

Act 833

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

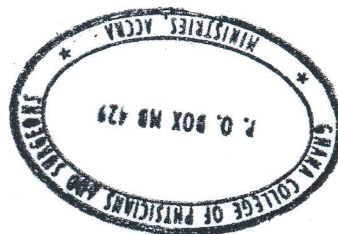
ARRANGEMENT OF SECTIONS

*Section*

**PART ONE—ESTABLISHMENT AND FUNCTIONS OF  
CENTRE FOR PLANT MEDICINE RESEARCH**

*Establishment of the Centre*

1. Establishment of Centre for Plant Medicine Research
2. Object of the Centre
3. Functions of the Centre
4. Governing body of the Centre
5. Tenure of office of members
6. Meetings of the Board
7. Disclosure of interest
8. Establishment of committees
9. Allowances
10. Ministerial directives



*Administrative and financial provisions*

11. Executive Director
12. Functions of the Executive Director
13. Appointment of other staff
14. Research Institutes
15. Funds of the Centre
16. Accounts and audit
17. Annual report and other reports
18. Intellectual property rights
19. Secrecy
20. Regulations
21. Interpretation
22. Transitional provisions
23. Repeal and savings

**PART TWO—ESTABLISHMENT OF GHANA COLLEGE OF  
PHYSICIANS AND SURGEONS**

*Establishment of the College*

24. Establishment of Ghana College of Physicians and Surgeons

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

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- 25. Objects of the College
- 26. Functions of the College
- 27. Governing body of the College
- 28. Functions of the Council
- 29. Tenure of office of members of the Council
- 30. Meetings of the Council
- 31. Disclosure of interest
- 32. Allowances for members

*The College*

- 33. President and Vice-Presidents of the College
- 34. Academic Board
- 35. Functions of the Academic Board
- 36. Committees of the Academic Board
- 37. Divisions of the College
- 38. Division of Physicians
- 39. Division of Surgeons
- 40. Divisional Board
- 41. Composition of Divisional Board
- 42. Tenure of office of members of Divisional Board
- 43. Faculty Board
- 44. College membership
- 45. Rector
- 46. Vice-Rectors
- 47. Editor and other employees

*Financial and miscellaneous provisions*

- 48. Funds of the College
- 49. Bank accounts
- 50. Accounts and audit
- 51. Annual report and other reports
- 52. Regulations
- 53. Interpretation
- 54. Transitional provisions
- 55. Repeal and savings

**Transitional provisions**

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

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

**Repeal and savings**

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

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

**PART TWO—ESTABLISHMENT OF GHANA COLLEGE OF  
PHYSICIANS AND SURGEONS**

*Establishment of the College*

**Establishment of Ghana College of Physicians and Surgeons**

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

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

**Objects of the College**

25. The objects of the College are to

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



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

- (b) promote continuous professional development in medicine, surgery and related disciplines,
- (c) promote postgraduate medical education and research in medicine, surgery and related disciplines; and
- (d) contribute to the formulation of policies on sound health and public health generally.

**Functions of the College**

26. To achieve the objects, the College shall

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

**Governing body of the College**

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

- (a) a chairperson;
- (b) the President of the College who is elected by Fellows of the College;
- (c) the Rector of the College who shall be the Secretary;
- (d) two Vice-Presidents of the College;
- (e) one representative of
  - (i) the Ministry of Health not below the rank of Director,
  - (ii) the Deans of Medical and Dental Schools;
  - (iii) the Medical and Dental Professions;
  - (iv) Chief Executives of the Teaching Hospitals;
  - (v) the Medical and Dental Council;

- (f) a representative of the Attorney-General not below the level of Principal State Attorney;
- (g) a Resident elected by Residents; and
- (h) one eminent person nominated by the President of the Republic.

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

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

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

#### **Functions of the Council**

28. The Council is responsible for the

- (a) implementation of policies;
- (b) mobilisation, control and supervision of the finances and estates of the College;
- (c) admission of Members and Associate-Members of the College; and
- (d) recommendation of a member in good standing to be admitted as a Fellow.

#### **Tenure of office of members of the Council**

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

(2) Subsection (1) does not apply to the Rector of the College.

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

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

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

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



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

- (7) Where there is a vacancy
  - (a) under subsection (3) or (4) or section 31; or
  - (b) as a result of a declaration under subsection (6); or
  - (c) by reason of the death of a member,

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

**Meetings of the Council**

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

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

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

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

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

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

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

**Disclosure of interest**

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

- (a) shall disclose the nature of that interest and the disclosure shall form part of the record of the consideration of the matter; and
- (b) shall not participate in the deliberations of the Council in respect of that matter.

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

in a matter before the Board and

- (a) fails to disclose that interest; or
- (b) participates in the deliberations of the Council in respect of the matter.

**Allowances for members**

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

*The College*

**President and Vice-Presidents of the College**

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

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

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

**Academic Board**

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

(2) The Academic Board comprises

- (a) the President of the College who shall be the chairperson,
- (b) the Rector who shall be Secretary
- (c) the Vice-Presidents of the College,
- (d) the Vice-Rectors of the College;
- (e) the Editor of the College,
- (f) chairpersons of the various faculties, and
- (g) the Librarian who shall be in attendance.

**Functions of the Academic Board**

35. The Academic Board shall, among other things,

- (a) approve courses of study and examinations held in connection with the courses;
- (b) prescribe by-laws, rules and regulations for the conduct of the business of the College;
- (c) determine the criteria for the admission of Members and



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

- Associate Members to the College;
- (d) approve a structure of operation that will enable the College to discharge its functions; and
  - (e) prescribe standards and training programmes for specialists.

**Committees of the Academic Board**

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

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

**Divisions of the College**

37. (1) The College shall have the following Divisions:
- (a) the Division of Physicians,
  - (b) the Division of Surgeons, and
  - (c) any other Division determined by the Council on the advice of the Academic Board.
- (2) A Division shall consist of a number of Faculties created by the Division with the approval of the Academic Board.
- (3) A Division may subject to the approval of the Academic Board, add new Faculties or remove old Faculties when necessary.

**Division of Physicians**

38. The Division of Physicians includes
- (a) the Faculty of Family Medicine,
  - (b) the Faculty of Internal Medicine,
  - (c) the Faculty of Laboratory Medicine,
  - (d) the Faculty of Paediatrics and Child Health,
  - (e) the Faculty of Psychiatry,
  - (f) the Faculty of Public Health, and
  - (g) the Faculty of Radiology, Oncology and Radiation Therapy.

**Division of Surgeons**

39. The Division of Surgeons includes
- (a) the Faculty of Anesthesiology and Intensive Care,
  - (b) the Faculty of Dental Surgery and Sub-Specialties,
  - (c) the Faculty of Obstetrics and Gynaecology,
  - (d) the Faculty of General and Specialised Surgery, and
  - (e) the Faculty of Emergency Medicine.



**Divisional Board**

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

**Composition of Divisional Board**

41. A Divisional Board comprises
- (a) the head of the Division,
  - (b) the Vice-Rector of the Division who shall be the Secretary,
  - (c) the assistant secretary of the Division, and
  - (d) the chairpersons and secretaries of the Faculties in the Division.

**Tenure of office of members of Divisional Board**

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

**Faculty Board**

43. (1) Each Faculty shall have a Faculty Board consisting of
- (a) the chairperson, and
  - (b) subject to the approval of the Academic Board, six or more Fellows who belong to the Faculty as members, one of whom shall be elected as secretary.
- (2) The chairperson and other members of the Faculty Board shall be elected by the Fellows who belong to the Faculty.
- (3) The chairperson and other members of the Faculty Board shall hold office for a term of two years and are at the expiration of the term eligible for re-election but shall not be elected for more than two terms.
- (4) A Faculty Board shall
- (a) develop, promote and implement the academic programmes of the Faculty; and
  - (b) nominate Examiners for approval by the Academic Board.

**College membership**

44. The College shall have the following membership:
- (a) Foundation Fellows;
  - (b) Fellows;
  - (c) Members and Associate Members;

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

- (d) Honorary Fellows; and
- (e) Affiliate Members.

**Rector**

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

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

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

**Vice-Rectors**

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

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

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

**Editor and other employees**

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

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

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

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

48. (1) The funds of the College include

- (a) funds provided from the Consolidated Fund,
- (b) fees charged by the College,
- (c) income from investment,
- (d) donations, gifts, bequests, and
- (e) grants and loans.

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

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

**Bank accounts**

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

**Accounts and audit**

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

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

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

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

**Annual report and other reports**

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

(2) The annual report shall include the report of the 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**

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

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



## **Act 833**

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

#### **Interpretation**

53. In this Part unless the context otherwise requires,
- “Affiliate Member” means a Resident of the College;
  - “Associate Member” means a person who has been awarded a diploma by the College;
  - “College” means the Ghana College of Physicians and Surgeons;
  - “Council” means the governing body of the College;
  - “Divisional Board” means the Divisional Board of a Division;
  - “Faculty Board” means a Faculty Board established under section 43;
  - “Fellows” means a body of Fellows consisting of Foundation Fellows, Honorary Fellows and other recognised Fellows;
  - “Foundation Fellow” means a professional or an individual of high distinction on whom the College has conferred honours;
  - “good standing” means a Fellow, Member or Associate Member who has fulfilled all relevant requirements as determined by the College;
  - “Honorary Fellow” means a person admitted as Fellow of the College at its inception;
  - “Member” means a person who has completed a specialist training programme of the College;
  - “Minister” means the Minister responsible for Health;
  - “resident” means a person who is undertaking specialist training in the College; and
  - “Vice-President” means the head of a constituent Division who by virtue of being such a head becomes Vice-President of the College.

#### **Transitional provisions**

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

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

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

**Repeal and savings**

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

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

**PART THREE—ESTABLISHMENT OF GHANA COLLEGE  
OF NURSES AND MIDWIVES**

*Establishment of the College*

**Establishment of Ghana College of Nurses and Midwives**

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

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

**Objects of the College**

57. The objects of the College are to

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

**Functions of the College**

58. To achieve the objects, the College shall

- (a) organise and supervise specialist training, continuous professional development and support postgraduate or post