

**Specialist Health Training and Plant Medicine Research Act, 2011
Act 833**

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ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED

**SPECIALIST HEALTH TRAINING AND PLANT MEDICINE
RESEARCH ACT, 2011**

AN ACT to establish the Centre for Plant Medicine Research for the promotion of scientific research, knowledge and development in the field of plant medicine; to establish the Ghana College of Physicians and Surgeons as a national postgraduate medical college for training specialists in medicine, surgery and related disciplines, to establish the Ghana College of Nurses and Midwives to promote postgraduate education in nursing and midwifery, to establish the Ghana College of Pharmacists to promote postgraduate education in Pharmacy and for connected purposes.

DATE OF ASSENT:

PASSED by Parliament and assented to by the President:

PART ONE-ESTABLISHMENT OF CENTRE FOR PLANT MEDICINE RESEARCH

Establishment of the Centre Establishment of Centre for Plant Medicine Research

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Centre for Plant Medicine Research.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the Centre under the State Property and Contracts Act, 1960 (C. A. 6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Centre.

Object of the Centre

2. The object of the Centre is to research into plant medicine for the promotion, encouragement, extension, transfer and application of scientific research knowledge and development in the field of plant medicine.

Functions of the Centre

3. To achieve the object, the Centre shall

(a) establish guidelines for research into plant medicine and disseminate the results of research;

(b) promote national and international collaboration, the transfer of technology for the effective development and utilisation of research results and findings in plant medicine for the benefit of the country;

(c) facilitate the evaluation of research findings to determine the therapeutic benefit of plant medicines for quality assurance;

(d) make available the disciplines of the Centre in research and

development to stakeholders in the national interest; (e) establish botanical gardens for medicinal plants;

(f) co-operate and liaise with traditional medicine practitioners; (g) seek and generate funds for research into plant medicine; (h) build institutional capacity for plant medicine research;

(i) protect the intellectual property of the Centre; and

(j) perform any other functions that are ancillary to the object of the Centre.

Governing body of the Centre

4. (l) The governing body of the Centre is a Board consisting of (a) a chairperson,

(b) the Director of the Traditional and Alternative Medicine Directorate of the Ministry of Health or a representative,

(c) A Dean of accredited Medical Schools in the country,

(d) A Dean of accredited schools or faculties of Pharmacy in the country.

(e) one representative of the Food and Drugs Board not below the rank of director,

(f) one person not below the rank of Director from

(i) the Council for Scientific and Industrial Research nominated by the Council, and

(ii) the Ministry of Health,

(g) one traditional medicine practitioner nominated by the Traditional Medicine Practice Council in consultation with the associations of traditional medicine practitioners, and (h) the Director of the Centre.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Board shall ensure the proper and effective performance of the functions of the Centre.

Tenure of office of members

5. (1) A member of the Board shall hold office for a term not exceeding three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Director of the Centre. (3) A member of the Board may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Director of the Centre, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 7; or

(b) as a result of a declaration under subsection (6), or (c) by reason of the death of a member

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

6. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request in writing of not less than one third of the membership of the Board convene an extraordinary meeting of the Board at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Board is five members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board are decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

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

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration by the Board

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Board in respect of that matter.

(2) A member ceases to be a member of the Board if that member has an interest in a matter before the Board and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the Board in respect of the matter.

Establishment of committees

8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function.

(2) Without limiting section (1), the Board shall have a health research and ethics committee to perform functions determined by the Board.

(3) A member of the Board shall be the chairperson of a committee.

Allowances

9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Ministerial directives

10. The Minister may give directives to the Board on matters of policy and the Board shall comply.

Administrative and financial provisions Executive Director

11. (1) The Board shall, in accordance with article 195 of the Constitution, appoint an Executive Director of the Centre.

(2) The Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Executive Director shall designate an officer of the Centre as the secretary to the Board.

Functions of the Executive Director

12. (1) The Executive Director is responsible for the day to day administration of the affairs of the Centre and is answerable to the Board in the performance of functions under this Act.

(2) The Executive Director shall perform any other functions determined by the Board.

(3) The Executive Director may delegate a function to an officer of the Centre but is not relieved from the ultimate responsibility for the performance of the delegated function.

Appointment of other staff

13. (1) The Board shall, in accordance with article 195 of the Constitution, appoint other staff of the Centre.

(2) The Centre shall have any other officers and staff that may be necessary for the proper and effective performance of its functions.

(3) The Board may engage the services of advisers on terms and conditions determined by the Board.

(4) Other public officers may be transferred or seconded to the Centre or may otherwise give assistance to it.

Research Institutes

14. The Centre may establish research Institutes to effectively perform its functions under this Act. .

Funds of the Centre

15. (1) The funds of the Centre include (a) moneys provided by Parliament,

(b) fees and charges accruing to the Centre in the performance of its functions,

(c) donations, grants and gifts, and

(d) any other moneys that are approved by the Minister responsible for Finance.

(2) The Centre may retain a percentage of internally generated funds realised in the performance of its functions.

(3) The percentage of internally generated funds retained by the Centre shall be as specified by the Minister responsible for Finance.

Accounts and audit

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

(2) The Board shall submit the accounts of the Centre to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts audit the accounts and forward a copy of the audit report to the Minister.

(4) The financial year of the Centre is the same as the financial year of the Government.

Annual report and other reports

17. (1) The Board shall within one month after the receipt of the audit report submit an annual report to the Minister covering the activities and the operations of the Centre for the year to which the report relates.

(2) The annual report shall include the report of the AuditorGeneral.

(3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports which the Minister may require in writing.

Intellectual property rights

18. (1) The rights pertaining to an invention supported by the Centre are determined by agreement between the Centre and the inventor or the employer of the inventor.

(2) The Centre shall

(a) acknowledge an invention, discovery or improvement in respect of indigenous knowledge and technology held by any person or community, and

(b) protect the rights of that person or community with respect to the exercise of functions under this Act.

(3) The rights pertaining to an invention, innovation and improvement made

(a) by staff of the Centre in the course of their employment, or (b) in the course of research or investigation by the Centre shall vest in the Centre which shall make the inventions and improvements available for public use subject to conditions determined by the Centre.

(4) The Centre may apply for a patent in respect of an invention, innovation or improvement and is regarded as the assignee or transferee of the inventor with full proprietary rights in relation to the invention, innovation or improvement.

(5) This section does not apply where

(a) an invention is made by an employee of the Centre outside the employment of the Centre, or

(b) an employee of the Centre conducts private research or a personal investigation.

Secrecy

19. A researcher of the Centre with a potential patentable invention shall promptly report the findings to the Board in writing and the findings shall not be disclosed to another person except with the approval of the Board.

Regulations

20. (1) The Minister may, on the advice of the Board, by legislative instrument make Regulations on

(a) fees to be paid under this Part;

(b) measures to enable the Centre stimulate, encourage, support, protect and commercialise the research findings of the Centre; (c) institutional co-operation and consultation between the Centre and other public agencies;

(d) a code of health research ethics for the work of the Centre;

and

(e) any other matter necessary for the effective implementation of the provisions of this Part.

(2) A person who contravenes a provision under Regulations made under this Act is liable to a fine of not more than five thousand penalty units.

Interpretation

21. In this Act, unless the context otherwise requires,

"Board" means the governing body of the Centre;

"Centre" means the Centre for Plant Medicine Research; "innovation" means the process of transforming an idea,

generally generated through research and development, into a new or improved product, process or approach, which relates to the real needs of society and which involves scientific, technological, organisational, industrial or commercial activities;

"invention" a new object made, designed or created by thought,

especially one for which patent can be granted; "Minister" means the Minister responsible for Health; "Ministry" means Ministry of Health;

"national system of innovation" means all sectors and institutions within those sectors of the country which pursue common social, economic and development-oriented goals through innovation;

"Regulations" means the Regulations made under this Act; and "research" means the study, systematic investigation, augmentation and improvement of scientific knowledge through scientific investigations and methods directed towards the scientific and technological requirements of the private and public sectors, including the solution of relevant problems in the national interest and includes the development, acquisition and transfer of expertise and technology.

Transitional provisions

22. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Centre established under the Centre for Scientific Research into Plant Medicine Act, 1975 (NRCD 344) immediately before the commencement of this Act and the persons employed by the Centre are transferred to the Centre for Plant Medicine Research established under this Act and accordingly proceedings taken by or against the former Centre may be continued by or against the Centre.

(2) A contract subsisting between the former Centre established under the Centre for Scientific Research into Plant Medicine Act, 1975 (NRCD 344) and another person and in effect immediately before the commencement of this Act shall subsist between the Centre under this Act and that other person.

Repeal and savings

23. (1) The Centre for Scientific Research into Plant Medicine Act, 1975 (NRCD 344) is hereby repealed.

(2) Despite the repeal of NRCD 344 any act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act.

PART TWO-ESTABLISHMENT OF GHANA COLLEGE OF PHYSICIANS AND SURGEONS

Establishment of the College Establishment of Ghana College of Physicians and Surgeons

24. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana College of Physicians and Surgeons.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the College under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the College.

Objects of the College

25. The objects of the College are to

(a) promote specialist education in medicine, surgery and related disciplines

(b) promote continuous professional development in medicine, surgery and related disciplines,

(c) promote postgraduate medical education and research in medicine, surgery and related disciplines; and

(d) contribute to the formulation of policies on sound health and public health generally.

Functions of the College

26. To achieve the objects, the College shall

(a) organise and supervise specialist training, promote continuous professional development and support postgraduate research in medicine, surgery and related disciplines;

(b) conduct specialist examinations in medicine, surgery and related disciplines;

(c) publish journals and pamphlets;

(d) award diplomas and certificates on completion of specialist training and confer professional distinctions;

(e) foster cooperation with other institutions with similar objectives;

(f) initiate and participate in actions and discussions aimed at sound health and formulation of public policies on health; and

(g) perform any other functions that are ancillary to the objects of the College.

Governing body of the College

27. (1) The governing body of the College is a Council consisting of

(a) a chairperson;

(b) the President of the College who is elected by Fellows of the College;

(c) the Rector of the College who shall be the Secretary;

(d) two Vice-Presidents of the College;

(e) one representative of

(i) the Ministry of Health not below the rank of Director,

(ii) the Deans of Medical and Dental Schools; (iii) the Medical and Dental Professions;

(iv) Chief Executives of the Teaching Hospitals; (v) the Medical and Dental Council;

f) a representative of the Attorney-General not below the level of Principal State Attorney;

(g) a Resident elected by Residents; and

(h) one eminent person nominated by the President of the Republic.

(2) The members of the Council shall be appointed by the President of the Republic in accordance with article 70 of the Constitution.

(3) The President of the Republic shall have regard to gender in the appointment of members of the Council.

(4) The Council shall ensure the proper and effective performance of the functions of the College.

Functions of the Council

28. The Council is responsible for the (a) implementation of policies;

(b) mobilisation, control and supervision of the finances and estates of the College;

(c) admission of Members and Associate-Members of the College; and

(d) recommendation of a member in good standing to be admitted as a Fellow.

Tenure of office of members of the Council

29. (1) A member of the Council shall hold office for a term not exceeding three years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Rector of the College. (3) A member of the Board may at any time resign from office in writing addressed to the President of the Republic through the Minister.

(4) A member of the Council, other than the Rector who is absent from three consecutive meetings of the Council without sufficient cause ceases to be a member of the Council.

(5) The President of the Republic may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Council is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 31; or

(b) as a result of a declaration under subsection (6); or (c) by reason of the death of a member

the Minister shall notify the President of the Republic of the vacancy and the President of the Republic shall appoint a person to fill the vacancy.

Meetings of the Council

30. (1) The Council shall meet at least once every three months for the despatch of business at the time and in the place determined by the chairperson.

(2) The chairperson shall at the request in writing of at least one third of the members of the Council convene an extraordinary meeting of the Council at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Council is nine members of the Council or a greater number determined by the Council in respect of an important matter.

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

(5) Matters before the Council shall be decided by a simple majority of members present and voting and in the event of equality of votes the person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

31. (1) A member of the Council who has an interest in a matter for consideration by the Council

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Council in respect of that matter.

(2) A member ceases to be a member if that member has an interest

in a matter before the Board and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the Council in respect of the matter.

Allowances for members

32. Members of the Council including persons co-opted to attend meetings of the Council shall be paid the allowances approved by the Minister in consultation with the Minister for Finance.

The College

President and Vice-Presidents of the College

33. (1) The President of the College shall be a Fellow of the College in good standing and the academic head of the College.

(2) The College shall have a Vice-President for each of the Divisions of the College.

(3) A Vice-President is a Fellow and a member of a Division of the College who is elected by Fellows of the College who are members of that Division to head that Division.

Academic Board

34. (1) The College shall have an Academic Board which is responsible for the academic affairs of the College.

(2) The Academic Board comprises

(a) the President of the College who shall be the chairperson, (b) the Rector who shall be Secretary

(c) the Vice-Presidents of the College,

(d) the Vice-Rectors of the College;

(e) the Editor of the College,

(f) chairpersons of the various faculties, and (g) the Librarian who shall be in attendance.

Functions of the Academic Board

35. The Academic Board shall, among other things,

(a) approve courses of study and examinations held in connection with the courses;

(b) prescribe by-laws, rules and regulations for the conduct of the business of the College;

(c) determine the criteria for the admission of Members and

Associate Members to the College;

(d) approve a structure of operation that will enable the College to discharge its functions; and

(e) prescribe standards and training programmes for specialists.

Committees of the Academic Board

36. (1) In the performance of its functions the Academic Board may form various committees including education, research, finance and editorial committees.

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

Divisions of the College

37. (1) The College shall have the following Divisions: (a) the Division of Physicians,

(b) the Division of Surgeons, and

(c) any other Division determined by the Council on the advice of the Academic Board.

(2) A Division shall consist of a number of Faculties created by the Division with the approval of the Academic Board.

(3) A Division may subject to the approval of the Academic Board, add new Faculties or remove old Faculties when necessary.

Division of Physicians

38. The Division of Physicians includes

(a) the Faculty of Family Medicine, (b) the Faculty of Internal Medicine,

(c) the Faculty of Laboratory Medicine,

(d) the Faculty of Paediatrics and Child Health, (e) the Faculty of Psychiatry,

(f) the Faculty of Public Health, and

(g) the Faculty of Radiology, Oncology and Radiation Therapy.

Division of Surgeons

39. The Division of Surgeons includes

(a) the Faculty of Anesthesiology and Intensive Care, (b) the Faculty of Dental Surgery and Sub-Specialties, (c) the Faculty of Obstetrics and Gynaecology,

(d) the Faculty of General and Specialised Surgery, and (e) the Faculty of Emergency Medicine.

Divisional Board

40. Each Division shall have a Divisional Board which

(a) is responsible for the overall organisation and supervision of the affairs of the Division, and

(b) regulates its own proceedings.

Composition of Divisional Board

41. A Divisional Board comprises (a) the head of the Division,

(b) the Vice-Rector of the Division who shall be the Secretary, (c) the assistant secretary of the Division, and

(d) the chairpersons and secretaries of the Faculties in the Division.

Tenure of office of members of Divisional Board

42. A member of the Divisional Board shall hold office for a term of two years and may be re-elected but a member shall not be elected for more than two terms.

Faculty Board

43. (1) Each Faculty shall have a Faculty Board consisting of (a) the chairperson, and

(b) subject to the approval of the Academic Board, six or more Fellows who belong to the Faculty as members, one of whom shall be elected as secretary.

(2) The chairperson and other members of the Faculty Board shall be elected by the Fellows who belong to the Faculty.

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

44. The College shall have the following membership: (a) Foundation Fellows;

(b) Fellows;

(c) Members and Associate Members;

(d) Honorary Fellows; and

(e) Affiliate Members.

Rector

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

(2) The Rector shall be appointed by the Council and shall hold office on terms and conditions specified in the letter of appointment.

(3) The Rector must be a medical or dental practitioner, a Fellow of the College and is the administrative head of the College.

Vice-Rectors

46. (1) There shall be Vice-Rectors of the College who shall be appointed by the Council.

(2) The Vice-Rectors shall discharge duties assigned by the Rector and in the absence of the Rector, one of the Vice-Rectors shall act as Rector.

(3) The Vice-Rectors are responsible for the administration of a Division and may assist the Vice-President in the academic affairs of the Division.

Editor and other employees

47. (1) The College shall have an Editor who is responsible for publications of the College.

(2) The Academic Board shall elect the Editor from among fellows of the College and the Editor shall hold office for two years and is eligible for re-election.

(3) Except as otherwise provided, the Council may employ for the College people required for the proper and efficient performance of the functions of the College on terms and conditions that the Council considers appropriate.

Financial and miscellaneous provisions

Funds of the College

48. (1) The funds of the College include

(a) funds provided from the Consolidated Fund, (b) fees charged by the College,

(c) income from investment,

(d) donations, gifts, bequests, and (e) grants and loans.

(2) The College may retain a percentage of internally generated funds realised in the performance of its functions.

(3) The percentage of internally generated funds retained by the College shall be as specified in writing by the Minister responsible for Finance.

Bank accounts

49. The Council shall open for the College an account with a recognised bank.

Accounts and audit

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

(2) The Council shall submit the accounts of the College to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the end of the financial year audit the accounts and forward a copy of the audited report to the Minister.

(4) The financial year of the College is the same as the financial year of the Government.

Annual report and other reports

51. (1) The Council shall within one month after the receipt of the audit report submit an annual report to the Minister covering the activities of the College for the year to which the report relates.

(2) The annual report shall include the report of the AuditorGeneral.

(3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall also submit to the Minister any other reports which the Minister may require in writing.

Regulations

52. (1) The Minister on the advice of the Council may by legislative instrument make Regulations for the effective implementation of this Part.

(2) A person who contravenes a provision of the Regulations made under this Act is liable to a fine of not more than five thousand penalty units.

Interpretation

53. In this Part unless the context otherwise requires,

"Affiliate Member" means a Resident of the College; "Associate Member" means a person who has been awarded a

diploma by the College;

"College" means the Ghana College of Physicians and Surgeons; "Council" means the governing body of the College; "Divisional Board" means the Divisional Board of a Division; "Faculty Board" means a Faculty Board established under

section 43; .

"Fellows" means a body of Fellows consisting of Foundation Fellows, Honorary Fellows and other recognised Fellows; "Foundation Fellow" means a professional or an individual of high distinction on whom the College has conferred honours; "good standing" means a Fellow, Member or Associate Member who has fulfilled all relevant requirements as determined by the College;

"Honorary Fellow" means a person admitted as Fellow of the College at its inception;

"Member" means a person who has completed a specialist training programme of the College;

"Minister" means the Minister responsible for Health; "resident" means a person who is undertaking specialist training in the College; and

"Vice-President" means the head of a constituent Division who by virtue of being such a head becomes Vice-President of the College.

Transitional provisions

54. (1) The rights, assets and liabilities accrued in respect of the properties vested in the College established under the Ghana College of Physicians and Surgeons Act, 2003 (Act 635) immediately before the commencement of this Act and the persons employed by the College are transferred to the Ghana College of Physicians and Surgeons established under this Act and accordingly proceedings taken by or against the former College may be continued by or against the College established under this Act.

(2) Any contract subsisting between the former College established under the Ghana College of Physicians and Surgeons Act, 2003 (Act 635)

and another person and in effect immediately before the commencement of this Act shall subsist between the College established under this Act and that other person.

Repeal and savings

55. (1) The Ghana College of Physicians and Surgeons Act, 2003 (Act 635) is hereby repealed.

(2) Despite the repeal of Act 635 any act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act.

PART THREE-ESTABLISHMENT OF GHANA COLLEGE OF NURSES AND MIDWIVES

Establishment of the College Establishment of Ghana College of Nurses and Midwives

56. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana College of Nurses and Midwives.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the College under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the College.

Objects of the College

57. The objects of the College are to

- (a) promote specialist education in nursing and midwifery and related disciplines;
- (b) promote continuous professional development in nursing, midwifery and related disciplines;
- (c) promote postgraduate nursing, midwifery and related disciplines for the College, and
- (d) contribute to the formulation of policies to improve health outcome and public health generally.

Functions of the College

58. To achieve the objects, the College shall

- (a) organise and supervise specialist training, continuous professional development and support postgraduate or post diploma research in nursing, midwifery and related disciplines;
- (b) conduct and organise specialist examinations in nursing, midwifery and related disciplines;
- (c) publish journals and pamphlets;
- (d) award diplomas and certificates on completion of specialist training and confer professional distinctions;
- (e) foster cooperation with other institutions with similar objectives;
- (f) initiate and participate in actions and discussions aimed at improving health outcome and formulation of public health policies in collaboration with other relevant institutions; and (g) perform other functions that are ancillary to the objects of the College.

Governing body of the College

59. (1) The governing body of the College is a Council consisting of (a) a chairperson;

b) the President of the College who is elected by fellows of the College;

(c) the Rector of the College who shall be the Secretary; *(d)* two Vice-Presidents of the College;

(e) one representative of

(i) the Ministry of Health not below the rank of Director,

(ii) the Deans and heads of Nursing and Midwifery Schools; and

(iii) the Nursing and Midwifery Council;

(f) a representative of the Attorney-General not below the level of Principal State Attorney;

(g) two representatives of nurses and midwives associations; *(h)* a Resident elected by Residents; and

(i) one other person nominated by the President of the Republic.

(2) The members of the Council shall be appointed by the President of the Republic in accordance with article 70 of the Constitution.

(3) The Council shall ensure the proper and effective performance of the functions of the College.

Functions of the Council

60. The Council is responsible for the *(a)* implementation of policies,

(b) mobilisation, control and supervision of the finances and estates of the College,

(c) admission of Members and Associate-Members of the College, and

(d) recommendation of a member in good standing to be admitted as a Fellow.

Tenure of office of members of the Council

61. (1) A member of the Council shall hold office for a term not exceeding three years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Rector of the College. (3) A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Council, other than the Registrar of the Council, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Council.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 63; or

(b) as a result of a declaration under subsection (6); or (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Council

62. (1) The Council shall meet at least once every three months for the despatch of business at the time and in the place determined by the chairperson.

(2) The chairperson shall at the request in writing of at least one third of the members of the Council convene an extraordinary meeting of the Council at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Council is seven members of the Council or a greater number determined by the Council in respect of an important matter.

(4) The chairperson shall preside at meetings of the Council and in the absence of the chairperson, one of the members elected by the member's present shall preside.

(5) Matters before the Council shall be decided by a majority of members present and voting and in the event of equality of votes the person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

63. (1) A member of the Council who has an interest in a matter for consideration by the Council

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Council in respect of that matter.

(2) A member ceases to be a member of the Council if that member has an interest in a matter before the Council and

(a) fails to disclose that interest; or

(b) participates in the deliberations on the matter.

Allowances for members

64. Members of the Council including persons co-opted to attend a meeting of the Council shall be paid the allowances approved by the Minister in consultation with the Minister for Finance.

The College

President and Vice-Presidents of the College

65. (1) The President of the College shall be a Fellow of the College
- (2) The College shall have a Vice-President for each of the Divisions of the College.
- (3) A Vice-President is a Fellow and a member of a Division of the College who is elected by Fellows of that Division of the College.
- (4) A Vice-President shall hold office for a term of two years and is eligible for re-election.

Academic Board

66. (1) The College shall have an Academic Board which is responsible for the academic affairs of the College.
- (2) The Academic Board comprises
- (a) the President of the College who shall be the chairperson, (b) the Rector who shall be the Secretary,
- (c) the Vice-Presidents of the College,
- (d) the Vice-Rectors of the College,
- (e) the Editor of the College,
- (f) chairpersons of the various faculties, and
- (g) the Librarian who, unless a Fellow, shall be in attendance.

Functions of the Academic Board

67. The Academic Board shall, among other things,
- (a) approve courses of study and examinations held in connection with the courses.
- (b) prescribe by-laws, rules and regulations for the conduct of the business of the College,

(c) determine the criteria for the admission of Members and Associate Members to the College;

(d) approve a structure of operation that will enable the College to discharge its functions; and

(e) prescribe standards and training programmes for specialists.

Committees of the Academic Board

68. (1) The Academic Board may establish various committees including education, research, finance and editorial committees for the efficient performance of its functions. (2) A Fellow of the College who is not a member of the Academic Board may be co-opted to serve on a committee of the Academic Board.

Divisions of the College

69. (1) The College shall have the following Divisions: (a) the Division of Nursing and Adult Health, (b) the Division of Midwifery and Paediatrics, (c) the Division of Mental Health Nursing,

(d) Division of Community and Public Health; and

(e) any other Division determined by the Council on the advice of the Academic Board.

(2) Each Division shall have a head who is a Vice-President of the College.

(3) A Division shall consist of a number of Faculties created by the Division with the approval of the Academic Board.

(4) The Division may subject to the approval of the Academic Board, add new Faculties or remove old Faculties when necessary.

Divisional Boards

70. Each Division shall have a Divisional Board which

(a) is responsible for the overall supervision and organisation of the affairs of the Division, and

(b) regulates its own proceedings

Composition of a Divisional Board

71. A Divisional Board comprises (a) the head of the Division,

(b) the Vice-Rector of a Division, and

(c) the chairpersons and secretaries of the Faculties in the Division.

Tenure of office of members of the Divisional Board

72. A member of the Divisional Board shall hold office for a term of two years but shall not hold office for more than two terms.

Faculty Board

73. (1) Each Faculty shall have a Faculty Board composed of (a) the chairperson, and

(b) subject to the approval of the Academic Board, three or more Fellows who belong to the Faculty as members, one of whom is elected as secretary.

(2) The chairperson and other members of the Faculty Board are elected by the Fellows who belong to the Faculty.

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

(b) subject to the approval of the Academic Board, three or more Fellows who belong to the Faculty as members, one of whom is elected as secretary.

(2) The chairperson and other members of the Faculty Board are elected by the Fellows who belong to the Faculty.

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

74. The College shall have the following membership: (a) Foundation Fellows;

(b) Fellows;

(c) Members and Associate Members; (d) Honorary Fellows; and

(e) Affiliate members.

(b) subject to the approval of the Academic Board, three or more Fellows who belong to the Faculty as members, one of whom is elected as secretary.

(2) The chairperson and other members of the Faculty Board are elected by the Fellows who belong to the Faculty.

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

74. The College shall have the following membership: (a) Foundation Fellows;

(b) Fellows;

(c) Members and Associate Members; (d) Honorary Fellows; and

(e) Affiliate members.

(b) subject to the approval of the Academic Board, three or more Fellows who belong to the Faculty as members, one of whom is elected as secretary.

(2) The chairperson and other members of the Faculty Board are elected by the Fellows who belong to the Faculty.

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

Rector

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

(2) The Rector shall be appointed by the Council and shall hold office on terms and conditions specified in the letter of appointment.

(3) The Rector must be a nursing or midwifery practitioner and is the administrative head of the College.

Vice-Rectors

76. (1) There shall be a Vice-Rector for each Division who shall be appointed by the Council.

(2) A Vice-Rector shall hold Office on the terms and conditions specified in the letter of appointment.

(3) A Vice-Rector shall discharge duties assigned by the Rector and in the absence of the Rector, one of the Vice-Rector's shall act as Rector.

(4) A Vice-Rector is responsible for the administration of a Division and may assist the Vice-President in the academic affairs of the Division.

Editor and other employees

77. (1) The College shall have an Editor who is responsible for publications of the College.

(2) The Academic Board shall elect the Editor from among Fellows of the College and the Editor shall hold office for two years and is eligible for re-election.

(3) Except as otherwise provided, the Council may employ for the College people required for the proper and efficient performance of the functions of the College on terms and conditions that the Council considers appropriate.

Financial and miscellaneous provisions **Funds of the College**

78. (1) The funds of the College include

(a) funds provided from the Consolidated Fund, (b) fees charged by the College,

(c) income from investment,

(d) donations, gifts, and

(e) grants and loans.

(2) The college may retain a percentage of internally generated funds realised in the performance of its functions.

(3) The percentage of the internally generated funds retained by the College shall be as specified in writing by the Minister responsible for Finance.

Bank accounts

79. The Council shall open for the College an account with a recognised bank.

Accounts and audit

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

(2) The Council shall submit the accounts of the College to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the end of the financial year audit the accounts and forward a copy of the audited report to the Minister.

(4) The financial year of the College is the same as the financial year of the Government.

Annual report and other reports

81. (1) The Council shall within one month after the receipt of the audit report submit an annual report to the Minister covering the activities of the College for the year to which the report relates.

(2) The annual report shall include the report of the AuditorGeneral.

(3) The Minister shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall also submit to the Minister any other reports which the Minister may require in writing.

Regulations

82. (1) The Minister may on the advice of the Council by legislative instrument make Regulations for the effective implementation of this Part.

(2) A person who contravenes a provision of the Regulations made under this Act is liable to a fine of not more than five thousand penalty units.

Interpretation

83. In this Part unless the context otherwise requires,

"Affiliate Member" means a Resident of the College; "Associate Member" means a person who has been awarded a

diploma by the College;

"College" means the Ghana College of Nurses and Midwives; "Council" means the governing body of the College; "Divisional Board" means the Divisional Board of a Division

as provided under this Part;

"Faculty Board" means a Faculty Board established under section 73;

"Fellows" means a body of Fellows consisting of Foundation Fellows, Honorary Fellows and ether recognised Fellows; "Foundation Fellow" means a person admitted as Fellow of the College at its inception;

"good standing" means a Fellow, Member or Associate Member who has fulfilled all relevant requirements as determined by the College;

"Honorary Fellow" means a professional or an individual of high distinction on whom the College has conferred honours; "Member" means a person who has completed a specialist training programme of the College;

"Minister" means the Minister responsible for Health; "President" means a Fellow who is elected at an Annual General Meeting of the body of Fellows;

"Resident" means a person who is undertaking specialist training in the College; and

"Vice-President" means the head of a Division who by virtue of being such a head becomes Vice-President of the Council.

PART FOUR - ESTABLISHMENT OF GHANA COLLEGE OF PHARMACISTS

Establishment of the College Establishment of Ghana
College of Pharmacists

84. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana College of Pharmacists.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the College under the State Property and Contracts Act, 1960 (CA. 6) or the State Lands Act, 1962 (Act 125) and the cost shall be borne by the College.

Objects of the College

85. The objects of the College are to

- (a) promote specialist training in pharmacy and related disciplines,
- (b) promote continuous professional development in pharmacy and related disciplines,
- (c) promote research in pharmaceutical practice and related disciplines; and
- (d) contribute to the formulation of policies on sound health, medicine and public health generally.

Functions of the College

86. To achieve the objects, the College shall

- (a) organise and supervise specialist training, promote continuous professional development and support research in pharmacy and related disciplines;
- (b) conduct and organise specialist examinations in pharmacy and related disciplines;
- (c) publish journals and pamphlets on pharmacy;
- (d) award diplomas and certificates on completion of specialist training and confer professional distinctions;
- (e) foster cooperation with other institutions with similar objectives;
- (f) initiate and participate in actions and discussions aimed at sound health and formulation of public policies on health and medicines; and

(g) perform any other functions which are ancillary to the objects of the College.

Governing body of the College

87. (1) The governing body of the College is a Council consisting of (a) a chairperson;

(b) the President of the College who is elected by Fellows of the College;

(c) the Rector of the College who shall be Secretary to the Council; (d) one representative of

(i) the Ministry of Health not below the rank of Director, (ii) the Deans or heads of pharmacy training schools, (iii) the pharmacy profession elected by practitioners; (iv) the Pharmacy Council, and

(v) the Attorney-General not below the level of Principal State Attorney,

(e) a Resident elected by Residents; and

(f) two other persons nominated by the President of the Republic.

(2) The members of the Council shall be appointed by the President of the Republic in accordance with article 70 of the Constitution.

(3) The President of the Republic shall have regard to gender in the appointment of members of the Council.

(4) The Council shall ensure the proper and effective performance of the functions of the College.

Functions of the Council

88. The Council is responsible for the (a) implementation of policies,

(b) mobilisation, control and supervision of the finances and estates of the College,

(c) admission of Members and Associate-Members of the College, and

(d) recommendation of a member in good standing to be admitted as a Fellow.

Tenure of office of members of the Council

89. (1) A member of the Council shall hold office for a term of three years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Rector of the College. (3) A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Council, other than the Rector of the College, who is absent from three consecutive meetings of the Council without sufficient cause ceases to be a member of the Council.

(5) The President of the Republic may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Council is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3) or (4) or section 91; or

(b) as a result of a declaration under subsection (6); or (c) by reason of the death of a member,

the Minister shall notify the President of the Republic of the vacancy and the President of the Republic shall appoint a person to fill the vacancy.

Meetings of the Council

90. (1) The Council shall meet at least once every three months for the despatch of business at the time and in the place determined by the chairperson.

(2) The chairperson shall at the request in writing of at least one third of the members of the Council convene an extraordinary meeting of the Council at the place and time determined by the chairperson.

(3) The quorum at a meeting of the Council is seven members of the Council or a greater number in respect of an important matter.

(4) The chairperson shall preside at meetings of the Council and in the absence of the chairperson a member of the Council, elected by the members present at the meeting from among their number shall preside.

(5) Matters before the Council shall be decided by a simple majority of members present and voting and in the event of equality of votes the person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend a Council meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Council shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

Disclosure of interest

91. (1) A member of the Council who has an interest in a matter for consideration by the Council

(a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and

(b) shall not participate in the deliberations of the Council in respect of that matter.

(2) A member ceases to be a member if that member has an interest in a matter before the Council and

(a) fails to disclose that interest; or

(b) participates in the deliberations of the Council in respect of the matter.

Allowances for members

92. Members of the Council including persons co-opted to attend meetings of the Council shall be paid the allowances approved by the Minister in consultation with the Minister for Finance.

The College President and Vice-President of the College

93. (1) The President of the College shall be a Fellow of the College elected by Fellows of the College and is the academic head of the College.

(2) The College shall have a Vice-President who is

(a) a Fellow of the College and elected by Fellows of the College, and

(b) the head of a Division of the College.

Academic Board

94. (1) The College shall have an Academic Board which is responsible for the academic affairs of the College.

(2) The Academic Board comprises

(a) the President who shall be the chairperson,

(b) the Rector who shall be Secretary to the Academic Board (c) the Editor of the College,

(d) chairpersons of the various Faculties, and (e) the Librarian who shall be in attendance.

Functions of the Academic Board

95. The Academic Board shall, among other things,

(a) approve courses of study and examinations held in connection with the courses;

(b) prescribe by-laws, rules and regulations for the conduct of the business of the College;

(c) determine the criteria for the admission of Members and Associate Members to the College;

(d) approve a structure of operation for the effective performance of the functions of the College; and

(e) prescribe standards and training programmes for specialists.

Committees of the Academic Board

96. (1) In the performance of its functions the Academic Board may form various committees including education, research, finance and editorial committees.

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

Division of the College

97. (1) The College shall have the following Divisions: (a) Division of Pharmaceutical Care;

(b) Division of Pharmaceutical Production and Quality Assurance;

(c) Division of Social and Public Health Pharmacy; and

(d) any other division determined by the Council on the advice of the Academic Board.

(2) A Division shall consist of a number of Faculties created by the Division with the approval of the Academic Board.

(3) The Division may, subject to the approval of the Academic Board, add new Faculties or remove old Faculties when necessary.

Division of Pharmaceutical Care

98. The Division of Pharmaceutical Care includes (a) the Faculty of Clinical Pharmacy; and

(b) the Faculty of Community and Family Planning.

Division of Pharmaceutical Production and Quality Assurance

99. The Division of Pharmaceutical Production and Quality Assurance includes

(a) the Faculty of Drug and Herbal Medicine Production; and (b) the Faculty of Quality Assurance.

Division of Social and Public Health Pharmacy

100. The Division of Social and Public Health Pharmacy includes (a) the Faculty of Social and Administrative Pharmacy; and (b) the Faculty of Public Health Pharmacy.

Divisional Board

101. Each Division shall have a Divisional Board which

(a) is responsible for the overall organisation and supervision of the affairs of the Division; and

(b) shall regulate its own proceedings.

Composition of Divisional Board 102. A Divisional Board comprises (a) the Head of the Division,

(b) the Vice-Rector of the Division who shall be the Secretary, and

(c) the chairpersons and secretaries of the Faculties in the Division.

Tenure of office of members of Divisional Board

103. A member of a Divisional Board shall hold office for a term of two years and is eligible for re-election for another term only.

Faculty Board

104. (1) Each Faculty shall have a Faculty Board consisting of (a) the chairperson, and

(b) subject to the approval of the Academic Board, three or more Fellows who are members of the Faculty, one of whom shall be elected as secretary.

(2) The chairperson and other members of the Faculty Board shall be elected by the Fellows who belong to the Faculty,

(3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election.

(4) A Faculty Board shall

(a) develop, promote and implement the academic programmes of the Faculty; and

(b) nominate Examiners for approval by the Academic Board.

College membership

105. The College shall have the following membership: (a) Foundation Fellows;

(b) Fellows;

(c) Members and Associate Members; (d) Honorary Fellows and

(e) Affiliate Members.

Rector

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

(2) The Rector shall be appointed by the Council and shall hold office on terms and conditions specified in the letter of appointment.

(3) The Rector must be a registered pharmacist and is the administrative head of the College.

107. There shall be Vice-Rectors of the College who shall be appointed by the Council.

(2) The Vice-Rectors shall discharge duties assigned by the Rector and in the absence of the Rector, one of the Vice Rectors shall act as Rector.

(3) A Vice-Rector is responsible for the administration of a Division and may assist the Vice-President in the academic affairs of the Division

Editor and other employees

108. (1) The College shall have an Editor who is responsible for publications of the College.

(2) The Academic Board shall elect the Editor from among Fellows of the College and the Editor shall hold office for two years and is eligible for re-election.

(3) Except as otherwise provided, the Council may employ for the College persons required for the proper and efficient performance of functions on terms and conditions that the Council considers appropriate.

Financial and miscellaneous provisions

Funds of the College

109. (1) The funds of the College include

(a) funds provided from the Consolidated Fund, (b) fees charged by the College,

(c) income from investment,

(d) donations, gifts, bequests, and (e) grants and loans.

(2) The College may retain a percentage of internally generated funds realized in the performance of its functions.

(3) The percentage of the internally generated funds retained by the College shall be as specified in writing by the Minister responsible for Finance.

Bank accounts

110. The Council shall open for the College an account with a recognised bank.

Accounts and audit

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

(2) The Council shall submit the accounts of the College to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the end of the financial year audit the accounts and forward a copy of the audited report to the Minister.

(4) The financial year of the College is the same as the financial year of the Government.

Annual report and other reports

112. (1) The Council shall, within one month after the receipt of the audit report submit an annual report to the Minister covering the activities of the College for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall also submit to the Minister any other reports which the Minister may require in writing.

Regulations

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

Interpretation

114. In this Part unless the context otherwise requires

"Affiliate Member" means a Resident of the College; "Associate Member" means a person who has been awarded a

diploma by the College;

"College" means the Ghana College of Pharmacists; "Council" means the governing body of the College;

"Faculty Board" means a Faculty Board established under this Part;

"Fellows" means a body of Fellows consisting of Foundation Fellows, Honorary Fellows and other recognised Fellows; "Foundation Fellow" means a person admitted as Fellow of the College at its inception;

"good standing" means a Fellow, member or Associate Member who has fulfilled all relevant requirements as determined by the College;

"Honorary Fellow" means a professional or an individual of high distinction on whom the College has conferred honours; "Member" means a person who has completed a specialist training programme of the College;

"Minister" means the Minister responsible for Health; "President" means the a Fellow who is in good standing and is elected as President of the College at an Annual General Meeting of the Body of Fellows;

"Resident" means a person who is undertaking specialist training in the College; and

"Vice-President" means the Vice President of the College

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