

ARRANGEMENTS OF SECTIONS

Section

PART ONE - GHANA TERTIARY EDUCATION COMMISSION

Ghana Tertiary Education Commission

1. Establishment of the Ghana Tertiary Education Commission
2. Objects of the Commission
3. Functions of the Commission
4. General functions of the Commission
5. Advisory functions of the Commission
6. Co-ordinating functions of the Commission
7. Regulatory functions of the Commission
8. Accreditation functions of the Commission
9. Collaboration with other bodies
10. Conflict with other enactments in approval of programmes 11 .
- Governing body of the Commission
12. Establishment of committees

Administrative Provisions

13. Director-General
14. Functions of the Director-General
15. Deputy Director-General
16. Functions of the Deputy Director-General
17. Secretary to the Board
18. Divisions of the Commission

Accreditation and Registration

19. Accreditation of tertiary education institution
20. Appointment of panel
21. Accreditation Certificate
22. Effect of accreditation
23. Variation and revocation of accreditation
24. Closure of an institution
25. Cost recovery

Act 1023 EDUCATION REGULATORY BODIES ACT, 2020

26. Grant of Charter
27. Effect of a Charter
28. Variation and revocation of a Charter
29. Establishment of a specialised degree awarding institution
30. Accreditation of foreign tertiary institutions
31. Accreditation and registration of foreign tertiary education institution and recognition of foreign qualifications

Miscellaneous Provisions

32. Reporting requirements
33. Submission of audited accounts of tertiary education institution
34. Access to information
35. Fixing of Seal of the Commission
36. Offences and penalties
37. Regulations
38. Interpretation
39. Repeal and savings
40. Transitional provisions

**PART TWO - COMMISSION FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

Commission for Technical and Vocational Education and Training

41. Establishment of the Commission for Technical and Vocational Education and Training
42. Objects of the Commission
43. Functions of the Commission
44. Governing body of the Commission
45. Establishment of committees

Administrative Provisions

46. Director-General
47. Functions of the Director-General

48. Deputy Directors-General
49. Functions of the Deputy Directors-General
50. Secretary to the Board
51. Divisions of the Commission  
Miscellaneous Provisions
52. Prohibition on provision of service
53. Exemption from tax
54. Regulations
55. Interpretation
56. Repeals and savings
57. Transitional provisions

**PART THREE - THE NATIONAL TEACHING COUNCIL**  
National Teaching Council

58. Establishment of the National Teaching Council
59. Object of the Council
60. Functions of the Council
61. Governing body of the Council
62. Establishment of committees  
Administrative Provisions
63. Registrar
64. Functions of the Registrar
65. Deputy Registrars
66. Functions of the Deputy Registrars  
Registration
67. Registration procedure
68. Qualification for registration
69. Registration of foreign trained teachers
70. Types of registers
71. Permanent registration
72. Temporary registration
73. Provisional registration

- 74. Suspension of registration
- 75. Cancellation of registration
- 76. Annual list of registered teachers
- 77. Removal and restoration of name in register
- 78. Representation to the Board and appeal

3

Employment of Teachers

- 79. Employment of registered teachers
- 80. Employment of unregistered teachers

Miscellaneous Provisions

- 81. Notice of change of name or address
- 82. Offences and penalties
- 83. Regulations
- 84. Interpretation
- 85. Repeal and savings
- 86. Transitional provisions

PART FOUR - THE NATIONAL SCHOOLS  
INSPECTORATE

AUTHORITY

National Schools Inspectorate Authority

- 87. Establishment of the National Schools Inspectorate Authority
- 88. Objects of the Authority
- 89. Functions of the Authority
- 90. Governing body of the Authority
- 91. Establishment of committees

Inspection of Pre- Tertiary Education Institutions

- 92. Inspection panels

Administrative Provisions

- 93. Inspector-General of Schools

94. Functions of the Inspector-General of Schools
95. Deputy Inspector-General of Schools
96. Functions of the Deputy Inspectors-General of Schools
97. Divisions of the Authority

Miscellaneous Provisions

98. Offences and penalties
99. Regulations
100. Interpretation
101. Transitional provisions

**PART FIVE - THE NATIONAL COUNCIL FOR CURRICULUM  
AND ASSESSMENT**

National Council for Curriculum and Assessment

102. Establishment of the National Council for Curriculum and Assessment
103. Object of the Council
104. Functions of the Council 105, Governing body of the Council
106. Establishment of committees

Administrative Provisions

107. Director-General
108. Functions of the Director-General
109. Deputy Directors-General
110. Functions of the Deputy Directors-General

Miscellaneous Provisions

111. Regulations
112. Interpretation
113. Transitional provisions

**PART SIX - ADMINISTRATIVE, FINANCIAL AND  
MISCELLANEOUS PROVISIONS**

Administration of Regulatory Bodies

114. Tenure of office of a member of a Board
-

Act 1023 EDUCATION REGULATORY BODIES ACT 2020

- 115. Meetings of the Board
- 116. Disclosure of interest
- 117. Allowances
- 118. Policy directives
- 119. Regional and district offices of the regulatory bodies
- 120. Appointment of other staff 121. Internal Audit Unit

5

Financial Provisions

- 122. Funds of the regulatory bodies
- 123. Bank account
- 124. Annual estimates
- 125. Accounts and audit
- 126. Annual report and other reports

Miscellaneous Provisions

- 127. Collaboration with statutory bodies 128. Interpretation

**SCHEDULES**

**FIRST SCHEDULE**

Information Required for an Application for Accreditation

**SECOND SCHEDULE**

Accreditation Certificate

**THIRD SCHEDULE**

Tertiary Technical and Vocational Training Institutions and Their Ministries



REPUBLIC OF GHANA

THE ONE THOUSAND AND TWENTY-THIRD

# ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA  
ENTITLED

EDUCATION REGULATORY BODIES ACT, 2020

AN ACT to establish the Ghana Tertiary Education Commission, the Commission for Technical and Vocational Education and Training, the National Teaching Council, the National Schools Inspectorate Authority, the National Council for Curriculum and Assessment and to provide for related matters.

DATE OF ASSENT: 21st August, 2020.

PASSED by Parliament and assented to by the President

PART ONE - GHANA TERTIARY EDUCATION COMMISSION

Ghana Tertiary Education Commission

Establishment of the Ghana Tertiary Education Commission

I. (1) There is established by this Act a body corporate known as the Ghana Tertiary Education Commission.

(2) For the performance of the functions of the Commission, the Commission may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Commission.

Act,

### Objects of the Commission

2. The objects of the Commission are to regulate tertiary education in all its forms with a view to promote

- (a) efficient and effective administration and accreditation of tertiary education institutions;
- (b) principles of the provision of consistent quality of service by tertiary education institutions;
- (c) advancement and application of knowledge through teaching, scholarly research and collaboration with industry and the public sector; and
- (d) the development of appropriate human capital for the sustainable advancement of the national economy.

### Functions of the Commission

3. The Commission shall perform the following functions:

- (a) general;
- (b) advisory;
- (c) co-ordinating;
- (d) regulatory;
- (e) accreditation; and
- (f) any other function necessary for the attainment of the objects of the Commission.

### General functions of the Commission

4. The Commission shall, in the performance Of the general functions, ensure that tertiary education institutions

- (a) apply the highest quality standards and relevance of teaching, learning and research programmes and outcomes;



- (b) promote equitable and inclusive access to all tertiary education programmes and services;
- (c) promote transparent governance and best practices, including reporting and checks and balances to ensure full accountability; (d) promote a culture of independent, life-long learning and of scientific and technological inquiry among staff, students and the wider society;
- (e) promote affirmative action for persons with disabilities and other marginalised and disadvantaged groups; and (f) promote non-discrimination policies and practices.

#### Advisory functions of the Commission

5. (I) The advisory functions of the Commission include
- (a) advise the Minister on the establishment and development of tertiary education institutions in the country;
  - (b) provide advice and guidance on the general direction of development, orientation and mission of public and private tertiary education institutions in line with national development goals and objectives and having regard to an optimally diversified and differentiated tertiary education system which shall in particular cover
    - (i) the programmes to be pursued by tertiary education institutions with regard to the relevance of the programmes to national development;
    - (ii) the development and location of tertiary education institutions; and
    - (iii) the establishment of new academic units in tertiary education institutions;
  - (c) enquire into the financial needs of public tertiary education institutions and advise the Minister accordingly;
  - (d) recommend to the Minister for the purposes of the preparation of the annual national education budget
    - (i) block allocation of funds towards running costs, and
    - (ii) grants towards capital expenditure, of each public tertiary education institution, indicating how the allocations are to be disbursed;

- (e) advise a public tertiary education institution on the
  - (i) appropriate measures to generate additional funds for the public tertiary institution; and
  - (ii) application for and acceptance of local and foreign assistance in accordance with Government policy; (f) recommend standards and norms on governance, financing, academic programmes, staff costs, accommodation and time utilisation, for the approval of the Minister; and (g) advise on funding and support for needy students.

(2) The Commission shall advise the President, through the Minister, on the approval and grant of a Charter to public and private tertiary education institutions in the country,

Act,

(3) The Commission shall advise the Government on the structure of tertiary education system taking into account the need for diversification and differentiation to meet the demands of sustainable national development.

#### Co-ordinating functions of the Commission

6. The co-ordinating functions of the Commission include to

- (a) act as an agency for channelling external assistance and funding to public tertiary education institutions;
- (b) collate, analyse and publish information on tertiary education in the country;
- (c) co-ordinate the planning of the tertiary education system in line with manpower needs and national development goals;
- (d) create a platform for regular interaction between industry and academia; and
- (e) provide a hub for mutually beneficial interaction and the articulation of national interest within the tertiary education system.

#### Regulatory functions of the Commission

7. The regulatory functions of the Commission include to
- (a) ensure the implementation of approved regulations and national standards and norms with respect to tertiary education institutions;
  - (b) approve the establishment of tertiary education institutions;
  - (c) regulate the structure of tertiary education in the country;
  - (d) develop policies and regulations to advance the conduct of research and innovation in public tertiary education institutions;
  - (e) develop norms for the allocation of grants to drive tertiary education policy based on national development priorities;
  - (f) undertake or cause to be undertaken, periodic or ad-hoc visitations, regular inspections, monitoring and evaluation of tertiary education institutions to ensure compliance with the provisions of this Act or Regulations made under this Act;
  - (g) set-up and operate a tertiary education institution information management system to enable real-time access to decisionsupport data of all tertiary education institutions;
  - (h) develop and implement policy on criteria or requirements for admission to tertiary education institutions in the country;
  - (i) receive annual reports from tertiary education institutions three months after the end of each academic year;
  - (i) approve the establishment of new academic units in tertiary education institutions being mindful of costeffectiveness and alignment with institutional mission and mandates and national development objectives;
  - (k) establish links with relevant national and international stakeholders necessary for the attainment of the objects of the Commission;
  - (l) verify the authenticity of all certificates, diplomas and degrees upon request; and
  - (m) make recommendations to the Minister to ensure discipline in tertiary education institutions.

Accreditation functions of the Commission

8. (1) The Commission is responsible for the accreditation of
- (a) public and private tertiary education institutions; and
  - (b) programmes of public and private tertiary education institutions.

(2) Without limiting subsection (1), the Commission shall determine (a) the requirements for the maintenance of standards of physical infrastructure, governance systems, human resources and financial sustainability in the tertiary education sector;

- (b) the programmes and requirements for the efficient and effective operation of a tertiary education institution and maintenance of acceptable levels of academic or professional standards in the institution; and
- (c) the levels of all qualifications awarded by recognised or accredited institutions including professional institutions in the country or elsewhere.

- (3) The Commission shall, in conjunction with
- (a) the Commission for Technical and Vocational Education and Training accredit technical and vocational education and training programmes and institutions at the tertiary level; and
  - (b) the relevant regulatory bodies, accredit professional programmes and institutions at the tertiary level.
- (4) The Commission shall
- (a) in collaboration with the relevant regulatory bodies and relevant institutions, develop and implement a National Qualification Framework and National Learners' Qualification Framework at the tertiary level;
  - (b) assess the performance of tertiary education institutions in respect of teaching, learning, research and any other verifiable parameter;
  - (c) examine, monitor and evaluate quality assurance and quality improvement of structures, processes and procedures of tertiary education institutions;
  - (d) regulate the use of higher education nomenclature and titles including "university", "College", "Emeritus" , "Professor" , "Doctor", "Chartered", and related terms;
  - (e) recognise and determine equivalencies of degrees, diplomas and certificates conferred or awarded by foreign universities and institutions in accordance with the standards and guidelines set by the Commission;
  - (f) publish, as the Commission considers appropriate, the list of accredited public and private tertiary education institutions and programmes at the beginning of each academic year; and
  - (g) provide a framework for ranking and rank tertiary education institutions on quality and performance on an annual basis based on indicators developed by the Commission.
- (5) The Commission shall take appropriate actions including sanctions against public and private tertiary education institutions which

act contrary to the norms and standards set by the Commission and the terms and conditions under which accreditation has been granted.

#### Collaboration with other bodies

9. The Commission shall, in the performance of the functions of the Commission, liaise with any relevant education regulatory body.

#### Conflicts with other enactments in approval of programmes

10. (1) Where there is a conflict between the provisions of this Act and any other enactment in matters relating to the approval or accreditation of academic programmes offered by a tertiary education institution, the provisions of this Act shall prevail.

(2) Despite the provisions of any other law, the recognition, licensing, approval or accreditation of any academic programme including postgraduate degrees and diplomas and other academic degrees offered at a tertiary education institution shall be the exclusive mandate of the Commission to be exercised in accordance with this Act.

(3) The Commission shall, before approving any academic programme, consult with any relevant body established by law to regulate the profession to which the academic programme relates where that law empowers the professional body to approve or accredit courses offered at a tertiary education institution.

- (4) The Commission may engage
- (a) a professional body or association to carry out inspection of a tertiary education institution on behalf of the Commission; and
  - (b) the Auditor-General to offer the Commission a professional opinion on management and financial position of a particular public tertiary education institution.

(5) A person who without lawful authority licenses, accredits, recognises, audits, inspects, indexes students or collects a fee or a charge from a tertiary education institution or a student, commits an offence and is liable on summary conviction to a fine of not more than two thousand five hundred

penalty units or to a term of imprisonment of not more than two years, or to both.

#### Governing body of the Commission

- II. (1) The governing body of the Commission is a Board consisting of (a) a chairperson;
- (b) one Vice-Chancellor from a public university nominated by the heads of public universities;
  - (c) one head of a chartered private university nominated by the heads of chartered private universities;
  - (d) one representative of the Ministry not below the rank of a Director nominated by the Minister;
  - (e) one representative of the Ministry responsible for Finance not below the rank Of a Director nominated by the Minister responsible for Finance;
  - (D) one representative of the Office of the Attorney-General not below the rank of Principal State Attorney nominated by the Attorney-General and Minister for Justice;
  - (g) the Director-General of the National Development Planning Commission;
  - (h) one representative of the Commission for Technical and Vocational Education and Training not below the rank of a Director;
  - (i) two other persons with the relevant experience, one of whom is a woman nominated by the President;
  - (i) the Director-General of the Commission;
  - (k) the Director-General ofthe Ghana Education Service;
- and
- (I) the Director-General Of the Technical and Vocational Education and Training Service.
- (2) The President shall, in making the nominations in paragraphs (a) and (i) of subsection (I), have regard to expertise and experience of the person and ability to contribute to the work of the Commission.

(3) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

(4) The Board shall ensure the efficient and effective performance of the functions Of the Commission.

#### Establishment of committees

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

(2) A committee of the Board may be chaired by a member or non-member of the Board.

(3) Section 116 applies to a member of a committee of the Board.



## Administrative Provisions

## Director-General

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission.

(2) The Director-General shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) subject to any other terms and conditions specified in the letter of appointment.

## Functions of the Director-General

14. (1) The Director-General

- (a) is responsible for the day-to-day administration of the Commission;
- (b) shall ensure the implementation of the decisions of the Board; and
- (c) shall perform any other function determined by the Board. (2) The Director-General may delegate a function to an officer of the Commission but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

## Deputy Director-General

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Director-General for the Commission.

(2) The Deputy Director-General shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) subject to any other terms and conditions specified in the letter of appointment.

## Functions of the Deputy Director-General

16. (1) The Deputy Director-General shall

- (a) assist the Director-General in the performance of the functions of the Director-General; and
-

- (b) perform other functions that may be assigned by the DirectorGeneral.
- (2) The Deputy Director-General is responsible to the DirectorGeneral in the performance of the assigned functions.

15

- (3) The Deputy Director-General shall act in the absence of the Director-General.

#### Secretary to the Board

17. (1) The Board shall designate an officer of the Commission not below the rank of a Director as Secretary to the Board.

- (2) The Secretary shall
  - (a) record or cause to be recorded and keep the minutes of the meetings of the Board;
  - (b) perform the functions that the Board, or the DirectorGeneral in consultation with the Board, may assign; and
  - (c) in the performance of the functions, be under the administrative control of the Director-General.

#### Divisions of the Commission

18. (1) The Commission shall have the following Divisions:
- (a) Research, Policy and Planning Division; and
  - (b) Accreditation and Quality Assurance Division.
- (2) Despite subsection (1), the Board may establish any other division or re-organise the divisions where necessary for the efficient and effective performance of the functions of the Commission.

#### Accreditation and Registration

#### Accreditation of tertiary education institution

19. (1) A tertiary education institution shall not operate or run a programme without accreditation by the Board.

(2) An accreditation process for a tertiary education institution or for a programme of the tertiary education institution or for both shall be initiated by the institution.

(3) The institution shall provide in the application the requisite information specified in the First Schedule.

(4) Despite subsections (2) and (3), the Board shall carry out an accreditation process in respect of each tertiary education institution as the Board may determine.

(5) A tertiary education institution that has not been granted accreditation and issued with a certificate by the Commission shall not advertise, or cause to be published in any form or medium, information to attract potential students to enrol or register with the institution.

(6) A media outfit shall not publish or cause to be published an advertisement of a tertiary education institution with the aim of recruiting or enticing potential students to enrol in the institution or the courses of the institution without

(a) inspecting the accreditation certificate of the institution and accreditation certificates of the programmes; and

(b) confirming same with the Commission to be genuine.

(7) The Board shall institute a planned and systematic review process of an institution or programme to determine whether or not acceptable standards of education, scholarship or infrastructure are being met, maintained or enhanced.

(8) An accreditation to a tertiary education institution is campus specific and not transferable without the requisite written permission given by the Board.

#### Appointment of panel

20. (1) The Commission shall constitute a panel of not less than five and not more than seven members to conduct an accreditation process.

(2) The panel may include members of the Board.

(3) The Board shall appoint the members of the panel having regard to their professional, academic, industrial or commercial competence.

- (4) Section 116 applies to panel members.

#### Accreditation Certificate

21. The Board shall issue an Accreditation Certificate as set out in the Second Schedule in respect of accreditation granted to an institution or given for a programme.

#### Effect of accreditation

22. A tertiary education institution issued with an Accreditation Certificate may commence business by (a) mobilising academic resources; and (b) advertising and enrolling students.

#### Variation and revocation of accreditation

23. (1) The Board may vary an Accreditation Certificate, where the variation

- (a) is necessary having regard to the tertiary education policy; or
- (b) may facilitate the carrying out of the functions of the institution concerned in an effective and efficient manner.

(2) The Board may revoke an Accreditation Certificate, where

- (a) the institution concerned is not carrying out the functions of the institution in an effective and efficient manner;
- (b) the institution is in breach of the terms and conditions under which the accreditation was granted;
- (c) the revocation is necessary having regard to the tertiary education policy; or
- (d) the institution acts contrary to the rules and regulations of the Commission.

#### Closure of an institution

24. (1) Where the Commission is satisfied that any one of the following has occurred:

- (a) the location and operations of an institution are detrimental to the physical or moral welfare of the

students and staff and the general safety of Other persons;

- (b) the institution is operating below the minimum standard acceptable to the Board;
- (c) the continued existence of the institution is against the public interest;
- (d) an institution is running programmes or operating on a campus other than the programme or campus approved for accreditation;
- (e) an institution is operating contrary to the terms and conditions under which institutional or programme accreditation was granted;
- (f) an institution is operating without the requisite institutional or programme accreditation; or
- (g) an institution has acted contrary to the rules and regulations of the Commission, the Commission shall formally notify the affected institution to rectify the deficiencies within a period of not more than six months.

(2) The Commission shall close down the institution with the assistance of the security agencies where the deficiencies complained of are not rectified within the specified time frame.

(3) An institution that is closed down may appeal to the Board within six months of the closure for the matter may to be reconsidered.

#### Cost recovery

25. (1) The cost of carrying out an accreditation exercise, evaluation and establishment of equivalences and other related exercises shall be borne by the person or institution for whom the exercise is carried out.

(2) Where the Commission incurs an expenditure as a result of a failure of an institution to comply with a directive given by the Commission, the Commission shall take the necessary action that the Commission considers appropriate for the recovery of the expenditure.

#### Grant of Charter

26. The President may, on the advice of the Commission given through the Minister, grant a Charter to a tertiary education institution to enable the institution award certificates, diplomas or degrees.

Effect of a Charter

27. (1) A tertiary education institution that is granted a Charter under section 26

- (a) shall be a body corporate;
- (b) shall continue the activities of the institution in accordance with the terms and conditions under which accreditation is granted;
- (c) may develop and mount the new academic programmes of the institution, subject to review by the Commission in accordance with the provisions of this Act;
- (d) may establish campuses and constituent colleges which shall conform to standards prescribed by Regulations made under this Act; and
- (e) may award degrees, including honorary degrees.

(2) Despite subsection (1), constituent colleges and campuses of a tertiary education institution shall not share premises with incompatible businesses.

Variation and revocation of a Charter

28. (1) The President may, on the recommendation of the Commission through the Minister, revoke, vary or in any other way amend the provisions of a Charter where the President considers that the revocation, variation or amendment is in the best interest of tertiary education in the country.

(2) A variation or amendment under subsection (1) may include the introduction of mechanisms to enable the tertiary education institution concerned better carry out the functions of that tertiary education institution.

(3) A recommendation under subsection (1) shall only be made after the tertiary education institution has been afforded the opportunity to be heard and the Commission has, in accordance with

this Act, inspected the tertiary education institution concerned, and is satisfied that the institution is unable to contribute to the objects of tertiary education set out in this Act.

(4) Where a Charter is revoked under subsection (1),

- (a) the Minister shall immediately cause a notice of revocation to be published in the Gazette, and a daily newspaper of national circulation; and
- (b) the tertiary education institution concerned shall cease to be a tertiary education institution at the expiry of one year from the date of the publication of the notice in the Gazette.

(5) Despite subsection (4), the revocation of a Charter shall not affect the validity of an academic award made by the tertiary education institution before the revocation.

(6) Upon the revocation of a Charter, the Minister may, in consultation with

- (a) the Board in the case of a public tertiary education institution, or
- (b) the Board and the sponsor in the case of a private tertiary education institution, appoint an institution that the Minister considers appropriate to administer and manage the tertiary education institution for the protection of the interests of the students and staff of the tertiary education institution for the ensuing one year.

#### Establishment of a specialised degree awarding institution

29. (1) The President may, subject to the Constitution, establish

- (a) specialised degree-awarding or research institution whose mandate shall be of strategic national importance; and

- (b) a national Open University as a specialised tertiary education institution to offer university programmes through distance and e-learning mode



and with the approval of Parliament, grant a Charter to the specialised degree-awarding or research institution or the National Open University.

(2) The Commission shall prioritise an institution established under subsection (1) with respect to accreditation, development and the issuing of the governing instruments.

#### Accreditation of foreign tertiary education institutions

30. (1) A foreign tertiary education institution which intends to offer tertiary education in the country shall submit proof of accreditation from the country of origin of the foreign tertiary education institution and apply to the Board and the Board shall

- (a) conduct due diligence to ascertain that the foreign tertiary education institution meets the conditions necessary for the operation of the foreign tertiary education institution in the country;
- (b) grant written approval upon being satisfied of the outcome of the due diligence; and
- (c) register and accredit the foreign tertiary education institution, in accordance with the provisions of this Act.

(2) A foreign tertiary education institution may, subject to the provisions of this Act and with the prior approval of the Board, enter into an arrangement with a tertiary education institution in the country for purposes of offering programmes or joint programmes of instruction of the foreign tertiary education institution in the country.

(3) The Commission shall,

- (a) within the first quarter of the year, cause to be published
  - (i) in at least three daily newspapers of national circulation, and
  - (ii) on the website of the Commission, the list of tertiary education institutions accredited to undertake tertiary education in the country; and
- (b) every quarter, update the list of accredited tertiary education institutions and publish the list on the website of the Commission,

(4) A tertiary education institution that seeks to operate strictly by online mode in the country or recruit students to study or sit for examination of a foreign tertiary education institution shall not commence operations unless the foreign tertiary education institution is duly registered and granted accreditation by the Board.

21

(5) A tertiary education institution other than a statutory professional regulatory body that seeks to operate as an awarding institution conferring professional qualifications in the country, or a professional training institution outside the country that seeks recognition for the qualifications of that institution in the country shall register and be accredited by the Board.

(6) A person who offers a tertiary education programme through a foreign tertiary education institution that is not accredited commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment not of less than fifteen years and not more than twenty years or both.

Accreditation and registration Of foreign tertiary education institution and recognition of foreign qualifications

31. (1) A foreign tertiary education institution that seeks to establish a campus in the country is subject to the institutional and programme accreditation processes specified in this Act.

(2) A foreign tertiary education institution is qualified to be registered by the Commission where

- (a) the source of instruction for the programme of study is outside the country or outside the confines of the campus of the institution;
- (b) the institution and programmes are accredited by the competent body in the home country; and

- (c) the curriculum of each programme to be run in the country has been assessed by the Commission and approved by the Board.

(3) A foreign professional or vocational qualification awarded by a foreign awarding or examining body shall be recognised in the country after the Commission confirms the recognition of the foreign professional or vocational qualification in the country of origin of the awarding or examining body.

(4) Where the foreign awarding body seeks to operate and award qualifications in the country through a recognised local study centre, the Commission shall

- (a) review the qualifications, curriculum or syllabus of the foreign awarding body; and
- (b) confirm that arrangements have been put in place by the foreign awarding body for the delivery of quality and reliable service to learners.

(5) Where the foreign awarding body satisfies the requirements of subsection (4), the Commission shall accord recognition to the foreign awarding body subject to the recognition and quality assurance of the awarding body in the country of origin. Miscellaneous Provisions

#### Reporting requirements

32. (1) A tertiary education institution shall provide the following information in the form of a report to the Commission annually:

- (a) admissions;
- (b) demographics;
- (c) programmes and courses;
- (d) staff;
- (e) income generation;
- (f) research publications;
- (g) job placement of students; (h) industrial and academic collaborations; (i) scholarships for the needy;
- (i) compliance with government and policy directives;
- (k) community outreach services; and

- (1) audited accounts of moneys received from the Ghana Education Trust Fund and the National Research Fund.
- (2) A tertiary education institution that fails to provide a report under subsection (I) is liable to pay to the Commission an administrative penalty of not less than one thousand penalty units and the principal officers of the tertiary education institution may be removed from office.

#### Submission of audited accounts of tertiary education institution

33. (I) A tertiary education institution that this Act applies to shall, within two months of receipt of the audited accounts of the tertiary education institution submit a copy of the audited accounts with comments by that tertiary education institution on the audited accounts to the Commission,

(2) The Commission shall, within two months after receipt of the audited accounts under subsection (I), submit a report on the audited accounts to the Minister.

### 23

#### Access to information

34. (1) Subject to the Right to Information Act, 2019 (Act 989) and other relevant enactments, the Board may, for the efficient and effective performance of the functions of the Board, authorise the Director-General, an employee of the Commission or any other person to request relevant information from a tertiary education institution and the tertiary education institution shall comply with the request.

(2) Without limiting subsection (I), the Director-General, an employee of the Commission or any other person authorised by the Board shall have access to the relevant books, records, returns, documents or other facilities of the tertiary education institution requested to provide the information.

#### Fixing of the Seal of the Commission

35. (1) The fixing of the Seal of the Commission shall be authenticated by the signature of the Director-General.

(2) A document which purports to be a contract, instrument or any other document duly signed or sealed on behalf of the Commission shall be received in evidence and unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

#### Offences and penalties

36. (I) A person or who

- (a) operates a tertiary education institution or runs a tertiary education programme that is not accredited;
  - (b) advertises a tertiary education institution or a tertiary education programme that is not accredited;
  - (c) fails to register an institution as required under this Act;
  - (d) refuses to comply with a request for information made by or on behalf of the Commission;
  - (e) denies access to relevant records, books, returns, documents or other facilities to a person authorised by the Commission to obtain the information;
  - (f) obstructs a person authorised by the Commission to obtain information;
  - (g) provides information which that person knows is false or does not have a reason to believe to be true; or
  - (h) publishes, advertises or causes to be published or advertised in the media whether print or electronic any information
-

on any institution that has not been granted institutional or programme accreditation commits an offence and is liable on summary conviction to a fine of not less than ten thousand penalty units and not more than twenty thousand penalty units or to a term of imprisonment of not less than fifteen years and not more than twenty years, or to both.

(2) Without limiting subsection (1), a tertiary education institution that operates without the requisite accreditation from the Commission shall be closed down.

#### Regulations

37. (1) The Minister shall, within twelve months of the coming into force of this Act, on the advice of the Board, by legislative instrument, make Regulations for the effective and efficient implementation of this Part.

- (2) Without limiting subsection (1), the Regulations shall provide for
- (a) the procedure for the grant, variation or revocation of accreditation of a tertiary education institution; and
  - (b) the procedure for the grant, variation or revocation of a Charter.

#### Interpretation

38. In this Part, unless the context otherwise requires,

"accreditation" means the status accorded to a tertiary education institution or programme that satisfies the relevant standards determined by the Commission upon going through the procedure for the grant;

"Board" means the governing body of the Commission established under section 11;

"Commission" means the Ghana Tertiary Education Commission established under section I;

"Director-General" means the person appointed under section 13;

"Ghana Education Trust Fund" means the Ghana Education Trust Fund established under the Ghana Education Trust Fund Act, 2000 (Act 581);

"Minister" means the Minister responsible for Education;

- "Ministry" means the Ministry responsible for Education;
- "National Research Fund" means the Ghana National Research Fund established under any enactment;
- "principal officers" mean the Chancellor, the chairperson of the Council and the Vice-Chancellor of a tertiary education institution;
- "private tertiary education institution" means a tertiary education institution established and maintained by an individual or a private body and sponsored from funds Other than public funds;
- "public tertiary education institution" means a tertiary education institution that is established by an Act of Parliament;
- "re-accreditation" means the process of applying for accreditation and being granted an accreditation after the expiration of an earlier accreditation; and
- "tertiary education institution" means a university, university college, technical university, post-secondary diploma awarding institution, a tertiary technical and vocational training institution specified in the Third Schedule and a post-secondary professional training institution.

#### Repeals and savings

39. (1) The following enactments are repealed:

- (a) the National Council for Tertiary Education Act, 1993 (Act 454); and
- (b) the National Accreditation Board Act, 2007 (Act 744).

(2) Despite the repeal of the enactments specified in subsection (1), Regulations, notices, orders, directions or any other act lawfully made or done under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

#### Transitional provisions

40. (1) An affiliated institution in existence before the coming into force of this Act shall, within four years of the coming into force of this Act, meet the conditions for the award of a Charter in accordance with this Act.

(2) Despite subsection (1), where an affiliated institution is not able to meet the requirements for a Charter within the stipulated four-year period, but demonstrates sufficient cause of preparing towards a Charter, an additional two years shall be granted to the affiliate institution to enable that affiliate institution meet the requirements.

(3) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the National Accreditation Board and the National Council for Tertiary Education and the persons employed by the National Accreditation Board and the National Council for Tertiary Education immediately in existence before the coming into force of this Act are transferred to the Commission established under this Part and accordingly proceedings taken by or against the National Accreditation Board and the National Council for Tertiary Education may be continued by or against the Commission.

(4) Any moneys in a bank account held by or on behalf of the National Accreditation Board or the National Council for Tertiary Education immediately in existence before the coming into force of this Act is transferred to the Commission established under this Part.

(5) A contract subsisting between the National Accreditation Board or the National Council for Tertiary Education and another person immediately before the coming into force of this Act shall subsist between the Commission established under this Part and the other person.

## **PART TWO-COMMISSION FOR TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

### **Commission for Technical and Vocational Education and Training**

#### **Establishment of the Commission for Technical and Vocational Education and Training**

41. (1) There is established by this Act a body corporate known as the Commission for Technical and Vocational Education and Training.



(2) For the performance of the functions of the Commission, the Commission may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Commission under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Commission.

#### Objects of the Commission

42. The objects of the Commission are to regulate, promote and administer technical and vocational education and training for transformation and innovation for sustainable development.

#### Functions of the Commission

43. (I) To achieve the objects of the Commission, the Commission shall
- (a) formulate national policies for skills development across the broad spectrum of pre-tertiary and tertiary education, formal, informal and alternative education;
  - (b) co-ordinate, harmonise and supervise the activities of technical and vocational education and training institutions to meet the requirements of both the formal and informal sectors;
  - (c) develop and implement a national assessment and certification system in the technical and vocational education and training sector;
  - (d) take measures to ensure quality, equitable and inclusive access in the provision of technical and vocational education and training;
  - (e) develop and maintain a national database on the technical and vocational education and training sector;

- (f) facilitate research and development in the technical and vocational education and training system;
  - (g) source for funds to support technical and vocational education and training activities;
  - (h) facilitate collaboration between training institutions and industry to promote
  - (i) industry-led and demand-driven curriculum development and placement;
    - (ii) Workplace Experience Learning; and
    - (iii) Recognition of Prior Learning;
  - (i) promote co-operation with international agencies and development partners;
  - (i) issue annual reports on the state of skills development in the country;
  - (k) advise the Minister on all matters related to the management and improvement of the technical and vocational education and training system;
  - (I) coordinate and promote industry-led occupational standards generation for demand-driven curriculum development and delivery;
  - (m) accredit programmes, institutions, centres, facilitators, assessors and verifiers at the formal, informal, non-formal, technical and vocational education and training institutions to ensure quality delivery;
  - (n) collaborate with tertiary institutions and relevant agencies to implement competency based training programmes on the National Technical and Vocational Education and Training Qualifications Framework; and
  - (o) perform any other functions that are ancillary to the objects of the Commission.
- (2) The Commission, in conjunction with the Ghana Tertiary Education Commission shall accredit technical and vocational education and training programmes and institutions at the tertiary level.

(3) The Commission may delegate any of the functions of the Commission to a person that the Commission may determine.

**Governing body of the Commission**

44. (1) The governing body of the Commission is a Board consisting Of

- (a) a chairperson;
- (b) the Director-General of the Technical and Vocational Education and Training Service;
- (c) one representative of the Ministry not below the rank of a Director nominated by the Minister;
- (d) one representative of the Ministry responsible for Employment not below the rank of a Director nominated by the Minister responsible for Employment;
- (e) one representative of the National Council for Curriculum and Assessment not below the rank of a Director;
- (f) one representative of the Ghana Tertiary Education Commission not below the rank of a Director;
- (g) one representative of the Ghana Employers' Association and the Association of Ghana Industries nominated by Ghana Employers' Associations and Association of Ghana Industries on rotational basis;
- (h) one representative of the organisations that manage privately owned technical or vocational training institutions; (i) two persons nominated by the President with expertise in  
technical and vocational education and training, at least one of whom is a woman; and
- (j) the Director-General of the Commission.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

(3) The Board shall ensure the efficient and effective performance of the functions of the Commission.

(4) The President shall, in making the nominations in paragraphs (a) and (i) of subsection (I), have regard to the expertise and experience of the persons and ability to contribute to the work of the Commission.

#### Establishment of committees

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

(2) A committee of the Board may be chaired by a member or a non-member of the Board.

(3) Section 116 applies to a member of a committee or sub-committee of the Board.

(4) Without limiting subsection (I), there is established by this Act the following standing committees:

- (a) the National Technical and Vocational Education and Training Qualifications Committee;
- (b) the Sector Skills Committee;
- (c) the Quality Assurance Committee;
- (d) the Ghana Skills Development Fund Committee; and (e) the Enforcement Committee.

(5) The Board shall determine the membership and functions of a standing committee.

(6) The Board shall appoint members of the standing committees.

(7) The Board may assign a function to a standing committee established under subsection (4).

(8) A standing committee specified under this section may establish sub-committees and assign to the sub-committees functions determined by the standing committee.

#### Administrative Provisions

##### Director-General

46. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Commission,

(2) The Director-General shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) subject to any other terms and conditions specified in the letter of appointment.

##### Functions of the Director-General

47. (1) The Director-General

- (a) is responsible for the day-to-day administration of the affairs of the Commission;
- (b) shall ensure the implementation of the decisions of the Board; and
- (c) is answerable to the Board in the performance of functions under this Act.

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

(3) The Director-General may delegate a function to an officer of the Commission but shall not be relieved of ultimate responsibility for the performance of the delegated function.

##### Deputy Directors-General

48. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Directors-General for the Commission.

(2) A Deputy Director-General shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and

- (b) on the terms and conditions specified in the letter of appointment.

#### Functions of the Deputy Directors-General

49. (1) The Deputy Directors-General shall assist the Director-General in the performance of the functions of the Director-General.

(2) A Deputy Director-General shall perform such other functions as may be assigned by the Director-General.

(3) The Deputy Directors-General shall be responsible to the Director-General in the performance of their functions under this Act.

(4) The more senior Deputy Director-General shall act in the absence of the Director-General, Secretary to the Board

50. (1) The Director-General shall designate an officer of the Commission not below the rank of a Director as Secretary to the Board.

(2) The Secretary shall

- (a) record and keep the minutes of the meetings of the Board;
- (b) perform functions that the Board or the Director-General in consultation with the Board may assign; and
- (c) in the performance of functions, be under the administrative control of the Director-General.

#### Divisions of the Commission

51. The Board shall establish the following divisions:

- (a) Accreditation, Assessment and Certification Division;
- (b) Standards, Curriculum Development and Enforcement Division;
- (c) Policy, Planning, Project, Research, Monitoring and Evaluation Division; and

- (d) any other division that the Board may consider necessary for the effective and efficient performance of the functions of the Commission.

Miscellaneous Provisions

Prohibition on provision of service

52. (I) A person determined by the Commission not to be in good standing under this Act shall not provide a service to a technical and vocational education and training institution or a learner.

(2) A person who contravenes subsection (I) is liable to pay to the Commission an administrative penalty of not less than one thousand penalty units and not more than five thousand penalty units.

Exemption from tax

53. The Commission is exempt from the payment of tax.

Regulations

54. (I) The Minister shall, within twelve months of the coming into force of this Act, on the advice of the Board, by legislative instrument, make Regulations for the effective and efficient implementation of this Part.

(2) Without limiting subsection (I), the Regulations shall provide for the procedure for accreditation of  
(a) programmes, institutions, centres and facilities; and (b) assessors and verifiers.

Interpretation

55. In this Part, unless the context otherwise requires,

'assessment" is the process of collecting evidence of learners performance upon which an assessor judges whether or not a learner has met the performance requirements of the learning outcome;

'apprentice" means a learner receiving training under an expert practitioner;

"Board" means the governing body of the Commission established under section 44;

"Commission" means the Commission for Technical and Vocational Education and Training established under section 41;

"competency based training" means an industry and demand-driven, outcomes-based education and training programme based on industry generated standards;

"Ghana Tertiary Education Commission" means the Ghana Tertiary Education Commission established under section 1;

"good standing" means a person who is not subject to any form of sanctions, suspension or disciplinary procedure;

"National Technical and Vocational Education and Training Qualifications Framework" means the qualification framework for technical and vocational education and training in the country;

"Minister" means the Minister responsible for Education;

"Ministry" means Ministry responsible for Education;

"Recognition of Prior Learning" means a process that seeks to assist a person receive formal recognition for what the person has learnt through experience;

"sector skills body" means an employer-led organisation that covers specific industry; and

"Workplace Experience Learning" means practical learning that seeks to assist the learner to develop knowledge, attitude and skills in a work context, Repeals and savings

56. (I) The following enactments are repealed:

(a) the National Board for Professional and Technician Examinations Act, 1994 (Act 492); and



(b) the Council for Technical and Vocational Education and Training Act, 2006 (Act 718).

(2) Despite the repeal of the enactments specified in subsection (1), Regulations, notices, orders, directions or any other act lawfully made or done under the repealed enactments and in force immediately before the coming into force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

#### Transitional provisions

57. (1) An institution that conducts technical and vocational education and training examinations and certification shall on the coming into force of this Act cease to conduct such examinations and certifications and the power to conduct such examinations and certifications shall be vested in the Commission established under this Act.

(2) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the Council for Technical and Vocational Education and Training and the National Board for Professional and Technician Examinations and the persons employed by the Council for Technical and Vocational Education and Training and the National Board for Professional and Technician Examinations immediately in existence before the coming into force of this Act are transferred to the Commission established under this Part and accordingly proceedings taken by or against the Council for Technical and Vocational Education and Training and the National Board for Professional and Technician Examinations may be continued by or against the Commission,

(3) Any moneys in a bank account held by or on behalf of the Council for Technical and Vocational Education and Training or the National Board for Professional and Technician Examinations immediately in existence before the coming into force of this Act is transferred to the Commission established under this Part.

(4) A contract subsisting between the Council for Technical and Vocational Education and Training or the National Board for Professional and Technician Examinations and another person immediately before the coming into force of this Act shall subsist between the Commission established under this Part and that other person.

### PART THREE - THE NATIONAL TEACHING COUNCIL

#### National Teaching Council

#### Establishment of the National Teaching Council

58. (1) There is established by this Act a body corporate known as the National Teaching Council.

(2) For the performance of the functions of the Council, the Council may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Council under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Council, Object of the Council

59. The object of the Council is to regulate the teaching profession.

#### Functions of the Council

60. To achieve the object of the Council, the Council shall

- (a) advise the Minister
  - (i) on matters relating to the professional standing and status of teachers; and
  - (ii) on the education, development and employment of teachers;
- (b) conduct examination for the licensing of persons who successfully complete teacher education programmes;
- (c) issue licence to persons who pass the examination conducted by the Council in accordance with paragraph (b);

- (d) register teachers who satisfy the conditions for the issue of the appropriate licence;
- (e) keep and maintain a register of duly qualified teachers;
- (f) develop code of ethics and professional practice for the teaching profession;
- (g) accredit, in collaboration with relevant agencies, institutions offering teacher education and development programmes; (h) subject to approval by the Board, issue temporary certification to persons who without the requisite teacher education, desire to teach;
- (i) revoke the licence of or suspend a teacher after a case of professional misconduct is established and disciplinary procedures concluded;
- (j) restore the licence of a suspended teacher who has served the suspension and has been recommended for reinstatement;
- (k) develop and promote continuing professional education in the teaching profession;
- (l) establish standards for teacher education;
- (m) exercise disciplinary powers over teachers;
- (n) suspend the licence of a teacher undergoing disciplinary proceedings;
- (o) provide a framework for the development of teacher education curriculum; and
- (p) perform any other function incidental to the object of the Council.

#### Governing body of the Council

61. (1) The governing body of the Council is a Board consisting of
- (a) a chairperson with at least ten years academic and administrative experience;
  - (b) one representative each from
    - (i) the Ministry not below the rank of a Director nominated by the Minister;

- (ii) the National Council for Curriculum and Assessment not below the rank of a Director nominated by the National Council for Curriculum and Assessment; (iii) the Commission for Technical and Vocational Education and Training not below the rank of a Director nominated by the Commission for Technical and Vocational Education and Training;
  - (iv) the National Schools Inspectorate Authority not below the rank of a Director nominated by the National Schools Inspectorate Authority; and
  - (v) the universities involved in professional teacher education on rotational basis nominated by the universities;
- (c) two representatives of the teachers' associations nominated by the teachers' associations on rotational basis;
  - (d) two representatives of the heads of pre-tertiary education institutions nominated by the heads of the pre-tertiary education institutions on rotational basis;
  - (e) two representatives of the heads of tertiary education institutions nominated by the heads of tertiary education institutions on rotational basis;
  - (f) two educationists, one of whom is a woman; and (g) the Registrar of the Council.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and the other members of the Board.

(3) The Board shall ensure the efficient and effective performance of the functions of the Council.

#### Establishment of committees

62. (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), there shall be the following standing committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Licensing and Registration Committee;
- (d) Disciplinary Committee;
- (e) Professional Development Committee; and (f) Examinations Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) A committee of the Board may be chaired by a member or non-member of the Board.

(5) The Board shall appoint members of the standing committees.

(6) The Board may assign a function to a standing committee established under subsection (2).

(7) A standing committee specified under this section may establish sub-committees and assign to the sub-committees functions determined by the standing committee.

(8) Section 116 applies to a member of a committee or a sub-committee established under this section.

#### Administrative Provisions

##### Registrar

63. (1) The President shall, in accordance with article 195 of the Constitution, appoint a registered teacher with at least ten years professional experience as the Registrar of the Council.

(2) The Registrar shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) subject to any other terms and conditions specified in the letter of appointment.

##### Functions of the Registrar

64. (1) The Registrar shall

- (a) provide the strategic leadership, technical and administrative direction to achieve the mandate of the Council;
- (b) ensure the implementation of the decisions of the Council; (c) cause to be recorded and kept, the minutes of the meetings of the Board;
- (d) initiate the formulation and implementation of policies and co-ordinate activities of the committees of the Board; and (e) perform any other function that the Board may assign.

(2) The Registrar shall be assisted in the performance of functions by the officers of the Council.

(3) The Registrar may delegate a function to an officer of the Council but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Deputy Registrars

65. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Registrars for the Council.

(2) A Deputy Registrar shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Registrars

66. (1) The Deputy Registrars shall assist the Registrar in the performance of the functions of the Registrar.

(2) A Deputy Registrar shall perform such other functions that may be assigned by the Registrar.

(3) The Deputy Registrars shall be responsible to the Registrar in the performance of their functions under this Act.

(4) The more senior Deputy Registrar shall act in the absence of the Registrar.

Registration

### Registration procedure

67. (1) A person shall not practise as a teacher unless the person is registered as a teacher in accordance with this Act.

(2) A person who seeks to register as a teacher shall apply to the Registrar in the prescribed form.

### Qualification for registration

68. (I) A person does not qualify to practise as a teacher unless that person

(a) holds a certificate from an institution recognised by the Board; and

(b) passes a licentiate examination conducted by the Board.

(2) A person who fulfils the requirements specified under subsection (1) shall be registered by the Board and issued with a licence to practice as a teacher upon payment of the prescribed fee.

(3) Despite subsection (I), the Board may register a person to practise as a teacher on terms and conditions determined by the Board.

### Registration of foreign trained teachers

69. A foreign trained teacher who has

(a) obtained a recognised primary qualification, and

(b) passed or is exempted from the prescribed examination, shall undergo a period of training in an approved school or institution with a provisional registration as determined by the Board before being registered under this Part.

### Types of registers

70. (I) The Board shall have three categories of registers for the registration of teachers, namely

(a) a permanent register for teachers who intend to practise permanently in the country;

- (b) a temporary register for teachers who intend to practise for a period of not more than one year; and
  - (c) a provisional register for
    - (i) newly qualified teachers; and
    - (ii) foreign trained teachers who are exempted from the prescribed examinations.
- (2) The Registrar shall keep and maintain the registers.

#### Permanent registration

71. (1) A person may apply to the Registrar for permanent registration after practising with a provisional registration for a period determined by the Board.

- (2) A permanent registration is valid for a period of two years.
- (3) The registration shall be renewed by the teacher within fifteen days, before the specified expiry date.

#### Temporary registration

72. (1) A person may apply to the Registrar for temporary registration in the prescribed form.

- (2) A temporary registration is valid for a period of one year and is renewable for another year only.
- (3) A person registered on a temporary register shall practise only in an approved school or institution.

#### Provisional registration

73. (1) A provisional registration is valid for a period of six months and is subject to other conditions determined by the Board.

- (2) A person registered as a teacher on a provisional register shall practise only in a school or institution approved by the Board.

#### Suspension of registration

74. (1) The Board may suspend the registration of a teacher where
- (a) an offence or allegation of misconduct in relation to the teacher is being investigated;
  - (b) the teacher has made a false declaration in an application for registration; or
  - (c) the teacher has contravened a provision Of this Act.



(2) Registration shall not be suspended unless the Board has given the teacher at least thirty days notice of the intention to suspend the registration and has provided the teacher with an opportunity to make a representation to the Board.

#### Cancellation of registration

75. (1) The Board shall cancel the registration of a teacher on the recommendation of the Disciplinary Committee where the teacher

- (a) is convicted for an offence under this Act or the Regulations;
- (b) has lost the qualification on the basis of which the registration was made;
- (c) is sentenced to a term of imprisonment of not less than three years for a criminal offence;
- (d) fails to comply with a penalty imposed by the Board after due process; or
- (e) is adjudged or declared to be of unsound mind or is determined as a criminal lunatic under any law in force.

(2) Registration shall not be cancelled unless the Board has given the teacher at least thirty days notice of the intention to cancel the registration.

#### Annual list of registered teachers

76. The Registrar shall publish, annually, the list of teachers

- (a) in the Gazette;
- (b) in a daily newspaper of national circulation; and (c) on the website of the Council.

#### Removal and restoration of name in register

77. (1) The Registrar shall, on the recommendations of the Board, remove from the register the name of a teacher

- (a) who is dead;
- (b) who has been found guilty of professional misconduct by the Disciplinary Committee; or

(c) whose registration has been cancelled pursuant to section 75 (1).

(2) The name of a teacher may be restored to the register by the Registrar as directed by the Board.

#### Representation to the Board and appeal

78. (1) A person whose application for registration is refused may appeal against the refusal to the Board within thirty days on receipt of the decision of the Board.

(4) A person who is dissatisfied with a decision of the Board may appeal to the High Court.

#### Employment of Teachers

##### Employment of registered teachers

79. (1) A person shall not knowingly or negligently employ a person as a teacher in an institution unless the teacher is registered under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not less than five hundred penalty units and not more than one thousand penalty units or to a term of imprisonment of not less than six months and not more than one year, or to both.

##### Employment of unregistered teachers

80. (1) Despite section 79, the Board may authorise the employment of a person who is not registered under this Part as a teacher in a pre-tertiary institution or in a deprived community.

(2) An authorisation under subsection (1) shall be for a period of one year and is renewable yearly for not more than two years.

(3) A person employed under subsection (1) shall take the necessary steps to acquire the relevant qualifications needed to be registered by the Board within the three years of employment.

(4) Where a person employed under subsection (1) fails to register and obtain a licence within three years, the Board shall

withdraw the authorisation until such a time that the person obtains a licence to teach.

(5) The conditions for the employment of a registered teacher apply to the employment of an unregistered teacher.

#### Miscellaneous Provisions

#### Notice of change of name or address

81. A registered teacher shall notify the Registrar Of a change of name or address within thirty days of the change.

#### Offences and penalties

82. A person who

- (a) purports to be a teacher without the certification of the Council;
- (b) makes a false declaration in an application for registration;
- (c) fails to renew registration and continues to practice;
- (d) fails to cease to practice after suspension or cancellation of registration;
- (e) wilfully destroys or damages a register kept under this Part; or
- (f) contravenes any other provision of this Part; commits an offence and is liable on summary conviction to a fine of not less than seven hundred and fifty penalty units and not more than one thousand five hundred penalty units or to a term of imprisonment of not less than two years and not more than five years, or to both.

#### Regulations

83. (1) The Minister shall, within twelve months of the coming into force of this Act, on the advice of the Board, by legislative instrument, make Regulations for the effective and efficient implementation of this Part,

(2) Without limiting subsection (1), the Regulations shall

- (a) provide for matters with regard to the registration and licensing of teachers;
- (b) prescribe for fees payable under this Part;
- (c) provide for the inspection of licences of teachers in schools;
- (d) provide for training of teachers;
- (e) prescribe the modalities for continuous professional development;
- (f) prescribe the modalities for the accreditation of institutions offering teacher education and development programmes;
- (g) prescribe the code of ethics and professional practice for the teaching profession;
- (h) prescribe the modalities for the exercise of disciplinary powers of the Council over teachers;
- (i) provide a framework for the development of teacher education curriculum; and
- (j) provide for any other matter necessary for the effective and efficient implementation of this Part.

#### Interpretation

84. In this Part, unless the context otherwise requires,
- "Board" means the governing body of the National Teaching Council established under section 61;
  - "Council" means the National Teaching Council established under section 58;
  - "Minister" means the Minister responsible for Education; and
  - "Ministry" means the Ministry responsible for Education.

#### Repeal and savings

85. (1) The Education Act, 2008 (Act 778) is repealed,
- (2) Despite the repeal of Act 778, Regulations, notices, rules, orders, directions or any other act lawfully made or done under the repealed enactment and in force immediately before the coming into

force of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated. Transitional provisions

86. (1) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the National Teaching Council and the persons employed by the National Teaching Council immediately in existence before the coming into force of this Act are transferred to the Council established under this Part and, accordingly proceedings taken by or against the National Teaching Council may be continued by or against the Council.

(2) Any moneys in a bank account held by or on behalf of the National Teaching Council immediately in existence before the coming into force of this Act is transferred to the Council established under this Part.

(3) A contract subsisting between the National Teaching Council and another person immediately before the coming into force of this Act shall subsist between the Council established under this Part and the other person.

#### PART FOUR - THE NATIONAL SCHOOLS INSPECTORATE

##### AUTHORITY

##### National Schools Inspectorate Authority

##### Establishment of the National Schools Inspectorate Authority

87. (1) There is established by this Act a body corporate known as the National Schools Inspectorate Authority.

(2) For the performance of the functions of the Authority, the Authority may acquire property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Authority under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Authority.

##### Objects of the Authority

88. The objects of the Authority are to
- (a) develop;
  - (b) publish;
  - (c) promote; and (d) enforce highest quality standards and guidelines for quality education in public and private pre-tertiary education institutions.

#### Functions of the Authority

89. (1) To achieve the objects of the Authority, the Authority shall
- (a) develop and enforce highest quality standards and guidelines to be observed in public and private pre-tertiary education institutions throughout the country;
  - (b) advise District Assemblies on the maintenance of highest quality academic and educational standards and guidelines; (c) support the District Education Unit in the implementation of highest quality academic and educational standards and guidelines;
  - (d) monitor school based assessments, end of course examinations and external assessments at the pre-tertiary level;
  - (e) submit half yearly reports on school inspections with appropriate recommendations to the Minister and the relevant institutions for the improvement of learning outcomes;
  - (f) advise the Minister on matters related to the functions of the Authority; and
  - (g) perform any other function ancillary to the attainment of the objects of the Authority.
- (2) The Authority shall, in the performance of the functions under subsection (1),
- (a) publish the school effectiveness standards and guidelines developed for pre-tertiary education institutions under

paragraph (a) of subsection (1) and periodically review the standards and guidelines;

- (b) prescribe disciplinary measures for a pre-tertiary education institution that fails to comply with the standards and guidelines issued by the Authority;
- (c) publish reports and findings on the performance of pre-tertiary education institutions; and
- (d) register pre-tertiary education institutions.

(3) The Authority may, in the performance of the functions under subsection (I),

- (a) in consultation with the Minister, and on the advice of the Regional Education Directorate or District Assembly concerned, recommend for the closing down temporarily or permanently, a pre-tertiary education institution that fails to meet the standards and guidelines issued by the Authority; (b) close down a school in an emergency situation after consultations with the Minister and the Regional Education Directorate or District Assembly concerned; and
- (c) recommend that a pre-tertiary education institution be managed through Public Private Partnership.

(4) The Authority shall, in the performance of functions under paragraph (d) of subsection (2), keep and maintain a register of pre-tertiary education institutions,

#### Governing body of the Authority

90. (1) The governing body of the Authority is a Board consisting of (a) a chairperson with at least ten years academic and administrative experience;

- (b) one special education specialist or practitioner nominated by the Minister;

- (c) one representative of the National Teaching Council not below the rank of a Director nominated by the National Teaching Council;
- (d) one representative of the National Council for Curriculum and Assessment not below the rank of a Director nominated by the National Council for Curriculum and Assessment;
- (e) one representative of the associations of private schools nominated by the associations of private schools on a rotational basis;
- (f) one representative of the West African Examinations Council not below the rank of a Director nominated by the West African Examinations Council;
- (g) one representative of the teacher associations nominated by the teacher associations on rotational basis;
- (h) one representative of the Technical and Vocational Education and Training Service not below the rank of a Director nominated by the Technical and Vocational Education and Training Service;
- (i) one representative from the Education Service not below the rank of a Director nominated by the Education Service; (i) one female educationist nominated by the Minister; and (k) the Inspector-General of Schools.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

(3) The Board shall ensure the effective and efficient performance of the functions of the Authority.

#### Establishment of committees

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



(2) Without limiting subsection (1), the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee; (c) Structural and Facility Assessment Committee; and (d) Quality Assurance Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) The Board shall appoint members of the committees.

(5) The Board may assign a function to a committee established under subsection (2),

(6) Section 116 applies to a member of a committee established under this section.

#### Inspection of Pre- Tertiary Education Institutions

##### Inspection panels

92. (1) The Authority shall establish inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary institutions.

(2) The inspection panels shall focus on

- (a) the quality of
  - (i) leadership and management of pre-tertiary education institutions;
  - (ii) teaching and learning provided in pre-tertiary education institutions;
- (b) the levels of scholarship attained by pre-tertiary education institutions;
- (c) the facilities available in pre-tertiary education institutions;
- (d) the system of internal and external examinations in place In pre-tertiary education institutions;
- (e) the values including community service emphasised and taught in pre-tertiary education institutions; and

(f) the statistical data of the pre-tertiary education institutions and tracer studies tracking the achievement of past students.

(3) A director or a supervisor within the Regional Education Directorate, District Education Unit or Education Unit shall undertake routine inspection of a pre-tertiary education institution to ensure the maintenance of the highest standards of performance in teaching and learning in accordance with the guidelines of the Board.

#### Administrative Provisions

#### Inspector-General of Schools

93. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Inspector-General of Schools.

- (2) The Inspector-General of Schools shall hold office
- (a) for a term of four years and is eligible for re-appointment for another term only; and
  - (b) subject to any other terms and conditions specified in the letter of appointment.

#### Functions of the Inspector-General of Schools

94. (1) The Inspector-General of Schools is responsible for the implementation of the decisions Of the Board and for the day-to-day administration of the affairs of the Authority.

- (2) Without limiting subsection (1), the Inspector-General of Schools shall
- (a) undertake the inspection of pre-tertiary education institutions;
  - (b) evaluate school inspection and assessment reports on pre-tertiary education institutions periodically; and
  - (c) submit half yearly reports with recommendations on the inspection of schools to the Board.
- (3) The Inspector-General of Schools shall cause to be recorded and kept the minutes of the meetings of the Board.

(4) The Inspector-General of Schools shall perform any other functions that the Board may assign.

(5) The Inspector-General of Schools may delegate a function to an officer of the Authority but shall not be relieved of ultimate responsibility for the performance of the delegated function.

#### Deputy Inspector-General of Schools

95. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Inspectors-General of Schools for the Authority.

(2) A Deputy Inspector-General shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) on the terms and conditions specified in the letter of appointment.

#### Functions of the Deputy Inspectors-General of Schools

96. (1) The Deputy Inspectors-General of Schools shall assist the Inspector-General of Schools in the performance of the functions of the Inspector-General of Schools.

(2) A Deputy Inspector-General of Schools shall perform such other functions that may be assigned by the Inspector-General of Schools.

(3) The Deputy Inspectors-General of Schools shall be responsible to the Inspector-General of Schools in the performance of the functions under this Act.

(4) The more senior Deputy Inspector-General of Schools shall act in the absence of the Inspector-General of Schools.

#### Divisions of the Authority

97. (1) The Authority shall have the following Divisions:

- (a) Inspection and Supervision Division;
- (b) Research, Monitoring and Evaluation Division; and (c) Operations and Quality Control Division.

(2) The Board may establish any other division necessary for the efficient and effective performance of the functions of the Authority.

Miscellaneous Provisions

Offences and penalties

98. (1) A pre-tertiary education institution that fails to comply with a disciplinary measure imposed by the Authority commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(2) A pre-tertiary education institution established before the coming into force of this Act shall, within six months of the coming into force of this Act, register with the Authority.

(3) A pre-tertiary education institution established after the coming into force of this Act shall, within six months of its establishment, register with the Authority.

(4) A pre-tertiary education institution that contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(5) A pre-tertiary education institution that is closed down under paragraph (b) of subsection (3) of section 89 shall not operate unless authorised in writing by the Authority.

(6) A pre-tertiary education institution that contravenes subsection (5) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(7) Where a pre-tertiary education institution commits an offence under this section and is convicted, the director, general manager, secretary and any other senior officer of the pre-tertiary education institution shall be considered to have committed the offence.

(8) A person shall not, pursuant to subsection (7),

(a) be charged of an offence except with the prior written consent of the Attorney-General; and

- (b) be convicted of an offence where it is proved to the satisfaction of the Court that
  - (i) the person did not consent to, or did not connive with another person in the commission of the offence; or
  - (ii) the person exercised the degree of reasonable diligence as ought in the circumstances to have been exercised to prevent the commission of the offence.

### Regulations

99. The Minister shall, within twelve months of the coming into force of this Act and on the advice of the Board, by legislative instrument make Regulations to

- (a) prescribe disciplinary measures for a pre-tertiary education institution that fails to comply with the standards and guidelines issued by the Authority; and
- (b) provide generally for the efficient and effective implementation of this Part.

### Interpretation

100. In this Part, unless the context otherwise requires,

- "Authority" means the National Schools Inspectorate Authority established under section 87;
- "Board" means the governing body of the National Schools Inspectorate Authority established under section 90;
- "District Assembly" includes a Metropolitan Assembly and a Municipal Assembly;
- "Inspector-General of Schools" means the person appointed under section 93;
- "Minister" means the Minister responsible for Education; and
- "relevant institutions" includes the Education Service, the National Council for Curriculum and Assessment, the Technical and Vocational Education and Training Service, and the District Assembly.

#### Transitional provisions

101. (1) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the National Inspectorate Board and the persons employed by the National Inspectorate Board immediately in existence before the coming into force of this Act are transferred to the Authority established under this Part and, accordingly, proceedings taken by or against the National Inspectorate Board may be continued by or against the Authority.

(2) Any moneys in a bank account held by or on behalf of the National Inspectorate Board immediately in existence before the coming into force of this Act is transferred to the Authority established under this Part.

(3) A contract subsisting between the National Inspectorate Board and another person immediately before the coming into force of this Act shall subsist between the Authority established in this Part and the other person.

### PART FIVE - THE NATIONAL COUNCIL FOR CURRICULUM AND ASSESSMENT

#### National Council for Curriculum and Assessment

#### Establishment of the National Council for Curriculum and Assessment

102. (1) There is established by this Act, a body corporate known as the National Council for Curriculum and Assessment.

(2) For the performance of the functions of the Council, the Council may acquire and hold property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of land, the land may be acquired for the Council under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Council,

#### Object of the Council

103. The object of the Council is to develop national curriculum and assessment standards for pre-tertiary education institutions other than technical and vocational education and training institutions,

#### Functions of the Council

104.(1) To achieve the object of the Council, the Council shall

- (a) determine the goals, aims and structure of courses at the various levels of pre-tertiary education;
  - (b) develop national curriculum and assessment standards for pre-tertiary education institutions other than technical and vocational education and training institutions by
    - (i) developing, assessing, reviewing and improving national curriculum standards;
    - (ii) developing, reviewing and improving a national assessment standard;
    - (iii) approving teaching and learning materials for use in pre-tertiary education institutions; and
    - (iv) submitting reports with relevant recommendations to the Minister on student achievement;
  - (c) collaborate with the Ghana Education Service, National Teaching Council and the National Schools Inspectorate Authority in the implementation of the curriculum;
  - (d) ensure an inclusive and representative curriculum development process;
-

- (e) make recommendations to the Minister on the number of core and elective subjects;
- (f) review subjects and recommend new subjects for the further improvement of the educational system;
- (g) recommend the pupil-teacher ratio for pre-tertiary institutions;
- (h) recommend the time table arrangements for pre-tertiary institutions;
- (i) review the quality and quantity of text books and other teaching and learning materials of educational value and make the appropriate recommendations to the Minister;
- (i) review the criteria and conditions for the appointment of members of curriculum panels;
- (k) receive reports on monitoring assessments, school-based assessments and end of course examinations and make relevant recommendations to improve teaching and learning in pre-tertiary education institutions;
- (I) receive yearly reports on school inspections from the National Schools Inspectorate Authority and make recommendations to the Minister for the periodic review of the curriculum;
- (m) review national assessments standards to ensure that appropriate procedures are followed;
- (n) set up new structures to assess teaching and learning at the various levels of schools; and
- (o) perform any other function relevant to the object of the Council.

(2) The Council shall take into consideration appropriate customary and cultural values in the review and approval of teaching and learning materials.

#### Governing body of the Council

105.(I) The governing body of the Council is a Board consisting of (a) a chairperson with at least ten years experience in academic and administrative affairs and competence in curriculum development and assessment;



- (b) one representative each, not below the rank of a Director from the following:
- (i) the National Teaching Council nominated by the National Teaching Council;
  - (ii) the Ghana Tertiary Education Commission nominated by the Ghana Tertiary Education Commission;
  - (iii) the National Schools Inspectorate Authority nominated by the National Schools Inspectorate Authority;
  - (iv) the Ministry responsible for Education nominated by the Minister;
  - (v) the Ghana Education Service nominated by the Ghana Education Service;
  - (vi) the West African Examinations Council nominated by the West African Examinations Council; and
  - (vii) the Ghana Book Development Council nominated by the Ghana Book Development Council; and
- (c) the Director-General of the Council.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

(3) The Board shall ensure the efficient and effective performance of the functions of the Council.

#### Establishment of committees

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

(2) Without limiting subsection (I), the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Curriculum Development and Instructional Resource Committee; and

(d) Learning, Assessment and Reporting Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) A committee of the Board may be chaired by a member or non-member of the Board.

(5) The Board may assign a function to a committee established under subsection (2).

(6) The Board shall appoint members of the committee

(7) Section 116 applies to a member of a committee established under this section.

#### Administrative Provisions

#### Director-General

107.(1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Council.

(2) The Director-General shall hold office

(a) for a term of four years and is eligible for re-appointment for another term only, and

(b) subject to any other terms and conditions specified in the letter of appointment.

#### Functions of the Director-General

108.(1) The Director-General

(a) is responsible for the day-to-day administration of the Council;

(b) shall ensure the implementation of the decisions of the Board; and

(c) is answerable to the Board in the performance of the functions of the Board.

(2) The Director-General shall cause to be recorded and kept the minutes of the meetings of the Board.

(3) The Director-General may delegate functions to an officer of the Council but shall not be relieved of ultimate responsibility for the performance of the delegated function.

### Deputy Directors-General

109.(1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Directors-General for the Council.

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

### Functions of the Deputy Directors-General

110.(1) The Deputy Directors-General shall assist the Director-General in the performance of the functions of the Director-General.

(2) A Deputy Director-General shall perform such other functions that may be assigned by the Director-General.

(3) The Deputy Directors-General shall be responsible to the Director-General in the performance of their functions under this Act.

(4) The more senior Deputy Director-General shall act in the absence of the Director-General.

### Miscellaneous Provisions

### Regulations

111. The Minister shall, within twelve months of the coming into force of this Act, and on the advice of the Board by legislative instrument make Regulations to provide generally for the efficient and effective implementation of this Part.

### Interpretation

112. In this Part, unless the context otherwise requires,

"Board" means the governing body of the National Council for Curriculum and Assessment established under section 105;

"Council" means the National Council for Curriculum and Assessment established under section 102;

"Director-General" means the person appointed under section 107;

"Minister" means the Minister responsible for Education;

‘

'pupil-teacher ratio" means the average number of students per teacher at a given level of education, based on headcounts of both students and teachers;

"student" includes pupil; and

"teaching and learning materials" means the educational materials that a teacher uses to support learning objectives.

#### Transitional provisions

113. (1) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the National Council for Curriculum and Assessment and the persons employed by the National Council for

Curriculum and Assessment immediately in existence before the coming into force of this Act are transferred to the Council established under this Part and accordingly proceedings taken by or against the former Council may be continued by or against the Council established under this Part.

(2) Any moneys in a bank account held by or on behalf of the National Council for Curriculum and Assessment immediately in existence before the coming into force of this Act is transferred to the Council established under this Part.

(3) A contract subsisting between the former National Council for Curriculum and Assessment and another person immediately before the coming into force of this Act shall subsist between the Council established under this Part and the other person.

## PART SIX - ADMINISTRATIVE, FINANCIAL AND MISCELLANEOUS PROVISIONS

### Administration of Regulatory Bodies

#### Tenure of office of a member of a Board

114. (1) A member of a Board shall hold office for a term of four years and is eligible for re-appointment for another term only,

(2) Subsection (1) does not apply to a person who is a member of a Board by reason of office.

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

(4) A member of a Board 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 a letter addressed to a member revoke the appointment of that member.

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

(7) Where there is a vacancy

(a) under subsection (3) or (4), or subsection (2) of section 116,

(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, in accordance with this Act, appoint a person to fill the vacancy for the unexpired term.

#### Meetings of a Board

115. (1) A Board shall meet at least once every three months for the conduct of business at a time and place determined by the chairperson.

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

(3) The quorum of a meeting of a Board is two-thirds of the members of the Board.

(4) A chairperson shall preside at the meetings of a Board and in the absence of the chairperson, a member of the Board elected by the members present shall preside.

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

(6) A Board may co-opt a person to act as an advisor on a specific issue at a meeting of a Board but the person shall not vote on a matter for decision at the meeting.

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

(8) Subject to this section, a Board may determine the procedure for the meetings of the Board.

#### Disclosure of interest

116. (1) A member of a Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from being present at or participating in the deliberations of that Board in respect of the matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of the member.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover any benefits derived from the member who contravenes subsection (1).

#### Allowances

117. A member of the Board or a committee of a Board established under this Act shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

#### Policy directives

118. The Minister may give policy directives in writing to a Board and the Board shall comply.

#### Regional and district offices of the regulatory bodies

119. (1) The Board shall, where necessary, establish a regional or district office in a region or district.

(2) A regional or district office shall be provided with the public officers that the President shall appoint in accordance with article 195 of the Constitution.

(3) A regional or district office shall perform the functions in the region or district that the Board may direct.

#### Appointment of other staff

120. (1) The President shall, in accordance with article 195 of the Constitution, appoint officers necessary for the efficient and effective performance of the functions of a regulatory body.

(2) Other public officers may be transferred or seconded to a regulatory body or may otherwise give assistance to a regulatory body.

(3) A regulatory body specified under this Act may engage the services of consultants on the recommendation of the Board of the regulatory body,

#### Internal Audit Unit

121. (1) A regulatory body shall have an internal audit unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) An internal auditor appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658) shall head the Internal Audit Unit of the regulatory body.

#### Financial Provisions

#### Funds of the regulatory bodies

122. (1) The funds of a regulatory body established under this Act include

- (a) moneys approved by Parliament;
- (b) moneys derived from fees and charges for services rendered;
- (c) returns on investments; and (d) donations, grants and gifts.

(2) A regulatory body may subject to the relevant enactment retain a percentage of internally generated funds realised in the performance of the functions of the regulatory body.

(3) The funds of the Ghana Tertiary Education Commission shall include a levy of one-half percent of the internally generated funds of a public tertiary education institution.

#### Bank account

123. The moneys for each regulatory body shall be paid into a bank account opened for that purpose with the approval of the Controller and Accountant-General.

### Annual estimates

124. (1) A Board shall, not later than three months before the commencement of a financial year, cause to be prepared estimates of the revenue and expenditure for that financial year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the financial year concerned and in particular provide for

- (a) the payment of salaries, allowances and other charges in respect of the staff;
- (b) the payment of pensions, gratuities and other charges, and benefits which are payable out of the funds;
- (c) the maintenance of the assets;
- (d) the funding of operations, training, research and development of the activities; and (e) the creation of reserves to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or Installations, equipment and such other matters as the Board may consider necessary.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which the annual estimates relate, and shall be submitted to the Minister for approval after which the Board shall not increase any sum provided in the estimates without the consent of the Minister.

(4) An expenditure shall not be incurred except in accordance with the approved annual estimates or with the written consent of the Minister.

### Accounts and audit

125. (1) A Board shall keep books, records, returns and other documents relevant to the accounts in the form approved by the AuditorGeneral,

(2) A Board shall submit the accounts of a regulatory body to the Auditor-General for audit after the end of the financial year,



(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy of the audit report to the Minister and the Board.

(4) The financial year of a regulatory body shall be the same as the financial year of the Government.

#### Annual report and other reports

126. (1) A Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the operations of a regulatory body for the year to which the annual report relates.

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

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

(4) A Board shall submit to the Minister any other report which the Minister may require in writing.

#### Miscellaneous Provisions

#### Collaboration with statutory bodies

127. A Board shall collaborate with other relevant statutory bodies in the performance of the functions of the regulatory body.

#### Interpretation

128. In this Part, unless the context otherwise requires,

"Board" means the governing body of the Ghana Tertiary Education Commission; the Commission for Technical and Vocational Education and Training; the National Teaching Council; the National Schools Inspectorate Authority; and the National Council for Curriculum and Assessment; and "regulatory body" means the Ghana Tertiary Education Commission; the Commission for Technical and Vocational

Education and Training; the National Teaching Council; the National Schools Inspectorate Authority; and, the National Council for Curriculum and Assessment.

SCHEDULES

FIRST SCHEDULE

(section 19(3))

INFORMATION REQUIRED FOR AN APPLICATION FOR  
ACCREDITATION

1. Governance structure and systems;
  2. Members and staff;
  3. Financial management systems;
  4. Statutes developed to regulate the affairs of the institution;
  5. Use of the common seal and custody of the instruments of authority;
  6. Process of voluntary winding up;
  7. The procedure for vetting of applicants and nominees for office of Chancellor;
  8. The core courses offered at the institution;
  9. The infrastructure in place or proposed infrastructure and the locations of the infrastructure including that of constituent Colleges and which shall comply with infrastructural standards established by the Commission; and
  10. Any other information required by the Commission.
-

65

SECOND SCHEDULE

(section 21)

ACCREDITATION CERTIFICATE

--

Form 1



REPUBLIC OF GHANA

GHANA TERTIARY EDUCATION COMMISSION  
(Ministry Of Education)

**CERTIFICATE OF PROGRAMME ACCREDITATION**  
(section 21)

This is to certify that the tertiary Institution known as

.....  
and situated at

.....

has on this date:..... . been given programme accreditation  
and registered in terms of section 21 Of the Education Regulatory Bodies Act, 2020 (Act  
.....) to run the following programme(s):

Title and Level of programme	Qualification Awarding Institution
.....	.....

for a period of .                      years with effect from.... ..... to .....


.....  
CHAIRPERSON  
Ghana Tertiary Education Commission

.....  
DIRECTOR GENERAL  
Ghana Tertiary

Education Commission Certificate NO. GTE-C/IAc/ 000001 SEAL:

This certificate remains the property of the Ghana Tertiary Education Commission and must be surrendered on demand and

*may be suspended* or revoked if abused



REPUBLIC OF GHANA

GHANA TERTIARY EDUCATION COMMISSION  
(Ministry of Education)

**CERTIFICATE OF INSTITUTIONAL ACCREDITATION**  
(section 21)

This is to certify that the tertiary institution known as

.....  
and situated at

.....

has on this been given institutional accreditation and registered in terms Of Section 21 Of  
Education Regulatory Bodies Act, 2020 (Act ...s...) for a period of ... ..years  
with effect from..... to, . . . . .

.....

<p>.....</p> <p>CHAIRPERSON Ghana Tertiary Education Commission</p>	<p>.....</p> <p>DIRECTOR-GENERAL Ghana Tertiary Education Commission</p>
---	--

Certificate NO. GTEC/IAc/ 000001      SEAL:

*This certificate remains* the property of the Ghana Tertiary Education Commission and must be *demanded*  
surrendered on and may be Suspended revoked if abused

THIRD SCHEDULE

(section 38)

**TERTIARY TECHNICAL AND VOCATIONAL TRAINING  
INSTITUTIONS AND THEIR MINISTRIES**

MINISTRY	NUMBER	NAME OF INSTITUTION	LOCATION
FOOD AND AGRICULTURE	AGRICULTURAL COLLEGES		
		Kwadaso Agricultural College	Kumasi
	2.	Ejura Agricultural College	Ejura
	3.	Damango Agricultural College	Damango
	4.	Ohawu Agricultural College	Ohawu
	5.	Animal Health and Production College	Pong Tamale
ROADS AND HIGHWAYS	6.	Roads And Highways Training Centre	Koforidua
HEALTH	NURSING TRAINING COLLEGES		
	7.	Seventh Day Adventist Nursing and Midwifery College, Kwadaso	Kumasi
	8.	Community Health Nurses Training School	Fomena-Adansi
	9.	Plesbyterian Nutsing and Midwifery Training College	Agogo
	10.	Ear, Nose and Throat, Komfo Anokye Teaching Hospital	Kumasi
	11.	Nursing & Midwifery Training College	Kumasi

	12.	Seventh Day Adventist Nursing Training College	Asamang
	13.	School of Dispensing Optics	Oyoko
	14.	Nursing Training College	Kokofu
	15.	School of Anaesthesia, Komfo Anokye Teaching Hospital	Kumasi

	16.	Nursing and Midwifery Training College	Asante-Mampong
	17.	Midwifery Training School	Jachie Pramso
	18.	Nursing and Midwifery Training College	Tepa
	19.	St. Patrick's Nursing and Midwifery Training College	Maase-Offinso
	20.	Nursing and Midwifery Training College	Berekum
	21.	Presbyterian Nursing and Midwifery Training School	Dormaa
	22.	Holy Family Nursing and Midwifery Training College	Kenteng-Techiman
	23.	Nursing and Midwifery Training College	Sunyani
	24.	Nursing Training College	Kwapong
	25.	Nursing Training College	Sampa
	26.	Physiotherapy and Orthotics Training School	Duayaw Nkwanta
	27.	Nursing and Midwifery Training College	Dadiesoaba
	28.	Nursing Training College	Techiman-Krobo
	29.	College of Health	Yamfo

	30.	Nursing and Midwifery Training College	Seikwa
	31.	College of Health and Well-Being	Kintampo
	32.	Community Health Nurses Training College	Tanosu-Sunyani
	33.	Midwifery Training School	Yeji
	34.	Nursing and Midwifery Training College	Goaso
	35.	College of Nursing	Ntotroso
	36.	Post - Midwifery Training School	Duayaw Nkwanta
	37.	Nursing and Midwifery Training College	Dunkwa-on-Offin
	38.	Nursing and Midwifery Training College	Cape Coast
	39.	Community Health Nurses Training School	Winneba
	40.	Nursing and Midwifery Training College	Twifo Praso
	41.	Nurses Training College	Ankafu
	42.	Nursing and Midwifery Training College	Atibie
	43.	Brother Tarcisus Prosthetics and Orthotics Training College	Nsawam
	44.	Nursing and Midwifery Training College	Koforidua
	45.	Holy Family Nurses Training College	Nkawaw
	46.	Nursing and Midwifery Training College	Odumase-Krobo
	47.	Saviour Church Nursing and Midwifery Training College	Osiem



	48.	Community Health Nurses Training School	Akim Oda
	49.	Nursing Training College, Pantang	Accra
	50.	Nursing and Midwifery Training College, Teshie	Accra
	51.	Public Health Nurses School, Korle-Bu	Accra
	52.	Nursing and Midwifery Training College, Korle-Bu	Accra
	53.	Peri-Operative Nursing and Critical Care Nursing School, Korle-Bu	Accra
	54.	School of Anaesthesia, Ridge	Accra
	55.	School of Hygiene, Korle-Bu	Accra
	56.	Nursing and Midwifery Training College, Pantang	Accra
	57.	Ophthalmic Nursing, Korle-Bu	Accra
	58.	Dental Technology, Korle-Bu	Accra
	59.	Nursing and Midwifery Training College	Nalerigu
	60.	School of Hygiene	Tamale
	61.	Nurses Training College	Damongo
	62.	Nursing and Midwifery Training College	Bole
	63.	Nursing and Midwifery Training College	Kpembe
	64.	Community Health Nurses Training School	Tamale

Act 1023

Education Regulatory Bodies Act, 2020

	65.	College of Health Sciences	Yendi
--	-----	----------------------------	-------

	66.	Nursing and Midwifery Training College	Gushegu
	67.	Nurses and Midwives Training College	Tamale
	68.	Midwifery Training College	Bolgatanga
	69.	Nurses Training College	Bolgatanga
	70.	Community Health Nurses Training School	Navrongo
	71.	Nurses Training College	Zuarungu
	72.	Presbyterian Nurses Training School	Bawku
	73.	Nurses Training College	Wa
	74.	Midwifery Training College	Tumu
	75.	Community Health Nurses Training College	Jirapa
	76.	Midwifery Training School	Jirapa
	77.	Nursing Assistants Training College	Lawra
	78.	Nurses Training College	Jirapa
	79.	Midwifery Training College	Nandom
	80.	Nursing and Midwifery Training College	Keta
	81.	Midwifery Training School	Hohoe
	82.	Nursing Training College	Ho
	83.	School of Hygiene	
	84.	Nursing and Midwifery Training College	Kete-Krachi

	85.	Seventh Day Adventist Nursing and Midwifery Training College	Asanta
	86.	Nursing and Midwifery Training College	Sekondi
	87.	Nursing Training College	Sefwi Wiawso
	88.	Nursing and Midwifery Training College	Asankragwa
	89.	Midwifery Training School	Tarkwa
	90.	St, John of God Nursing Training College	Sefwi Asafo
	91.	Community Health Nurses Training School	Esiama
	92.	College of Health Sciences	Bibiani
	93.	Nursing and Midwifery Training College	Afosu
	94.	Nursing and Midwifery Training College	Assinman

## Act 1023

## Education Regulatory Bodies Act, 2020

AVIATION	95.	Ghana Civil Aviation Training Academy (GATA)	Accra
FINANCE	96.	National Banking College	Accra
COMMUNICATION	97.	Ghana-India Kofi Annan Centre of Excellence in ICT (AITI-KACE)	Accra
ENERGY	98.	ECG Training Centre	Tema
LANDS AND NATURAL RESOURCES	99.	Ghana School of Survey and Mapping	Accra
YOUTH AND SPORTS	100.	National Sports College	Winneba
TOURISM, CULTURE AND CREATIVE ARTS	101.	Hotel, Tourism and Catering Training Institute (HOTCAT)	Accra
INFORMATION	102.	National Film and Television Institute (NAFTI)	Accra

Date of Gazette notification: 21<sup>st</sup> August, 2020.