

GHANA NATIONAL RESEARCH FUND BILL, 2020

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Ghana National Research Fund Bill, 2020

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ENTITLED

GHANA NATIONAL RESEARCH FUND ACT, 2020

AN ACT to establish the Ghana National Research Fund to provide for funds to support research in all fields of national endeavour, to provide for the management of the Fund and for related matters.

PASSED by Parliament and assented to by the President:

Ghana National Research Fund

Establishment of the Ghana National Research Fund

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Ghana National Research Fund.

(2) For the purpose of achieving the objects of the Fund, the Fund may acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction.

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

Objects of the Fund

2. (1) The objects of the Fund are to

- (a) provide financial resources to support, promote and publicise research, research infrastructure, technology generation and innovation in all fields of national endeavour;
- (b) evaluate the status and needs of research and development to align with national and international aspirations;
- (c) promote the transfer of technology and knowledge, and the implementation of research results and findings; and
- (a) protect the rights of researchers in respect of any discovery or invention.

(2) For the purpose of achieving the objects of the Fund, moneys from the Fund shall be applied to

- (a) promote and support research in the area of science, technology, engineering and mathematics;
- (b) promote and support research in the area of information and communication technology;
- (c) promote and support
 - (i) technology transfer and innovation;
 - (ii) research in economics and social sciences and humanities;
 - (iii) research in creative arts;
 - (iv) research into language and literature policy; and
 - (v) the goals and objectives of the Ghana Skills Development Fund Committee as specified under paragraph (a) of subsection (4) of section 45 of the Education Regulatory Bodies Act, 2020 (Act 1023);
- (a) support research into the science of biotechnology, genetics and genomics including human genome; and
- (e) any other matter necessary to achieve the objects of the Fund.

Sources of money for the Fund

3. The sources of money for the Fund are

- (a) seed money of fifty million Ghana Cedis specifically allocated for the start-up of the Fund;

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- (b) an amount of up to one per cent of the national revenue;
- (c) grants, donations, gifts and other voluntary contributions to the Fund;
- (a) moneys that accrue from the Endowment Fund created by the Fund;
- (e) moneys that accrue to the Fund from investments made by the Board;
- (j) moneys that may become lawfully payable to the Fund or moneys accruing to the Fund from property that may become lawfully payable to the Fund;
- (g) moneys realised from the implementation of research findings and technology transfer; and
- (h) any other moneys approved by Parliament for payment into the Fund.

Bank account of the Fund

4. The moneys for the Fund shall vest in the Board and shall be paid into a bank account opened for the Fund with the approval of the Controller and Accountant-General.

Governance of the Fund

Governing body of the Fund

5. (1) The governing body of the Fund is a Board consisting of
- (a) a chairperson;
 - (b) the Administrator of the Fund;
 - (c) seven persons with knowledge in industry and the relevant expertise in the following fields:
 - (i) science, technology, engineering and mathematics,
 - (ii) information and communication technology,
 - (iii) economics and social science,
 - (iv) biotechnological, genetics and genomics including human genome science,
 - (v) creative arts research,
 - (vi) language and literature policies, and
 - (vii) fund management,

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- (a) one representative each of the
 - (i) Council for Scientific and Industrial Research not below the rank of Director-General; and
 - (ii) National Council for Tertiary Education not below the rank of Executive Secretary; and
 - (e) two other persons at least one of whom is a woman.
- (2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

Functions of the Board

6. (1) The Board is responsible for the management of the Fund.
- (2) For purposes of subsection (1), the Board shall
- (a) pursue policies to ensure the achievement of the objects of the Fund;
 - (b) monitor and evaluate the operations and performance of the Fund;
 - (c) ensure accountability of the Fund by defining appropriate procedures for the management of the Fund;
 - (a) subject to the Public Financial Management Act, 2016 (Act 921), invest moneys of the Fund that are not required for immediate use in safe securities that are financially beneficial to the Fund;
 - (e) organise fundraising activities to raise moneys for the Fund;
 - (u) prepare and publish in at least one daily newspaper of national circulation, the *Gazette* and official website of the Fund,
 - (i) guidelines for the application and allocation of moneys from the Fund; and
 - (ii) applications for the moneys out of the Fund;
 - (g) set the criteria and conditions to be satisfied for qualification for funding for research under this Act;
 - (h) formulate policies to determine
 - (i) the terms on which money from the Fund may be allocated to eligible applicants, and
 - (ii) the maximum amount of money that may be disbursed from the Fund to an applicant;

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- (i) approve research proposals upon recommendation by a technical committee established under section 14; and
- (j) perform any other functions incidental to the achievement of the objects of the Fund.

Tenure of office of members of the Board

7. (1) A member of the Board shall hold office for a period of three years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Administrator of the Fund.

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

(4) A member of the Board, other than the Administrator of the Fund, 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 the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability may result in the declaration of a vacancy.

(7) Where there is a vacancy

- (a) under subsection (3) or (4) or subsection (2) of section 10,
- (b) as a result of a declaration under subsection (6), or
- (c) by reason of the death of a member,

the Minister shall notify the President of the vacancy and the President shall appoint another person for the unexpired term in accordance with this Act.

Duties and liabilities of a member of the Board

8. (1) A member of the Board has the same fiduciary relationship with the Fund and the same duty to act in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

(2) Without limiting subsection (1), a member of the Board has a duty

- (a) to act honestly in the performance of the functions of that member;
- (b) to exercise the degree of care and diligence in the performance of the functions of that member that a

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reasonable person in that position would reasonably be expected to exercise in the circumstances;

- (c) not to use information acquired by virtue of the position of that member as a member of the Board without authorisation; and
- (a) not to make improper use of the position of the member so as to gain directly or indirectly, a benefit for the member or for any other person or cause loss to the Fund.

(3) A member of the Board who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not less than three hundred and fifty penalty units and not more than six hundred and fifty penalty units.

(4) Where a court determines that the Fund has suffered loss or damage as a consequence of the act or omission of a member of the Board, the court may, in addition to imposing a fine, order the person convicted to pay appropriate compensation to the Fund.

Meetings of the Board

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

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

(3) The quorum at a meeting of the Board is eight members.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Fund Administrator, elected by the members present from among their number shall preside.

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

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

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

Disclosure of interest

10. (1) A member of the Board who has an interest in a matter for consideration shall

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

(2) A member ceases to be a member of the Board, if that member has an interest in a matter before the Board and

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

(3) Without limiting any further cause of action that may be instituted against a member, the Board shall recover the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

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

(2) A committee of the Board shall be chaired by a member of the Board.

(3) Section 10 applies to members of a committee of the Board.

Allowances

12. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Policy directives

13. The Minister may give policy directives consistent with the object of this Act to the Board and the Board shall comply.

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Technical Committees

Establishment of technical committees

14. (1) Without limiting subsection (1) of section 11, the Board shall establish the following technical committees:

- (a) Medical, Biological and Biotechnological, Genetics and Genomics Technical Committee;
- (b) Engineering, Information and Communication Technology, Mathematics and Physical Sciences Technical Committee;
- (c) Agriculture, Environment and Natural Resources Technical Committee; and
- (a) Humanities and Social Sciences Technical Committee.

(2) A technical committee shall consist of

- (a) two members of the Board, one of whom shall be the chairperson; and
- (b) four other persons with relevant expertise who are not members of the Board.

(3) Sections 7 and 10 apply to a member of a technical committee.

(4) Members of a technical committee shall meet at least once every three months for the despatch of business.

(5) Members of a technical committee may determine the procedure for the meetings of the technical committee.

Functions of a technical committee

15. A technical committee shall perform the following functions:

- (a) receive and consider proposals for funding;
- (b) interview applicants who have submitted proposals for funding;
- (c) assist interested persons to develop and submit research proposals;
- (a) propose outlines for researchers; and
- (e) make recommendations on research proposals for the consideration of the Board.

Administrative Provisions

Appointment of Administrator

16. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Administrator for the Fund.

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

Functions of the Administrator

17. (1) The Administrator is

- (a) responsible for the day-to-day administration of the Fund;
- (b) responsible for the implementation of the decisions of the Board; and
- (c) answerable to the Board for the performance of the functions under this Act.

(2) The Administrator shall

- (a) forward applications for funding of research proposals to technical committees for consideration; and
- (b) perform any other functions assigned by the Board.

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

Appointment of Deputy Administrator

18. (1) The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Administrator for the Fund.

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

Functions of the Deputy Administrator

19. (1) The Deputy Administrator shall perform functions assigned by the Administrator.

(2) The Deputy Administrator shall, in the absence of the Administrator, perform the functions of the Administrator.

Appointment of other staff

20. (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Fund that are necessary for the proper and effective performance of the functions of the Fund.

(2) The President may, in writing, delegate the power of appointment in subsection (1) to the Board.

(3) Other public officers may be transferred or seconded to the Fund.

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(4) The Board may, on the recommendations of the Administrator, engage the services of advisors and consultants.

Secretariat of the Fund

21. The Fund shall have a secretariat headed by the Administrator.

Financial Provisions

Allocation of moneys from the Fund

22. (1) Moneys of the Fund shall exist within a single pool of funds for allocation on the basis of national needs and priorities.

(2) Moneys of the Fund that are not disbursed before the end of the financial year shall be credited to the pool of funds for the ensuing financial year.

Internal Audit Unit

23. (1) The Fund shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).

(2) The Internal Audit Unit shall be headed by an Internal Auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

Expenses of the Fund

24. (1) The expenses of the Fund including the salaries of employees of the Fund and other administrative expenses related to the Fund shall be paid from moneys provided for the Fund.

(2) The salaries of employees of the Fund shall be the same as those applicable to employees of equivalent grade in the Public Service.

Waiver or variation of tax

25. Subject to article 174 of the Constitution, the Minister responsible for Finance may, with the prior approval of Parliament, grant a waiver or variation of tax to the Fund.

Accounts and audit

26. (1) The Board shall keep books, records and returns of accounts and other documents relevant in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Fund to the Auditor-General for audit within three months after the end of the

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financial year.

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

(4) The Auditor-General may, in addition to the annual audit under subsection (3), conduct technical audits.

(5) The financial year of the Fund is the same as the financial year of the Government.

Annual report and other reports

27. (1) The Board shall, within thirty days after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Fund for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

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

Access to Funding for Research

Eligibility for funding

28. (1) A person qualifies for funding for research if

- (a) the research work proposed to be carried out by that person is beneficial to the country;
- (b) that person is a Ghanaian or foreign body corporate with significant Ghanaian participation; and
- (c) that person satisfies any other criteria or condition set out by the Board pursuant to paragraph (g) of subsection (2) of section 6.

(2) A research team that has members who satisfy the criteria in subsection (1) qualifies to apply for funding under this Act.

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(3) A researcher or innovator is eligible to apply for funding when a call is issued.

Disqualification from funding

29. A person is disqualified from benefiting from a research grant if that person

- (a) has previously received a research grant and was unable to complete the research work in respect of which the grant was obtained;
- (b) fails to submit a final technical or financial report in respect of a previous research grant;
- (c) fails to discharge an obligation contingent upon the funding obtained for the research;
- (a) is convicted, whether in the Republic or elsewhere, of
 - (i) an offence involving fraud or dishonesty; or
 - (ii) any other criminal offence which is not a misdemeanour;
- (e) has been culpable of a criminal offence, whether convicted or not, in relation to fraud;
- (j) is debarred by the competent authority from being a member of a recognised professional body as the result of a disciplinary inquiry; or
- (g) there is an ongoing investigation by a criminal investigating body in this country or a foreign country regarding the matters referred to in paragraphs (a) to (j).

Consideration of application

30. (1) The Board shall, within seven days of receipt of an application, acknowledge receipt of the application.

(2) The Board shall,

- (a) within forty-two days of receipt of an application, take a decision to approve or refuse the application; and
- (b) within nine days after taking the decision, notify the applicant of its decision.

(3) A person who is dissatisfied with a decision of the Board may, within twenty-one working days of receipt of the decision, petition the Board for a review of the decision.

Cancellation of research grant

31. (1) The Board may cancel a research grant under this Act where the applicant

- (a) provides false information in the application; or
- (b) has not complied with the guidelines for application of moneys out of the Fund.

(2) Where a research grant is cancelled under this section, the applicant shall refund the total moneys received to the Fund.

(3) A person who provides false information under this section commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one year and not more than three years or to both.

Miscellaneous Provisions

Request for information

32. (1) The Board may, for the effective and efficient performance of the functions of the Board, authorise the Administrator, a staff of the Fund or any other person to request for information from an institution.

(2) An institution requested to provide information under subsection (1) shall grant access to the relevant books, records or facilities that contain the information.

(3) A person who fails to provide requisite information under this section is liable to pay to the Fund the amount of money received from the Fund.

Regulations

33. (1) The Minister shall, within twelve months of the coming into force of this Act, by legislative instrument, make Regulations for the effective implementation of this Act.

- (2) Regulations made under subsection (1), may provide for
 - (a) the procedure for application for funding;
 - (b) the disbursement procedure for payments out of the Fund;
 - (c) the reporting procedures for a recipient of moneys from the Fund;

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- (a) areas of research that meet requirements for funding;
- (e) the allocation of funds for specific research;
- (j) the procedure for the promotion of programmes for research;
- (g) notification procedures for the receipt of funds from Government;
- (h) the retrieval of funds misused or misapplied; and
- (i) the procedure for the allocation of moneys realised from the implementation of research findings and technology transfer.

Interpretation

34. In this Act, unless the context otherwise requires,

- “applicant” means a person who applies to the Board for funding to carry out research;
- “Auditor-General” includes an auditor appointed by the Auditor-General;
- “Board” means the governing body of the Fund established under section 5;
- “colleges of education” means a college of education established under section 1 of the Colleges of Education Act, 2012 (Act 847);
- “Endowment Fund” means an investment fund established by a foundation that makes consistent withdrawals from invested capital;
- “Fund” means the Ghana National Research Fund established under section 1;
- “Ghana Skills Development Fund Committee” means the Committee established under paragraph (a) of subsection (4) of section 45 of the Education Regulatory Bodies Act, 2020 (Act 1023) with oversight responsibility of a pooled funding under the Commission for Technical and Vocational Education and Training to achieve the priorities of Government in skills development;
- “human genome science” means the whole of the hereditary information of a person encoded in the DNA for the purpose of enquiry;

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- “Minister” means the Minister designated in writing by the President as the Minister responsible for the Fund;
- “polytechnic” means an institute of higher education established as a polytechnic under section 1 of the Polytechnics Act, 2007 (Act 745);
- “refereed publication” means an article published in a peer reviewed indexed journal;
- “research” means systematic, investigative or experimental activity to acquire, increase or contribute to new knowledge;
- “research grant” means funding provided by the Fund to undertake research;
- “research institution” means a public institution established primarily to undertake research other than an institution owned by a tertiary institution;
- “research scientist” means a person employed in a research grade equivalent to a lecturer;
- “research team” means a group of people working together in a committed manner towards a common research goal;
- “science” includes the natural sciences, engineering sciences, health sciences, social sciences, environmental sciences and other allied sciences;
- “technical university” means a technical university established under section 1 of the Technical Universities Act, 2016 (Act 922);
- “technology and knowledge transfer” means the transfer or movement of technology and knowledge from an organisation to another organisation or from one country to another country; and
- “tertiary institution” means an accredited university, a technical university, a polytechnic or a college of education.

Transitional provisions

35. (1) The total sum of moneys located in any bank before the coming into force of this Act which constitute moneys intended for the Fund shall, within ninety days, be transferred to the Fund established under section 1.

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(2) Any person in possession of money intended for the Fund before the coming into force of this Act shall within twenty-one days, pay the money into the bank account opened under section 4.

Date of *Gazette* notification: 23rd September, 2020.

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MEMORANDUM

The purpose of the Bill is to establish a Ghana National Research Fund to provide for funds to support research in all fields of national endeavour, to provide for the management of the Fund and for related matters.

Successive Governments have provided book and research allowances to the academic staff of the universities, polytechnics and research institutions to enable them procure books and research materials and essentially to carry out research. The critical requirement for progression in the universities, technical universities or polytechnics and research institutions is the evidence of research and publication. Thus, the academic staff have always endeavoured to have the present mode of meeting their research needs maintained.

Attempts have been made to restructure the research and book allowances into a Research Fund from which all persons and institutions can apply for funding after approval of a submitted proposal but this has not been achievable.

Efforts have been made to restructure the research and book allowance into a Research Fund which includes engaging the public universities and members of the academic communities in those public universities and polytechnics. However, the efforts only culminated in a Memorandum of Understanding.

Taking cognisance of acceptable practices in academia and universally accepted principles in relation to research funding, it became evidently clear that there was the utmost need to have a Fund dedicated solely to the funding of research, technology generation and innovation in the country.

Clauses 1 to 4 provide for the establishment of the Ghana National Research Fund. *Clause 1* establishes the Ghana National Research Fund as a body corporate with all the incidents of incorporation.

Clause 2 deals with the objects of the Fund. The object of the Fund is to provide financial resources to support, promote and publicise research,

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research infrastructure, technology generation and innovation in all fields of national endeavour as specified in the Schedule. Other objects include evaluation of the status and needs of research development to align with national and international aspirations, promotion of the transfer of technology and knowledge and the implementation of research results and findings among others. The *clause* further provides for the application of moneys of the Fund for purposes of the object. These include the promotion and support of research in the area of science, technology, engineering, mathematics, information and communication technology and promotion and support for technology transfer and innovation, research in economics and social sciences and humanities, research in creative arts, research into language and literature policy.

The sources of money for the Fund as provided in *clause 3* include seed money from the Government, moneys derived from investments made by the Fund, an amount of up to one per cent of the national revenue, donations, grants, gifts and other voluntary contributions to the Fund and moneys that accrue from an Endowment Fund created by the Fund.

Clause 4 requires the Board to open a bank account into which moneys for the Fund are to be paid. The bank account is to be opened with the approval of the Controller and Accountant-General.

Clauses 5 to 13 provide for the governance of the Fund. The governing body of the Fund is a thirteen member Board comprising the chairperson, the Administrator of the Fund, seven persons with knowledge in industry and the relevant expertise in the fields of science, technology and engineering mathematics, information, communication technology, economics and social science, biotechnology, genetics and genomics including human genome, creative arts research, language and literature policies and fund management. Other members are a representative each of the Council for Scientific and Industrial Research and the National Council for Tertiary Education and two other persons at least one of whom is a woman.

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Clause 6 provides for the functions of the Board. The functions of the Board include pursuing policies to achieve the object of the Fund, monitoring and evaluation of the operations and performance of the Fund and ensuring accountability of the Fund by defining appropriate procedures for the management of the Fund. Other functions include ensuring good management of the Fund by investing the moneys of the Fund that are not required for immediate use in safe securities that are financially beneficial to the Fund and organising fundraising activities to raise moneys for the Fund, among others.

Clauses 7, 8, 9, 10, 11, 12 and 13 deal with the standard provisions on the tenure of office of members of the Board, duties and liabilities of a member of the Board, meetings of the Board, disclosure of interest, establishment of committees, allowances and policy directives.

Under *clause 7*, a member of the Board other than the Administrator of the Fund is to hold office for a period of three years, renewable for another term only.

Clause 8 spells out the duties and liabilities of a member of the Board. A member of the Board is to act in good faith as a director of a company incorporated under the Companies Act, 2019 (Act 992).

Clause 9 makes provision for members of the Board to meet at least once every three months and sets the quorum for a meeting at eight members. Matters before the Board are to be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding is to have a casting vote.

Clause 10 makes provision for a member of the Board to disclose in writing the interest of that member in a matter for consideration by the Board. The *clause* further provides that the disclosure is to form part of the record of the consideration of the matter and that member is not to participate in the deliberations of the Board in respect of that matter.

Clause 11 deals with establishment of committees consisting of members and non-members of the Board to perform a function of the

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Board. The members of the Board and members of a committee of the Board are to be paid allowances as approved by the Minister in consultation with the Minister responsible for Finance, *clause 12*. By virtue of *clause 13*, the Minister may give directives to the Board on matters of policy.

Clauses 14 and 15 provide for technical committees. *Clause 14* establishes a Medical, Biological and Biotechnological, Genetics and Genomics Technical Committee, an Engineering, Information and Communication Technology, Mathematics and Physical Sciences Technical Committee, an Agriculture, Environment and Natural Resources Technical Committee and a Humanities and Social Sciences Technical Committee. A technical committee is to consist of two members of the Board, one of whom is to be the chairperson and four other persons with relevant expertise who are not members of the Board. The members of a technical committee are to meet at least once every three months for the despatch of business.

Clause 15 spells out the functions of a technical committee which include the receipt and consideration of proposals for funding, conduct of interviews of applicants who have submitted proposals for funding, provision of assistance to interested persons with respect to development and submission of research proposals and make recommendations on research proposals for the consideration of the Board.

Clauses 16 to 21 deal with the administrative provisions. The appointment and functions of the Fund Administrator are dealt with under *clauses 16 and 17*. *Clause 16* provides for the appointment of the Fund Administrator by the President. The Fund Administrator is to hold office on the terms and conditions specified in the letter of appointment. The functions of the Fund Administrator include the day-to-day administration of the Fund, implementation of the decisions of the Board and forwarding of applications for funding of research proposals to technical committees for consideration, *clause 17*.

Clause 18 provides for the appointment of the Deputy Administrator of the Fund. Under *clause 19*, the Deputy Administrator is to perform

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functions assigned by the Administrator and in the absence of the Administrator is to perform the functions of the Administrator.

Clause 20 makes provision for the President to appoint other staff for the Fund that are necessary for the proper and effective performance of the functions of the Fund. The President may in writing delegate the power of appointment.

Clause 21 provides for the secretariat of the Fund which is to be headed by the Administrator.

Clauses 22 to 27 deal with finances of the Fund.

Moneys of the Fund are required to exist within a single pool of funds for allocation on the basis of national needs and priorities. Moneys of the Fund that are not disbursed before the end of the financial year are required to be credited to the pool of funds for the ensuing financial year, *clause 22*.

Clause 23 makes provision for the establishment of an internal audit unit to be headed by an internal auditor who is to be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).

Under *clause 24*, the expenses of the Fund including the salaries of employees of the Fund and other administrative expenses related to the Fund are to be paid from the moneys of the Fund.

Clause 25 deals with waiver or variation of tax. The Fund may be granted a waiver or obtain a variation of taxes, subject to article 174 of the Constitution.

Clause 26 deals with the standard provisions on accounts and audit whilst *clause 27* provides for annual report and other reports of the Fund.

Clauses 28 to 32 deal with access to funding for research.

Clause 28 spells out the criteria for eligibility for funding. A person qualifies for funding for research if the research work proposed to be carried out is beneficial to the country and the person is a Ghanaian or foreign body corporate with significant Ghanaian participation.

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Additionally, the *clause* requires a person to satisfy any other criteria or condition set out by the Board to qualify for funding for research under the Bill. Also, a research team that has members who satisfy the criteria specified qualifies to apply for funding under the Bill.

Clause 29 deals with disqualification from funding. The *clause* enumerates conditions that disqualifies a person from benefiting from a research grant. These include if that person has previously received a research grant and was unable to complete the research work in respect of which the grant was obtained, if that person fails to submit a final technical or financial report in respect of a previous research grant or fails to discharge an obligation contingent upon the funding obtained for the research.

Clause 30 sets out the modalities for the consideration of applications for funding. The Board is empowered to acknowledge receipt of an application for funding within seven days of receipt of the application. The Board is to take a decision to approve or refuse the application within forty-two days of receipt of the application and notify the applicant of the decision of the Board within nine days of taking the decision.

Under *clause 31*, the Board may cancel a research grant under the Bill where the applicant provides false information in the application or has not complied with the guidelines for application of moneys out of the Fund. Where a research grant is cancelled, the applicant is required to refund the moneys to the Fund.

Clauses 32 to 35 deal with miscellaneous provisions. *Clause 32* enables the Board to authorise the Administrator of the Fund, a staff or any other person to request for information from an institution. An institution requested to provide information is to grant access to the relevant books, records or facilities that contain the information. Failure to provide the requisite information attracts an administrative penalty of one thousand penalty units.

Clause 33 makes provision for the Minister to make Regulations, by legislative instrument, on matters including the procedure for application

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for funding, the disbursement procedure for payments out of the Fund, the reporting procedures for a recipient of moneys from the Fund and areas of research that meet requirements for funding.

Clause 34 provides for the interpretation of some of the words and expressions used in the Bill. Transitional provisions are provided for in *clause 35*.

HON. DR. MATTHEW OPOKU PREMPEH (MP)

Minister responsible for Education

Date: 17th September, 2020