contributions or gifts received by the Academy.

(2) Moneys received by or on behalf of the Academy shall be paid by the Principal into accounts kept in the name of the Academy at a bank to be specified by the Board.

### **19. Budget**

(1) The Principal shall in each year prepare, not later than the date determined by the Board, a budget

showing the estimated revenue and expenditure of the Academy for the coming financial year, and shall submit it to the Board for approval.

(2) The budget of the Academy shall be borne by the member states who shall pay their contributions directly to the Academy in accordance with the modalities of allocation fixed by the Board.

(3) The Board may seek external financial aid for the Academy.

## **20. Financial statement**

(1) The Board shall prepare not later than the 30th day of June in each year,

(a) a statement of income and expenditure of the Academy for the last preceding financial year, and

(b) a statement of the assets and liabilities of the Academy as they stood at the end of the immediately preceding financial year.

(2) The statement, duly certified by the Principal, shall be submitted for audit to the Auditor-General not later than six months after the end of the last preceding financial year.2(2)

## **21. Financial year**

For the purpose of this Act, “**financial year**” means the period declared as such for accounting purposes by the Board.

### *Supplementary and Miscellaneous Provisions*

## **22. By-laws**

The Board may make by-laws not inconsistent with this Act or the terms of the Convention in relation to a matter within the functions of the Academy and, in particular,

(a) declaring the States entitled to membership and the rights, privileges and duties appertaining to the States;

(b) prescribing the contributions, whether by way of fee or otherwise, to be paid by Member States or a class of students of the Academy;

(c) prescribing the nature, content and conditions of certificates and diplomas;

(d) providing for the discipline and good order of the Academy and penalties for the breach of the order.

## **23. Exemptions**

Subject to article 187 of the Constitution, the Academy is exempted from the tax, duties or rates imposed by or under the Internal Revenue Act, 2000 (Act 592), the Local Government Act, 1993 (Act 465) and the Customs and Excise legislation or any other enactment.

## **24. Interpretation**

In this Act, unless the context otherwise requires,

“**Academy**” means the Regional Maritime Academy established under section 1;

**“Board”** means the governing body of the Academy established under section 4;

**“Convention”** means the Convention on the Regionalisation of the Nungua/Accra and the Abidjan Nautical Training Institutes adopted by the Third Ministerial Conference of West and Central African States on Maritime Transport, held in Accra, Ghana, from the 23rd to the 26th day of February, 1971;

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

**“Member State”** means a State which is a signatory to the Convention or has acceded to it and is represented on the Board by a Minister responsible for Maritime Affairs or a representative duly accredited by his Government;

**“Minister”** means the Minister responsible for Maritime Affairs.

## **25. Repeal and revocation**

(1) The Regional Maritime Academy Decree, 1979 (A.F.R.C.D. 70) is hereby repealed.

(2) The Ghana Nautical College Instrument, 1970 (L.I. 677) is hereby revoked and the Ghana Nautical College established by the Instrument is hereby dissolved.

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## Endnotes

### 1 (Popup - Footnote)

1. The Act was issued as the Regional Maritime Academy Law, 1982 ([P.N.D.C.L. 33](#)) made in the 30th day of September, 1982 and notified in the *Gazette* on 5th November, 1982.

### 2 (Popup - Footnote)

2. The Auditor-General has been substituted for the words, “an auditor appointed by the Board”. The Academy is a public corporation and therefore falls within the ambit of the powers of the Auditor-General as in [article 187 of the Constitution](#).