



REPUBLIC OF GHANA

**GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION ACT,
2004 (ACT 676)**

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**THE SIX HUNDRED AND SEVENTY-SIXTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA**

ENTITLED

GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION ACT, 2004

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

DATE OF ASSENT: 11th November, 2004.

BE IT ENACTED by Parliament as follows:

PART I—ESTABLISHMENT AND OBJECTS OF GHANA INSTITUTE OF MANAGEMENT AND PUBLIC ADMINISTRATION

Section 1—Establishment of Ghana Institute of Management and Public Administration

- (1) There is established by this Act a body to be known as the Ghana Institute of Management and Public Administration.
- (2) The Institute shall be a body corporate with perpetual succession, a common seal and may sue and be sued in its own name.
- (3) The Institute may for and in connection with the discharge of its functions acquire and hold any movable and immovable property and enter into any contract or other transaction.
- (4) The institute shall operate under the Office of the President and shall be affiliated to the National Council for Tertiary Education.
- (5) Where the Institute has resolved and the Government has agreed that the acquisition of land or a right over land is necessary for the Institute, the land may be acquired for the Institute under the State Lands Act, 1962 (Act 125).

Section 2—Status of the Institute

- (1) The Institute shall be a public tertiary institution.
- (2) The Institute shall have
 - (a) financial autonomy; and
 - (b) academic autonomy subject to the provisions of this Act.

Section 3—Object and Functions of the Institute

- (1) The object of the Institute is to train public servants of the country and to provide education, training and services in the fields of leadership, management and public administration for the public sector, private sector and non-governmental organisations.
- (2) For the purpose of achieving its object under subsection (1), the Institute shall perform the following functions
 - (a) promote education, training and services in the fields of leadership, business management and administration;

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

Section 4—Powers of the Institute

The Institute has power to

- (a) award degrees, diplomas, certificates and other academic and training distinctions to persons who successfully complete courses of study designed by the Institute and
 - (i) agreed upon by the Council established under section 5; and
 - (ii) approved by the National Accreditation Board;
- (b) award honorary degrees agreed upon by the Council;
- (c) draw up programmes and provide facilities
 - (i) for the education and training of management personnel in the public and private sectors and non-governmental organisations in leadership and governance skills and in the areas of commerce, industry, public administration, business administration, technology policy and application, human resource development and management research;
 - (ii) for research into issues of leadership and governance, management and administration and other areas within the Institute's competence;
 - (iii) to promote the exchange of ideas and experience to improve leadership skills, management and administrative capacity within the public and private sectors;
- (d) provide consultancy services in the areas of leadership skills, management and administration to support national development;
- (e) encourage or sponsor the publication of
 - (i) the results of studies;

(ii) research; and

(iii) consultancies into leadership skills, management and administration

which the Institute considers are of academic or practical value; and

(f) exercise such other powers that are incidental to the performance of its functions under this Act.

Section 5—Governing Body of the Institute

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

(2) The Council shall consist of

(a) a chairperson;

(b) the chairperson of the Public Services Commission;

(c) the Head of the Civil Service;

(d) the Executive Secretary of the National Council for Tertiary Education;

(e) the Executive Chairman of State Enterprises Commission;

(f) the Rector of the Institute;

(g) one person representing each of the following:

(i) the Association of Ghana Industries;

(ii) the Alumni Association of the Institute;

(h) one senior member of staff of the Institute;

(i) two other persons, one of whom is a woman.

(3) The chairperson and other members of the Council shall be appointed by the President acting in consultation with the Council of State.

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

Section 6—Functions of the Council

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

(a) approve overall plans and programmes for the furtherance of the Institute's objects;

(b) prescribe the terms and conditions for the admission of a person selected for any course of study and training organised by the Institute;

(c) institute awards and scholarship schemes in furtherance of the Institute's objects;

(d) award fellowships to deserving local and external persons;

- (e) appoint lecturers and other persons to academic and administrative positions;
- (f) manage the finances and fixed assets of the Institute;
- (g) oversee the internal Organisation of the Institute including the establishment, variation and supervision of academic divisions, departments and facilities of the Institute;
- (h) publish annual reports relating to the activities of the Institute;
- (i) consider and approve annual estimates of income and expenditure of the Institute;
- (j) be responsible for the discipline of staff of the Institute;
- (k) perform any other functions which are incidental to the achievement of the objects of the Institute.

Section 7—Tenure of Office of Members of the Council

- (1) A member of the Council other than the Rector and the other ex-officio members, shall hold office for a period not exceeding four years and is eligible on the expiration of that member's term of office for re-appointment for another term only.
- (2) A member of the Council other than the Rector and the other ex-officio members may at any time by letter addressed to the President through the Minister resign from office.
- (3) A member who is absent from three consecutive meetings of the Council without sufficient reason shall cease to be a member.
- (4) A member of the Council may be removed from office by the President for inability to perform the functions of that member's office, for stated misbehaviour or for any other just cause.
- (5) A member shall not hold office under more than one provision under section 5(2) and where at any time a member becomes a holder of two offices on the Council, that member shall notify one of the institutions that the member represents, to nominate another person to be appointed instead.
- (6) The chairperson of the Council shall through the Minister notify the President of vacancies that occur in the membership of the Council within one month of the occurrence of the vacancy.

Section 8—Meetings of Council

- (1) The Council shall meet for the despatch of business at such times and in such places as the chairperson may determine but shall meet at least once every three months.
- (2) The chairperson of the Council shall upon the request of not less than one-third of the membership of the Council convene a special meeting of the Council.
- (3) The quorum at a meeting of the Council shall consist of 5 members and shall include the Rector or the person acting in that capacity.
- (4) Every meeting of the Council shall be presided over by the chairperson of the Council and in the chairperson's absence one of the members present shall be elected by the members present to preside.

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

(6) The chairperson or the person presiding at a meeting of the Council shall in the event of equality of votes have a second or casting vote.

(7) The Council may co-opt any person to act as an adviser at its meetings but a co-opted person is not entitled to vote at a meeting.

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

(9) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.

(10) Except as otherwise expressly provided for under this section, the Council shall determine and regulate the procedure for its meetings.

Section 9—Disclosure of Interest

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

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

Section 10—Committees of the Council

The Council may appoint committees consisting of members or non-members or both to exercise or advise the Council on any of its functions except that a committee consisting entirely of non-members may only advise the Council.

Section 11—Allowances for Members of the Council and Committees

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

PART II—ACADEMIC BOARD

Section 12—Academic Board of the Institute

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

Section 13—Composition of the Board

The Board shall consist of

(a) the Rector who shall be the chairperson;

(b) the heads of academic divisions and departments of the Institute;

(c) two other persons representing the academic, Professional and administrative staff of the Institute as may be prescribed in the statutes of the Institute; and

(d) all Professors of the Institute.

Section 14—Functions of the Board

(1) The Board shall

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

(2) Without limiting the scope of subsection (1), the Board shall advise the Council generally and in particular on academic matters of the Institute and shall perform such other functions as may be conferred on it by statutes of the Institute or as the Council may refer to it.

Section 15—Committees of the Board

- (1) The Board may for the discharge of its functions appoint committees and assign to these committees such functions as it may determine.
- (2) The membership of a committee appointed under this section and the tenure of office of its members shall be defined by statutes made by the Council.

Section 16—Meetings of the Board

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

Section 17—Statutes of the Board

- (1) The Board may, by statutes, provide for matters relating to its responsibilities and any other matter that falls within its power.
- (2) Statutes of the board shall be subject to the approval of the Council.

PART III—ORGANISATION OF THE INSTITUTE

Section 18—Faculties of the Institute

For Purposes of academic work, the Institute shall have such faculties, divisions and administrative units as the Council shall determine.

Section 19—Internal Organisation of the Institute

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

(a) halls of residence, academic faculties, administrative divisions, departments, independent profit centres and other bodies;

(b) lectureship, teaching and research; and

(c) academic and administrative posts and functions.

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

Section 20—Convocation

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

Section 21—Congregation

(1) The Institute shall hold a Congregation at such times as the Council may determine for the purpose of conferring degrees, diplomas, awarding certificates and other qualifications.

(2) A Congregation of the Institute shall consist of the Council, the Board, members of the Convocation, graduates of the Institute and any other persons prescribed by statutes.

PART IV—ADMINISTRATION OF THE INSTITUTE

Section 22—Rector of the Institute

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

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

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

Section 23—The Functions of the Rector

(1) The Rector shall, subject to such general control by the Council on policies as the Council may give,

(a) exercise general authority over the staff of the Institute;

(b) be responsible for

(i) the co-ordination and implementation of programmes of the Institute;

(ii) the appointment, assignment, discipline, suspension and dismissal of any employee of the Institute other than a senior member of staff in accordance with procedures and terms laid down by the Council; and

(iii) the management of the budget and resources of the Institute within the approved estimates;

(c) provide the Council with returns, reports and any other relevant information that it may require; and

(d) ensure the implementation of the decisions of the Council.

(2) The Rector shall prepare budget estimates and a statement of assets and liabilities of the Institute for each financial year and present the estimates to the Council for its consideration and approval not later than three months before the end of the financial year.

Section 24—Deputy Rector

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

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

Section 25—Secretary

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

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

(3) The Secretary of the Institute shall be responsible to the Rector in the discharge of the Secretary's administrative functions.

(4) The Secretary of the Institute shall act as secretary to the Council, the Board and such other boards and committees as may be prescribed by statutes made under this Act.

(5) The Secretary of the Institute shall

(a) arrange the business of the Council;

(b) attend meetings of the Council;

(c) record and keep the minutes of the meetings of the Council; and

(d) perform such other functions as the Council or the Rector may direct.

Section 26—Academic, Administrative and Other Staff

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

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

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

Section 27—Remuneration and Pension of Staff of the Institute

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

(2) The Social Security Law, 1991 (P.N.D.C.L. 247) shall apply to members of staff and employees of the Institute.

PART V—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 28—Funds of the Institute

(1) The Funds of the Institute shall include

(a) monies that accrue to the Institute in the performance of its functions consisting of

(i) fees paid by course participants at the Institute;

(ii) fees, charges, dues in respect of services rendered by or through the Institute;

(iii) proceeds from the sale of publications of the Institute; and

(iv) grants, subscriptions, rents and royalties;

(b) interest from investments;

(c) donations and gifts; and

(d) income from any other source approved by the Council.

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

(3) The Board may invest as it considers fit funds of the institute not required for immediate use.

Section 29—Management of the Institute's Finances

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

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

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

Section 30—Accounts and Audit

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

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

(3) The financial year of the Institute shall be the same as the financial year of the Government.

Section 31—Annual Report

(1) The Council shall within eight months after the expiration of each financial year submit to the Minister an annual report covering the activities and operations of the Institute for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Council shall also submit to the Minister such other reports as the Minister may in writing require.

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

Section 32—Statutes of the Institute

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

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

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

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

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

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

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

Section 33—Procedure for Enacting Statutes

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

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

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

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

(5) No statute shall be enacted which is inconsistent with this Act.

Section 34—Relationship with Other Institutions

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

Section 35—Borrowing Powers

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

Section 36—Exemption from Local Authority Rates

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

Section 37—Regulations

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

Section 38—Transfer of Assets and Liabilities

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

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

Section 39—Interpretation

In this Act unless the context otherwise requires,

"Board" means the Academic Board established under section 12;

"Council" means the Council being the governing body for the Institute established under section 5;

"Deputy Rector" means Deputy Rector of the Institute;

"Institute" means the Ghana Institute of Management and Public Administration established under section 1;

"Minister" means the Minister responsible for Education;

"Rector" means the chief executive of the Institute.

Section 40—Dissolution, Repeal, Transitional and Saving Provisions

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

(2) Notwithstanding the repeal under subsection (1), any Regulation, statute or other instrument made under that enactment and in force immediately before the coming into force of this Act shall continue in force until amended or revoked under this Act.

(3) Any document made and admission of students made under the repealed enactment that are valid or subsisting on the coming into force of this Act shall remain valid or subsist as if made under the corresponding provision of this Act until terminated or otherwise dealt with under this Act.

Date of Gazette Notification: 12th November, 2004.