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A
BILL
ENTITLED

MEDICAL TRAINING AND RESEARCH ACT, 2010

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 other disciplines, to establish the Ghana College of Nursing and Midwifery to promote specialist education in nursing and midwifery and for connected purposes.

PASSED by Parliament and assented to by the President:

PART ONE—ESTABLISHMENT AND FUNCTIONS 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 costs 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, regulation, 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 and disseminate the results of research into plant medicine;
- (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. (1) The governing body of the Centre is a Board consisting of

- (a) a chairperson,
- (b) the Director of the Traditional and Alternate Medicine Directorate of the Ministry of Health or a representative of the Director,
- (c) one representative of accredited Medical Schools in the country,
- (d) one representative 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 associations of traditional medicine practitioners, and
- (h) the Director of the Centre.

(2) The members of the Board are 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 period 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 six 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 subsection (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.

Miscellaneous provisions

Director

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

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

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

Functions of the Director

12. (1) The 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 Part.

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

(3) The 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 Part.

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 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 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 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 Part.
- (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. 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 commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

Interpretation

21. In this Part, 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” means created by thought, contrivance especially for which patent is 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 Part; 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 costs 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 for the College, 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 for the College, continuous professional development and support postgraduate research in medicine, surgery and related disciplines;
- (b) conduct and organise specialist examinations in medicine, surgery and related disciplines for the College;
- (c) prepare and publish journals and pamphlets in collaboration with other bodies or organisations;
- (d) award diplomas, certificates and other professional distinctions;
- (e) foster cooperation with other institutions with similar objectives; and
- (f) initiate and participate in actions and discussions aimed at sound health and formulation of public policies on health.

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;
- (d) the Vice-Presidents of the College who are the heads of the constituent Divisions of the College;
- (e) one Fellow from each Division of the College;
- (f) one representative of
 - (i) the Ministry of Health not below the rank of Director,
 - (ii) the Deans of Dental Schools; and
 - (iii) the Medical and Dental Professions;
- (g) two persons, one of whom shall be a representative of the Attorney-General not below the level of Principal State Attorney and the other nominated by the College;
- (h) a resident elected by residents; and
- (i) the immediate past President of the College.

(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

28. The Council is responsible for the

- (a) formulation of policies and supervision of the implementation of the policies,

- (b) mobilisation, control and supervision of the finances of the College,
- (c) admission of Fellows, Members and Associate-Members of the College, and
- (d) public relations of the College.

Tenure of office of members of the Council

29. (1) The chairperson shall hold office for a term of two years.

(2) The immediate past President of the College shall hold office for a term of two years.

(3) An ex-officio member of the Council shall continue to be a member of the Council for as long as that person occupies that office.

(4) A member of the Council who is a Fellow of a Division of the College shall hold office for a term of two years and is eligible for re-appointment, but shall not be appointed for more than two terms.

(5) A resident who is a member of the Council shall hold office for a term of two years and shall not be re-appointed.

(6) A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

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

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

(9) 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.

(10) Where there is a vacancy

- (a) under subsection (6) or (7) or section 31; or
- (b) as a result of a declaration under subsection (9); 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

30. (1) The Council 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 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 Vice-Presidents shall be elected by the members present to preside.

(4) A member of Council, elected by the members present at the meeting from among their number shall preside at a meeting of the Council in the absence of the President and Vice-Presidents.

(6) 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.

(7) 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.

(8) 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 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

32. Members of the Council shall be paid the allowances approved by the Minister in consultation with the Minister for Finance.

Secretary to the Council

33. The Council shall appoint a Secretary to the Council.

The College

President and Vice-Presidents of the College

34. (1) The President of the College shall

(a) be a Fellow of the College in good standing,

(b) have held a high office in the College including,

(i) membership of the College, and

(ii) membership of the Executive Board.

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

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

(4) A Vice-President shall hold office for a term of two years.

Executive Board

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

(2) The Executive Board comprises

(a) the Rector who shall be the chairperson,

(b) the Vice-Presidents of the College,

- (c) the Vice-Rector,
- (d) the Editor of the College,
- (e) the Registrar of the College,
- (f) Chairpersons of the various faculties, and
- (g) the Librarian who, unless a Fellow, shall be in attendance and not have the right to vote.

Functions of the Executive Board

- 36.** The Executive Board shall, among other things,
- (a) organise and control courses of study and examinations held in connection with the courses;
 - (b) prepare bye-laws, rules and standing orders for the conduct of the business of the College, including election to the Council;
 - (c) determine the criteria for the admission of Fellows, 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 Executive Board

37. (1) For the efficient performance of its functions the Executive Board may form various committees including education, research, finance, accreditation, and editorial committees.

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

Secretary to the Executive Board

38. The Registrar shall be the Secretary to the Executive Board.

Constituent Divisions

39. (1) The College shall have as constituent 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 Executive Board.

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

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

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

Division of Physicians

40. 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

41. 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

42. Each constituent Division shall have a Divisional Board which is
- (a) responsible for the overall supervision and organisation of the affairs of the Division, and
 - (b) regulate its own proceedings.

Composition of Divisional Board

43. A Divisional Board comprises
- (a) the head of the Division,
 - (b) the secretary of the Division,
 - (c) the assistant secretary of the Division, and
 - (d) the chairpersons of the Faculties in the Division.

Election of members of Divisional Board

44. Members of the Divisional Board shall be elected as follows
- (a) the head and the secretary of the Division are elected at an Annual General Meeting from among the Fellows who belong to that Division; and
 - (b) the assistant secretary is elected at a meeting of the Divisional Board.

Tenure of office of members of Divisional Board

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

Faculty Board

46. (1) Each Faculty shall have a Faculty Board composed of
- (a) the chairperson, and
 - (b) subject to the approval of the Executive Board, six or more Fellows who belong to the Faculty as members, one of whom is elected 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 four years and are at the expiration of the term eligible for re-election but shall not be elected for more than two consecutive terms.
- (4) A Faculty Board shall
- (a) promote the academic programmes of the Faculty; and
 - (b) nominate Examiners for approval by the Executive Board.

College membership

47. The College shall have the following membership:

- (a) Foundation Fellows, who are persons admitted as Fellows of the College at its inception;
- (b) Elected Fellows;
- (c) Fellows, Members and Associate Members who are medical or dental practitioners who have passed the prescribed examinations conducted by the College; and
- (d) Honorary Fellows who are professionals and individuals of high distinction that the College decides to honour.

Rector

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

(2) The Rector is 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 academic and administrative head of the College.

Vice-Rector

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

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

Registrar of the College

50. (1) The College shall have a Registrar who shall

- (a) be appointed by the Council, and
- (b) perform functions determined by the Council and assigned by the Rector.

(2) The Registrar shall hold office on terms and conditions determined by the Council.

Editor and other employees

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

(2) The Executive 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.

(4) Staff of the secretariat of the College are appointed by the Council.

Funds of the College

52. (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 retained by the College shall be as specified in writing by the Minister responsible for Finance.

Financial and miscellaneous provisions

Bank accounts

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

Accounts and audit

54. (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

55. (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

56. (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 commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

Interpretation

57. In this Part unless the context otherwise requires

“Associate Member” means an Associate Member of 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 constituent Division as provided under this Act;

“Faculty Board” means a Faculty Board established under section 46;

“Fellow” means a Fellow of the College;

“Member” means a Member of the College;

“Minister” means the Minister responsible for Health;

“President” means the President of the College;

“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 Council.

Transitional provisions

58. (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 former College.

(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 under this Act and that other person.

Repeal and savings

59. (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 NURSING AND MIDWIFERY

Establishment of the College

Establishment of Ghana College of Nursing and Midwifery

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

(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 costs shall be borne by the College.

Objects of the College

61. 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 and midwifery related disciplines for the College; and
- (d) contribute to the formulation of policies on improved health outcome and public health generally.

Functions of the College

62. To achieve the objects, the College shall

- (a) organise and supervise specialist training for the College, 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, mental health and related disciplines for the College;
- (c) prepare and publish journals and pamphlets in collaboration with other bodies or organisations;
- (d) award diplomas, certificates and other professional distinctions;
- (e) foster cooperation with other institutions with similar objectives; and
- (f) initiate and participate in actions and discussions aimed at improved health outcome and formulation of public health policies in collaboration with other relevant institutions.

Governing body of the College

63. (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 in good standing;
- (c) the Rector of the College;
- (d) the Vice-Presidents of the College who are the heads of the constituent Divisions of the College;
- (e) one Fellow from each Division of the College;
- (f) one representative of
 - (i) the Ministry of Health not below the rank of Director,
 - (ii) the Deans of Dental Schools, and
 - (iii) the Nursing, Midwifery and Mental Health Professions;
- (g) two persons, one of whom shall be a representative of the Attorney-General not below the level of Principal State Attorney and the other nominated by the College;
- (h) a resident elected by residents; and
- (i) the immediate past President of the College.

(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

64. The Council is responsible for the

- (a) formulation of policies and supervision of the implementation of the policies,
- (b) mobilisation, control and supervision of the finances of the College,
- (c) admission of Fellows, Members and Associate-Members of the College, and
- (d) public relations of the College.

Tenure of office of members of the Council

65. (1) The chairperson shall hold office for a term of two years.

(2) The immediate past President of the College shall hold office for a term of two years.

(3) An ex-officio member of the Council shall continue to be a member of the Council for as long as that person occupies that office.

(4) A member of the Council who is a Fellow of a Division of the College shall hold office for a term of two years and is eligible for re-appointment, but shall not be appointed for more than two terms.

(5) A resident who is a member of the Council shall hold office for a term of two years and shall not be re-appointed.

(6) A member of the Council may at any time resign from office in writing addressed to the President through the Minister.

(7) 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.

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

(9) 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.

Meetings of the Council

66. (1) The Council shall meet at least once every three months for the dispatch 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 Vice-Presidents shall be elected by the members present to preside.

(5) A member of Council, elected by the members present at the meeting from among their number shall preside at a meeting of the Council in the absence of the President and Vice-President.

(6) 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.

(7) 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.

(8) 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

67. (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 of the Council in respect of the matter.

Allowances for members

68. Members of the Council shall be paid the allowances approved by the Minister in consultation with the Minister for Finance.

Secretary to the Council

69. The Council shall appoint a Secretary to the Council.

The College

President and Vice-Presidents of the College

70. (1) The President of the College shall

- (a) be a Fellow of the College in good standing,
- (b) have held a high office in the College including,
 - (i) membership of the College, and
 - (ii) membership of the Academic Board.

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

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

(4) A Vice-President shall hold office for a term of two years.

Executive Board

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

(2) The Executive Board comprises

- (a) the Rector who shall be the chairperson,
- (b) the Vice-Presidents of the College,
- (c) the Vice-Rector,
- (d) the Editor of the College,
- (e) the Registrar of the College,
- (f) chairpersons of the various faculties, and
- (g) the Librarian who, unless a Fellow, shall be in attendance and not have the right to vote.

Functions of the Executive Board

72. The Executive Board shall among other things,

- (a) organise and control courses of study and examinations held in connection with the courses;
- (b) prepare bye-laws, rules and standing orders for the conduct of the business of the College, including election to the Council;
- (c) determine the criteria for the admission of Fellows, 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 Executive Board

73. (1) For the efficient performance of its functions the Executive Board may establish various committees including education, research, finance, accreditation, and editorial committees.

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

Secretary to the Executive Board

74. The Registrar shall be the Secretary to the Executive Board.

Constituent Divisions

75. (1) The College shall have as constituent Divisions

- (a) the Division of Nursing that is Medical and Surgical,
- (b) the Division of Midwifery and Paediatrics, and
- (c) the Division of Mental Health.

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

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

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

Divisional Boards

76. Each constituent 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 Divisional Board

77. A Divisional Board comprises

- (a) the head of the Division,
- (b) the secretary of the Division,
- (c) the assistant secretary of the Division, and
- (d) the chairpersons of the Faculties in the Division.

Election of members of the Divisional Board

78. Members of the Divisional Board shall be elected as follows

- (a) the head and the secretary of the Division are elected at an Annual General Meeting from among the Fellows who belong to that Division; and
- (b) the assistant secretary is elected at a meeting of the Divisional Board.

Tenure of office of members of the Divisional Board

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

Faculty Board

80. (1) Each Faculty shall have a Faculty Board composed of

- (a) the chairperson, and
- (b) subject to the approval of the Executive Board, one or more Fellows who belong to the Faculty as members, one of whom is elected 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 four years and are at the expiration of the term eligible for re-election but shall not be elected for more than two consecutive terms.

(4) A Faculty Board shall

- (a) promote the academic programmes of the Faculty; and
- (b) nominate Examiners for approval by the Executive Board.

College membership

81. The College shall have the following membership:

- (a) Foundation Fellows, who are persons admitted as Fellows of the College at its inception;
- (b) Elected Fellows;
- (c) Fellows, Members and Associate Members who are nursing, midwifery and mental health practitioners who have passed the prescribed examination conducted by the College;
- (d) Honorary Fellows who are professionals and individuals of high distinction that the College decides to honour; and
- (e) Affiliate members who are post diploma graduates.

Rector

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

(2) The Rector is 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, midwifery or mental health practitioner and is the academic and administrative head of the College.

Vice-Rector

83. (1) There shall be a Vice-Rector who is elected by the Fellows of the College from among their number.

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

Registrar of the College

84. (1) The College shall have a Registrar who shall

- (a) be appointed by the Council, and
- (b) perform functions determined by the Council and assigned by the Rector.

(2) The Registrar shall hold office on terms and conditions determined by the Council.

Editor and other employees

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

(2) The Executive 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.

(4) Staff of the secretariat of the College are appointed by the Council.

Funds of the College

86. (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 retained by the College shall be as specified in writing by the Minister responsible for Finance.

Bank accounts

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

Accounts and audit

88. (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

89. (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

90. (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 commits an offence under the Regulations is liable on summary conviction to a fine of not more than five thousand penalty units.

Interpretation

91. In this Part unless the context otherwise requires,

“Associate Member” means an Associate Member of the College;

“College” means the Ghana College of Nursing and Midwifery;

“Council” means the governing body of the College;

“Divisional Board” means the Divisional Board of a constituent Division as provided under this Act;

“Faculty Board” means a Faculty Board established under section 80;

“Fellow” means a Fellow of the College;

“Member” means a Member of the College;

“Minister” means the Minister responsible for Health;

“President” means the President of the College;

“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 Council.

MEMORANDUM

The object of this Bill is to establish the Centre for Plant Medicine Research for the promotion of scientific research, knowledge and development in the field of plant medicine, the Ghana College of Physicians and Surgeons as a national postgraduate medical college for the training of specialists in medicine, surgery and other disciplines and the Ghana College of Nursing and Midwifery to promote specialist education in nursing and midwifery.

The Bill is divided into three parts. The first Part deals with the Centre for Plant Medicine Research, the second Part deals with the Ghana College of Physicians and Surgeons and the third Part deals with the Ghana College of Nursing and Midwifery.

One of the objects of the law is to revise the law which established the Centre for Scientific Research into Plant Medicine Decree, 1975 (NRCD 344) as amended by the Centre for Scientific Research into Plant Medicine (Amendment) Act, 1976 (S.M.C.D 12). The law has not been revised since 1976.

The Centre had as its mandate, the conduct and promotion of scientific research related to the improvement of plant medicine. At the time the law was enacted, the Food and Drugs Board was not in existence. The Centre was therefore given some regulatory functions which are now being performed by the Food and Drugs Board established under the Food and Drugs Act 1992 (PNDCL. 305B). This has led to duplication in the performance of their functions. Accordingly, it has become necessary to review the law.

The current legislation does not provide for a Deputy Director of the Centre and the tenure of office of a Director. The legislation also does not differentiate between phyto-pharmaceuticals and other pharmaceuticals, medicines and related substances. These matters need to be reviewed.

The name “Centre for Scientific Research into Plant Medicine” as stated in the legislation is often confused with the “Centre for Scientific and Industrial Research”. There is therefore a need to change the title of the Centre.

It has been decided by Government that some of the laws in the health sector should be consolidated as appropriate to group legislation with a common focus and reduce number. This Medical Research and Training Bill on the Centre for Plant Medicine Research, the Ghana College of Physicians and Surgeons and the Ghana College of Nursing and Midwifery has combined three laws with a common focus.

The first Part of the Bill deals with the establishment and functions of the Centre for Plant Medicine Research. *Clause 1 to 10* deals with the establishment, object and functions of the Centre. The Centre for Plant Medicine Research is established as a corporate body in *clause 1*.

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

The functions of the Centre include the promotion of national and international collaboration, transfer of technology for the effective development and utilisation of research results and findings for the benefit of the country. Other functions are to establish guidelines for research and disseminate the results of research into plant medicine. The Centre is also to facilitate the evaluation of research findings and make available the disciplines of the Centre in research and development to stakeholders in the national interest, *clause 3*.

The Bill stipulates that the Centre is to have a governing body in accordance with article 190 of the Constitution. The composition of the Board is in *clause 4*. The Board’s membership includes the chairperson, representatives from the Ministry of Health and the Food and Drugs Board. A traditional medicine practitioner, one representative each of accredited medical schools and schools of pharmacy in the country are also to be members.

Under *clause 5*, a member of the Board is to hold office for a period of three years and is eligible for re-appointment. Meetings of the Board and disclosure of interest for Board members have been provided for in *clauses 6 and 7*. On the establishment of committees, *clause 8* of the Bill provides that the Board may establish committees consisting of members or non-members or both. Allowances for the members of the Board have been provided for in *clause 9*. These are standard provisions for regulatory bodies.

Clause 10 provides for the Minister of Health to give directives to the Board on matters of policy and the Board is to comply.

Clause 11 to 23 deals with miscellaneous matters. The power of appointment stipulated under the Bill is to be exercised by the Board, in accordance with the authority of the Constitution under article 195, *clause 11*. The Board is to appoint a Director of the Centre who is to hold office in accordance with the terms and conditions specified in the letter of appointment.

The functions of the Director are provided for under *clause 12*. The Director is responsible for the day to day administration of the affairs of the Centre and is answerable to the Board for the performance of the functions.

The appointment of other staff of the Centre is provided for in *clause 13*. The appointment is done by the Board in accordance with article 195 of the Constitution. The Centre consists also of other officers and staff, advisers and public officers on secondment. On the establishment of research institutes, the Bill provides that the Centre may establish research institutes to perform its functions in, *clause 14*.

The source of funding for the Centre includes moneys approved by Parliament. Money paid to the Centre from donations, grants, gifts and money approved by the Minister responsible for Finance are also funding sources, *clause 15*. Routine statutory provisions on accounts and audit, annual and other reports are provided for in *clauses 16 and 17*.

The Bill stipulates that the rights pertaining to an invention supported by the Centre are to be determined by agreement between the Centre and the inventor or the inventor's employer, *clause 18*. A researcher of the Centre is expected to report on findings to the Board in writing and the findings are not to be disclosed to another person except with the approval of the Board, *clause 19*.

The standard enabling power to make regulations is in *clause 20*. Regulations may be made by the Minister to provide for fees to be paid and measures to enable the Centre stimulate, encourage, support, protect and commercialise research findings of the Centre. Other matters are to provide for institutional co-operation and consultation between the Centre and other public agencies and a code of health research ethics for the work of the Centre.

The remaining clauses of Part One of the Bill deal with interpretation *clause 21*, transitional provisions, *clause 22* and repeal and savings *clause 23*. *Clause 22*, transfers the rights, assets and properties held on behalf of the Centre established under the Centre for Scientific Research into Plant Medicine Act, 1975 (NRCD 344) to the Centre for Plant Medicine Research established under this Bill.

The Centre for Scientific Research into Plant Medicine Act,, 1975 (NRCD 344) is repealed in *clause 23*. The Bill however, saves rules, acts and appointments made under the repealed law.

Part Two of the Bill on the Ghana College of Physicians and Surgeons deals with the establishment of the College, *clause 24 – 33*, the College, *clause 34 to 51* and financial and miscellaneous provisions from *clause 52 to 59*. *Clause 24* establishes the Ghana College of Physicians and Surgeons as a corporate body and a post-graduate medical college for the country. The Bill provides a legal framework for the running of the College. The College will also develop and oversee structured post-graduate training programmes in various medical and surgical specialties. This will lead to the production of specialists to serve in the regions and districts, thereby making medicine and surgery readily available and accessible to ordinary citizens. It will also assist in reducing the patient to doctor ratio to an appreciable level.

The training of specialists locally by the College will save the foreign exchange expended on foreign training. The availability of specialists locally may attract foreign

exchange to the country as non-Ghanaians in the sub-region seek specialist service in this country which is not available in their home countries.

The objects of the College are to promote specialist education in medicine, surgery and related disciplines, promote continuous professional development in medicine, surgery and related disciplines and promote and co-ordinate education and research in medicine and surgery. Other objects include contribution to the formulation of policies on sound health and public health.

The functions of the College include organising and supervising specialist training, continuous professional development and support of research in medicine, surgery and related disciplines. The College is to conduct and organise specialist examinations in medicine, surgery and related disciplines, *clause 26*.

The governing body of the College is a Council comprising a chairperson and the heads of the constituent divisions of the College. Other members include a representative each from the Ministry of Health, Ministry of Education, Medical and Dental Professions and the Attorney-General's Department. The rest are a resident elected by residents and two other persons nominated by the Minister, *clause 27*.

The functions of the Council are to formulate policies and supervise the implementation of the policies of the College. The mobilisation, control and supervision of the finances of the College are also the function of the Council, *clause 28*.

The tenure of office of members of the Council, meetings of the Council and disclosure of interest of Board members have been provided for in *clauses 29, 30 and 31* respectively. Allowances for members of the Council have been provided for in *clause 32*. Provision is made for a Secretary to the Council to be appointed, *clause 33*.

Clause 34 to 59 provides for the College, Executive Board, Committees of the Executive Board and a Secretary to the Executive Board among others.

Provision is made for the position of heads of the Constituent Divisions of the College. The Head is to be a fellow and a member of a constituent division of the College, *clause 34*.

The Bill provides for an Executive Board responsible for the academic affairs of the College. Members of the Executive Board include the chairperson, the heads of Constituent Divisions of the College, the Vice-Rector, Editor, heads of the various faculties and a Librarian, *clause 35*.

The functions of the Executive Board include the organisation and control of courses of study and examinations and the determination of the criteria for the admission of Fellows, Members and Associate Members to the College. Other functions are the making of by-laws, rules, and standing orders for the conduct of business of the College, *clause 36*.

On the establishment of committees, *clause 37*, the Bill provides that the Executive Board may establish committees on education, research, finance, accreditation and editorial matters. The Registrar is the Secretary to the Executive Board, *clause 38*.

Clause 39 establishes Constituent Divisions of Physicians, Surgeons and other divisions determined by the Council on the advice of the Executive Board. *Clauses 40 and 41* deal with the divisions of Physicians and Surgeons. The division of Physicians includes the Faculties of Family Medicine, Internal Medicine, Laboratory Medicine, Paediatrics and Child Health, Psychiatry, Public Health, Radiology, Oncology and Radiation Therapy, *clause 40*.

The division of Surgeons includes the Faculties of Anesthesiology and Intensive Care, Dental Surgery and Sub-specialties, Obstetrics and Gynaecology, General and Specialised Surgery and Emergency Medicine, *clause 41*.

Clause 42 to 45 provides for the establishment of divisional boards, their composition, election and tenure of office. The Divisional Boards are responsible for the overall supervision and organisation of the affairs of the Division and are to regulate their own proceedings, *clause 42*.

A Divisional Board comprises the chairperson who is the head of the division, a secretary, an assistant secretary and heads of the faculties in the division, *clause 43*. The Bill stipulates that the members of divisional boards are to be elected, *clause 44*. A member of a divisional board is to hold office for four years, *clause 45*.

Clause 46 provides for a Faculty Board comprising the chairperson and six or more fellows as members, one of whom is the secretary. The chairperson and other members are to hold office for a period of two years and are eligible for re-election at the end of that period.

Clause 47 provides for membership of the College. The College comprises Foundation Fellows, Elected Fellows, Fellows, Members and Associate Members and Honorary Fellows.

Clause 48 to 50 provides for the position of Rector, Vice-Rector and Registrar of the College. A person appointed Rector by the Council should be a medical or dental practitioner, a Fellow and shall be the academic and administrative head of the College. The Vice-Rector is elected by Fellows of the College and is to discharge duties assigned by the Rector and act as Rector in the absence of the Rector, *clause 49*. The Bill requires the College to have a Registrar appointed by the Council and who is to perform functions determined by the Council and assigned by the Rector, *clause 50*.

Under *clause 51*, provision is made for the appointment of an Editor and other employees. *Clause 52 to 59* provides for financial and miscellaneous provisions. The sources of funding for the College include funds provided from the Consolidated Fund. Moneys paid to the College from fees, donations, grants, gifts, loans and money derived from investments are other funding sources, *clause 52*.

The Bill also requires the Council to open bank accounts for the College, *clause 53*. Routine statutory provisions on accounts, audit and annual reports are provided for in *clauses 54 and 55*.

Clause 56 provides for regulations to be made by the Minister on the advice of the Council. *Clause 57* is the interpretation *clause* of the Bill. The remaining clauses in Part Two of the Bill deal with transitional provisions in *clause 58* and repeal and savings in *clause 59*. *Clause 58* transfers the rights, assets, liabilities held on behalf of the College established under the Ghana College of Physicians and Surgeons Act, 2003 (Act 635) to the Ghana College of Physicians and Surgeons established under this Bill.

The Ghana College of Physicians and Surgeons Act, 2003 (Act 635) is repealed in *clause 59*. The Bill however, saves rules, regulations made, notices issued and actions taken under the repealed law.

The third part of the Bill, *clause 60 to 91* is on the establishment of the Ghana College of Nursing and Midwifery. The College is a body corporate. The object of the College among other things is to promote specialist education in nursing and midwifery.

The functions of the College include organising and supervising specialist training, continuous professional development and support of research in nursing, midwifery and related disciplines. The College is to conduct and organise specialist examinations in nursing, midwifery and related disciplines, *clause 62*.

The governing body of the College is a Council comprising the chairperson, the President of the College and the heads of the constituent divisions of the College. Other members include a representative each from the Ministry of Health, Ministry of Education, Nursing, Midwifery and Mental Health Professions and the Attorney-General's Department. The rest are a resident elected by residents and the Rector of the College, *clause 63*.

The functions of the Council are to formulate policies and supervise the implementation of the policies for the College. The mobilisation, control and supervision of the finances of the College are also included in the functions of the Council, *clause 64*.

The tenure of office of members of the Council, meetings of the Council and disclosure of interest of Board members have been provided for in *clauses 65, 66 and 67* respectively. Allowances for members of the Council have been provided for in *clause 68*. Provision is made for a Secretary to the Council to be appointed, *clause 69*.

Clause 70 to 91 provide for the College, Executive Board, Committees of the Executive Board, Secretary to the Executive Board among others.

Provision is made for the position of President, Vice-President and heads of the Constituent Divisions of the College. The Head of a Constituent Division of the College is to be a fellow and a member of a constituent division of the College, *clause 70*.

The Bill provides for an Executive Board responsible for the academic affairs of the College. Members of the Executive Board include the chairperson, the heads of Constituent Divisions of the College, the Vice-Rector, Editor, heads of the various faculties and a Librarian, *clause 71*.

The functions of the Executive Board include the organisation and control of courses of study and examinations and the determination of the criteria for the admission of Fellows, Members and Associate Members to the College. Other functions are the making of bye-laws, rules, and standing orders for the conduct of business of the College, *clause 72*.

Clause 73 provides for the establishment of committees. The Executive Board may establish committees on education, research, finance, accreditation and editorial matters. A Secretary to the Executive Board is to be appointed by the Council, *clause 74*.

Clause 75 deals with Constituent Divisions of Nursing, Midwifery and Pediatrics and Mental Health. Other divisions may be established by the Council on the advice of the Executive Board.

Clause 76 to 79 provide for the establishment of Divisional Boards, their composition, election and tenure of office. The Divisional Boards are responsible for the overall supervision and organisation of the affairs of the Division and are to regulate their own proceedings, *clause 76*.

A divisional board comprises the head of the division, a secretary, an assistant secretary and chairpersons of the faculties in the division, *clause 77*. The Bill stipulates that the members of divisional boards are to be elected, *clause 78*. A member of a divisional board is to hold office for four years, *clause 79*.

Clause 80 provides for a Faculty Board for each faculty comprising the chairperson and six or more fellows as members, one of whom is the secretary. The chairperson and other members are to hold office for a period of two years and are eligible for re-election at the end of that period.

Clause 81 provides for membership of the College. The College comprises Foundation Fellows, Elected Fellows, Fellows, Members, Associate Members and Honorary Fellows.

Clause 82 to 84 provide for the position of Rector, Vice-Rector and Registrar of the College. A person appointed Rector by the Council should be a nursing, midwifery or mental health practitioner and shall be the academic and administrative head of the College. The Vice-Rector is elected by Fellows of the College and is to discharge duties assigned by the Rector and act as Rector in the absence of the Rector, *clause 83*. The Bill requires the College to have a Registrar appointed by the Council and who is to perform functions determined by the Council and assigned by the Rector, *clause 84*.

Under *clause 85*, provision is made for the appointment of an Editor and other employees. The source of funding for the College include funds provided from the Consolidated Fund. Moneys paid to the College from fees, donations, grants, gifts, loans and money derived from investments are also funding sources, *clause 86*.

The Bill also requires the Council to open an account for the College, *clause 87*. Routine statutory provisions on accounts, audit and annual reports are provided for in *clauses 88 and 89*. The enabling power of the Minister on the advice of the Council to make Regulations is provided for under *clause 90* and *clause 91* is on interpretation.

DR. BENJAMIN KUNBUOR
Minister for Health

Date: *21st July, 2010*.