

ACT 521

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH ACT, 1996

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SCHEDULE

ACT 521

COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH ACT, 19961

AN ACT to re-establish the Council for Scientific and Industrial Research to promote, encourage and regulate research and the application of science and technology in development and to provide for related matters.

Establishment of Council

1. Establishment of Council

- (1) There is established by this Act a Council for Scientific and Industrial Research.
- (2) The Council is a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.
- (3) The council may for the performance of its functions acquire and hold movable or immovable property and enter into a contract or any other transaction.
- (4) Where the Board has resolved that it is necessary or expedient to acquire property under subsection (3), the property may be acquired under the State Property and Contracts Act, 1960 (C.A. 6) or the State Lands Act, 1962 (Act 125).

2. Functions of the Council

The functions of the Council are,

- (a) to pursue the implementation of government policies on scientific research and development;
- (b) to advise the Minister on scientific and technological advances likely to be of importance to national development;
- (c) to encourage co-ordinated employment of scientific research for the management, utilisation and conservation of the natural resources of the Republic in the interest of development;
- (d) to encourage in the national interest scientific and industrial research of importance for development of agriculture, health, medicine, environment, technology and any other service sectors and to this end to encourage close linkages with the productive sectors of the economy;

- 1. This Act was assented to on 26th November 1996.

- (e) to co-ordinate all aspects of scientific research in the country and to ensure that the Council, the research institutes of the Council and any other organisations engaged in research in the Republic co-ordinate and co-operate in their research efforts;
- (j) to exercise control over the research institutes, centres, units and projects of the Council and to have power after consultation with the Minister to create, reconstitute, merge or dissolve any institute, centre, unit or project of the Council;
- (g) to review, monitor and periodically evaluate the work of the institutes administered by the Council in order to ensure that research being carried out by the institutes directly benefits identified sectors of the economy and is within the national priorities;
- (h) to institute a system of contract research to ensure that research being carried out in the Council is relevant and cost effective;
- (l) to encourage and promote the commercialisation of research results;
- (j) to undertake or collaborate in the collation, publication, and dissemination of the results of research and other useful technical information;
- (k) to organise and control services and facilities available to the Council and generally to manage the properties of the Council;
- (l) to co-ordinate human resource development in institutes of the Council and to encourage the training of scientific personnel and research workers through the provision of grants and fellowships;
- (m) to co-operate and liaise with international and local bodies and organisations, in particular the Universities and the private sector on matters of research; and
- (n) to perform any other functions as may be determined by the Minister.

Administration

3. The governing body

- (1) The governing body of the Council is a Board consisting of
 - (a) the chairman,
 - (b) the Director-General appointed under section 11,
 - (c) one representative each nominated by
 - (i) the Ghana National Chamber of Commerce,
 - (ii) the Heads of the universities of Ghana serving on a rotational basis for a term of three years at a time,
 - (iii) the Ghana Academy of Arts and Sciences,
 - (iv) the Ministry of Science, Technology and Environment,
 - (v) the Ministry of Food and Agriculture,
 - (vi) the Ministry of Industry,
 - (vii) the Ministry of Health,

- (viii) the National Development Planning Commission,
 - (ix) the National Council for Tertiary Education,
 - (x) the Directors of the Research Institutions of the Council,
 - (xi) the senior staff of the Council,
 - (xii) the Ghana Institute of Engineers,
 - (d) three persons representing the private sector one of whom shall come from agriculture and one from the Chambers of Mines, (e) two persons representing the Association of Ghana Industries, and
 - (j) two other persons of reputable knowledge in science at least one of whom is a woman.
- (2) Representatives of the Ministries on the Council shall be officers not below the rank of Directors.
- (3) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

4. Term of office of members

- (1) Subject to this Act, a member of the board other than the chairman or an ex officio member shall hold office for a term not exceeding three years but is eligible for re-appointment.
- (2) A member other than an ex officio member may at any time by a notice in writing addressed to the President resign from office.
- (3) The office of a member absent from Ghana for a continuous period of twelve months becomes vacant at the end of that period.

5. Filling of vacancies

In the event of the death or resignation of a member or where the office of a member becomes vacant under subsection (3) of section 4, a replacement shall be appointed by the President in consultation with the Council of State.

6. Allowance to members

A member of the Board is not entitled to an allowance in respect of membership of the Board but the Council may pay to members of the Board and to any other persons attending meetings travelling and any other allowances that the Board, in consultation with the Minister, may determine.

(3) The chairman shall preside at the meetings of the Board and in the absence of the chairman a member of the Board elected by the members present shall preside at the meeting.

(4) The quorum at a meeting of the Board is nine or a greater number that the Board may determine.

(5) Questions proposed at a meeting of the Board shall be determined by a simple majority of the members present and voting and where there is equality of votes the chairman or the person presiding shall have a casting vote.

(6) The Board may request the attendance of a person at any of its meetings but that person shall not vote on a question before the Board and the presence at the meeting of that person shall not count towards the constitution of a quorum.

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

(8) There shall be a representative of the Deputy Directors-General in attendance at meetings of the Board.

(9) Subject to this section, the Board shall determine and regulate its own procedure.

8. Committees of the Board

(2) The chairman of each committee shall be a member of the Board.

9. Sectoral Research Committees

(1) Without prejudice to subsection (1) of section 8, the following Sectoral Research Co-ordinating Committees of the Council are hereby established under the office of the Director-General:

- (a) the Agriculture, Forestry and Fisheries Research Co-ordinating Committee;
- (b) the Health and Medicine Research Co-ordinating Committee;
- (c) the Industry and Natural Sciences Research Co-ordinating Committee; the
- (d) Social Sciences Research Co-ordinating Committee; and
- (e) the Environmental Research Co-ordinating Committee.

Meetings and Committees of the Board

7. Meetings of the Board

(1) The Board shall meet at least once in every three months for the dispatch of business at the times and places that the chairman may determine.

(2) The chairman shall at the request in writing of not less than seven members of the Board call an extra-ordinary meeting at the place determined by the chairman.

10. Organisation of the Council

(1) The Board may create the departments or divisions that it considers necessary for the efficient performance of its functions.

(2) Without prejudice to subsection (1) there shall be established by the Board a Technical Division and a General Administration Division.

11. Appointment of Director-General

(1) There shall be appointed by the Council under clause (3) of article 195 of the Constitution a Director-General as the chief executive of the Council.

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

(3) Subject to the general directives of the Board, the Director-General is responsible for the effective co-ordination of research activities of the Council.

(4) The Director-General may delegate the functions of office to any officer of the Council but is not relieved from ultimate responsibility for the performance of a delegated function. The Board may appoint committees consisting of a number of persons that it may determine whether members of the Board or not to perform any of its functions under this Act.

12. Appointment of Deputy Directors-General

(1) The Council shall have Deputy Directors-General who shall be in charge of the National Sectoral Research Co-ordinating Committees.

(2) The Deputy Directors-General shall be appointed by the Council under clause (3) of article 195 of the Constitution on the terms and conditions specified in the letters of appointment.

(3) Without prejudice to subsection (1), each Sectoral Research Co-ordinating Committee shall be served by a technical division of the secretariat set up under section 13.

13. Secretariat of the Council

There shall be a secretariat of the Council.

14. Secretary of the Council

(1) The Council shall under clause (3) of article 195 of the Constitution appoint a suitable person who is not a member of the Board to be its secretary.

(2) The secretary is the head of the General Administration Division of the Council and is responsible to the Director-General for the effective co-ordination nation-wide of research and development activities by organisations and individuals within the relevant sector.

(4) The Board may create, reconstitute, merge or dissolve a Sectoral Research Co-ordinating Committee.

16. Research institutes, units and projects

(1) The Council may establish the research institutes, units, centres and projects that the Board thinks fit for the performance of its functions under this Act.

(2) With effect from the coming into force of this Act, the institutes, units, centres and projects specified in the Schedule are for the purposes of subsection (1) research institutes, units, centres and projects of the Council.

(3) The Board may, by legislative instrument and with the approval of the Minister amend the Schedule.

17. Appointment of management boards for institutes, units and projects

(1) The Council shall appoint management boards consisting of the appropriate number of persons except that forty percent of the membership shall be from the private sector.

(2) The Board shall determine the duties and terms of reference for each management board.

(3) The Council shall appoint a Director or a suitable person to be in charge of each institute or organ under its control on the terms and conditions determined by the Board.

(4) Subject to the policy laid down by the Board, and the need to obtain its approval in respect of a decision on programmes, budget and management, the person in charge of an institute is responsible for the day-to-day management of the institute.

(5) The Board may request a management board appointed under this Act or any other person or body as the Board considers appropriate to manage on behalf of the Council a property of the Council.

*Financial Provisions***18. Funds of the Council**

The funds of the Council consist of

- (a) appropriations made by Parliament for the Council,
- (b) donations and grants,
- (c) loans granted to the Council by the Government or a banking institution,
- (d) the moneys accruing to the Council in the course of the performance of its functions under this Act, and
- (e) gifts.

15. Other staff of the Council

The Council may under clause (3) of article 195 of the Constitution employ on the appropriate terms and conditions the number of persons required for the proper and efficient performance of its functions.

(2) In deciding to what use to put a gift, the Board shall consider the expressed wishes of the donor of the gift as are not inconsistent with the objects of the Council and in the case of an inconsistency arising between the expressed wishes of the donor of a gift and the objects of the Council, the gift may be utilised by the Board in furtherance of any of the objects of the Council.

(3) Subject to clause (3) of article 125 of the Constitution, the question as to whether or not an inconsistency exists under subsection (2) is a matter to be determined by the Board and its decision on that matter in all cases is final and conclusive.

20. Borrowing powers and bank account

(1) Subject to article 181 of the Constitution the Council may obtain loans and any other credit facilities on the guarantee of the Government from a bank or an institution that the Minister may approve.

(2) The Council may open bank accounts in the banks approved by the Minister responsible for Finance.

21. Accounts and audit

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

(2) The accounts of the Council shall be audited by the Auditor-General within six months after the end of each financial year.

22. Financial year

The financial year of the Council shall be the same as that of the Government.

23. Budget estimates

The Director-General shall prepare budget estimates for each financial year and present the estimates to the Board for its approval not later than four months before the end of the financial year.

Miscellaneous

19. Utilisation of gifts

(1) A gift intended by a person for the Council for an institute, unit, a centre or project of the Council shall be made directly to the Council which shall utilise the gifts for its objects under this Act.

25. Regulations

(1) The Board may with the approval of the Minister make Regulations for the purpose of giving effect to this Act.

(2) The Board may in particular make Regulations

(a) to regulate the selection, grading, appointment, promotions, conditions of service, termination of appointment and retirement benefits of the employees of the Council; and

(b) to amend the Schedule.

(3) The Regulations shall be issued under the signature of the chairman or the person for the time being acting as chairman.

26. Exemptions from tax and rates

The Council shall be exempt from the payment of Income Tax imposed under the provisions of the Internal Revenue Act, 2000 (Act 592) and from any rates.

27. Staff or other employees of former Council

All persons employed by the former Council immediately before the coming into force of this Act shall, on the coming into force of this Act be deemed to have been duly appointed as employees of the Council.

28. Ministerial responsibility and directives

The Minister responsible for Environment, Science and Technology shall have ministerial responsibility for the Council and may give to the Council directives of a general nature regarding the policy to be followed by the Council in the performance of its functions.

29. Interpretation

24. Annual report

(1) The Board shall as soon as possible after the expiration of each financial year but within six months after the end of the year submit to the Minister an annual report covering the activities and operations of the Council 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 Minister shall within two months after the receipt of the annual report submit a report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports in writing requested by the Minister.

(2) Despite the repeal of the enactments specified in subsection (1) of this section, the Regulations or any other statutory instrument made under those enactments and in force immediately before the coming into force of this Act shall be deemed to have been made under the corresponding provisions of this Act.

(3) The rights, assets, properties, obligations and liabilities held for or on behalf of the dissolved Council for Scientific and Industrial Research and all persons employed for or by the dissolved Council are by this section transferred to the Council under this Act.

SCHEDULE

[Section 16 (2)]

- (a) Animal Research Institute;
- (b) Building and Road Research Institute;
- (c) Crops Research Institute;
- (d) Food Research Institute;
- (e) Forestry Research Institute of Ghana;
- (j) Institute of Industrial Research
- (g) Water Research Institute;
- (h) Institute for Scientific and Technological Information;
- (I) Plant Genetic Resources Centre;
- (J) Oil palm Research Institute.

In this Act, unless the context otherwise requires,

"**Board**" means the governing body of the Council;

"**Council**" means the Council for Scientific and Industrial Research established by section 1;

"**Minister**" means the Minister responsible for Environment, Science and Technology;

"**Regulations**" means the Regulations made under this Act;

"**Scientific research**" includes social sciences research.

30. Dissolution, repeal and vesting

(1) The Council for Scientific and Industrial Research Decree, 1968 (N.L.C.D. 293), Council for Scientific and Industrial Research (Amendment) Decree, 1969 (N.L.C.D. 329) and the Council for Scientific and Industrial Research (Amendment) Decree, 1976 (S.M.C.D. 66) are hereby repealed by this Act and accordingly the Council established under that Decree is dissolved.