

TECHNICAL UNIVERSITIES (AMENDMENT) BILL, 2017

ARRANGEMENT OF SECTIONS

Section

1. Section 14 of Act 922 amended
2. Section 21 of Act 922 amended
3. Section 22 of Act 922 amended
4. Section 24 of Act 922 amended
5. Section 26 of Act 922 amended
6. Section 27 of Act 922 amended
7. Section 27A of Act 922 inserted
8. Section 31 of Act 922 amended
9. Section 40 of Act 922 amended
10. Section 42 of Act 922 amended
11. First Schedule to Act 922 amended

Technical Universities (Amendment) Bill, 2017

A
BILL

ENTITLED

TECHNICAL UNIVERSITIES (AMENDMENT) ACT, 2017

AN ACT to amend the Technical Universities Act, 2016 (Act 922) to convert Cape Coast Polytechnic and Tamale Polytechnic to Technical Universities; to provide for harmonised Statutes and Scheme of Service for the Technical Universities; to provide for a fixed tenure for the Registrar and Director of Finance; to provide for the enactment of Statutes; to apply the requirements of the harmonised Statutes and Scheme of Service to persons deemed to have been employed by the Technical Universities and to provide for related matters.

PASSED by Parliament and assented to by the President:

Section 14 of Act 922 amended

1. Section 14 of the Technical Universities Act, 2016 (Act 922) referred to in this Act as the “principal enactment” is amended by the substitution for subsection (2) of

“(2) The criteria and modalities for the nomination and election of the Chancellor shall be prescribed by the Statutes of the Technical University.”.

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Section 21 of Act 922 amended

2. Section 21 of the principal enactment is amended by the substitution for subsection (2) of

“(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) on the conditions specified in the letter of appointment in accordance with the Statutes of the Technical University.”.

Section 22 of Act 922 amended

3. Section 22 of the principal enactment is amended by the substitution for subsection (2) of

“(2) The Director of Finance shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) on the conditions specified in the letter of appointment in accordance with the Statutes of the Technical University.”.

Section 24 of Act 922 amended

4. Section 24 of the principal enactment is amended by

- (a) the substitution for paragraph (a) of subsection (1) of
“(a) establishment, variation and supervision of academic divisions, Schools, Faculties, Institutes, Departments, Centres and hostels of that Technical University, subject to approval by the National Council for Tertiary Education;”; and
- (b) the substitution for paragraph (b) of subsection (2) of
“(b) enter into an agreement or a relationship with another institution whether academic or non-academic and within or outside the country, subject to approval by the National Council for Tertiary Education;”.

Section 26 of Act 922 amended

5. Section 26 of the principal enactment is amended by the repeal of subparagraph (ii) of paragraph (a).

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Section 27 of Act 922 amended

6. The principal enactment is amended by the substitution for section 27, of

“Procedure for enacting Statutes for Technical Universities

27. (1) Technical Universities established under this Act shall operate with harmonised Statutes.

(2) To enact the harmonised Statutes under this Act, a draft of the Statutes shall be compiled by the National Council for Tertiary Education and circulated to members of the Council of each Technical University, at least fourteen days before the date of the meeting at which the Statutes are to be considered.

(3) The Council of a Technical University shall consider the draft Statutes and may approve the draft Statutes provisionally with or without amendment.

(4) The Statutes as provisionally approved, shall be circulated to the members of the Council and where in the opinion of the Council, the Statutes affects academic or other matters, the Statutes shall be circulated to

- (a) the Academic Board; or
- (b) other relevant body

of the Technical University at least seven days before the meeting at which the draft Statutes, with or without amendments, are intended to be confirmed.

(5) Where the Council confirms any proposed amendment to the Statutes, the Council shall forward the proposed amendments to the National Council for Tertiary Education for harmonisation.

(6) The harmonised Statutes shall be confirmed by the Council at a meeting of the Council to be held not less than one month or not more than six months after the meeting at which the Statutes were previously approved.

(7) A Statute shall not be enacted if it is inconsistent with this Act.”.

Section 27A of Act 922 inserted

7. The principal enactment is amended by the insertion of a new section 27A

“Scheme of Service

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27A. A Technical University established under this Act shall operate in accordance with the Scheme of Service approved by the National Council for Tertiary Education.”.

Section 31 of Act 922 amended

8. Section 31 of the principal enactment is amended by the substitution for subsection (1) of

“(1) A Technical University may, subject to approval by the Minister responsible for Education and in consultation with the National Council for Tertiary Education, acquire and hold movable and immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property and enter into any other transaction for

- (a) the purpose of the performance of the functions of the Technical University; or
- (b) any other purpose which that Technical University considers necessary or expedient.”.

Section 40 of Act 922 amended

9. The principal enactment is amended by the substitution for section 40, of

“Regulations

40. The Minister may, on the advice of the National Council for Tertiary Education given in consultation with the National Accreditation Board, by legislative instrument, make Regulations

- (a) to amend the First Schedule to convert a qualified Polytechnic in Part 2 to a Technical University in Part 1;
- (b) to amend the Second Schedule in respect of the requirements for the conversion of a Polytechnic to a Technical University; and
- (c) for carrying out and giving effect to this Act.”.

Section 42 of Act 922 amended

10. Section 42 of the principal enactment is amended by the substitution for subsection (6) of

“(6) A person in the employment of a polytechnic in existence immediately before the coming into force of this Act, shall,

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subject to the requirements of the harmonised Statutes and Scheme of Service for the Technical University, be deemed to have been duly employed by the respective Technical University established under this Act.

(6A) Despite subsection (6), an employee of a Polytechnic whose appointment is based on the Statutes of a Polytechnic shall be considered as an interim employee, subject to the

- (a) approval of the harmonised Statutes for the Technical University; and
- (b) appointment of substantive officers by the Council of the Technical University in accordance with the harmonised Statutes.”.

First Schedule to Act 922 amended

11. The principal enactment is amended by the substitution for the First Schedule of

“FIRST SCHEDULE

Part I

(Section 1)

Technical Universities

- | | | |
|---------------------------|---|---------------------------------|
| 1. Accra Polytechnic | - | Accra Technical University |
| 2. Ho Polytechnic | - | Ho Technical University |
| 3. Koforidua Polytechnic | - | Koforidua Technical University |
| 4. Kumasi Polytechnic | - | Kumasi Technical University |
| 5. Sunyani Polytechnic | - | Sunyani Technical University |
| 6. Takoradi Polytechnic | - | Takoradi Technical University |
| 7. Cape Coast Polytechnic | - | Cape Coast Technical University |
| 8. Tamale Polytechnic | - | Tamale Technical University” |

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Part 2
(Section 2)

Polytechnics to be converted

1. Bolgatanga Polytechnic
2. Wa Polytechnic”.

Date of *Gazette* notification: 8th December, 2017.

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MEMORANDUM

The Technical Universities Act, 2016 (Act 922) came into force in 2016 to convert qualified polytechnics to Technical Universities to provide higher education in engineering, science and technology based disciplines, technical and vocational education and training, applied arts and related disciplines. Following the enactment of Act 922, approval has been given for the Cape Coast Polytechnic and the Tamale Polytechnic to be converted to Technical Universities.

The purpose of the Bill is therefore to amend Act 922 to give legal backing to the conversion of the Cape Coast Polytechnic and the Tamale Polytechnic to Cape Coast Technical University and Tamale Technical University respectively.

In addition, the Bill is intended to strengthen the conversion process to ensure that the right caliber of staff with appropriate qualifications are engaged or retained to effectively execute the mandate of the Technical Universities. The wholesale retention of employees in their respective positions with new titles in an upgraded institution will not auger well for the Technical Universities.

The Bill seeks to introduce a fixed tenure for the Registrar and Finance Director of Technical Universities.

The Bill makes provision for the National Council for Tertiary Education to approve the establishment, variation and supervision of academic divisions, Schools, Faculties, Institutes, Departments, Centres and Hostels by Technical Universities.

The Bill also makes provision for the National Council for Tertiary Education to approve agreements or relationships between a Technical University and another institution whether academic or non-academic and within or outside the country.

The Bill further seeks to provide for the enactment of harmonised Statutes for the Technical Universities to address the criteria and modalities for the nomination of the Chancellor and the appointment of the Registrar and Director of Finance. The harmonised Statutes also apply to persons deemed to have been employed by the Technical Universities.

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The Bill makes provision for a Scheme of Service for the Technical Universities to also address the criteria and modalities for the nomination of the Chancellor, the appointment of the Registrar and Director of Finance. The Scheme of Service also applies to persons deemed to have been employed by the Technical Universities.

The Bill brings clarity and purpose to the making of Regulations by the Minister.

Finally, the Bill amends the First Schedule to provide for Cape Coast Technical University and Tamale Technical University.

Clause 1 of the Bill amends section 14 of Act 922 to pave the way for Technical Universities to have harmonised Statutes thereby creating uniformity in respect of Statutes for Technical Universities. The *clause* amends section 14 to correlate the nomination and election procedure for the Chancellor to the provision in the harmonised Statutes of the Technical Universities.

Clause 2 of the Bill amends section 21 of Act 922 to introduce a fixed tenure for the Registrar.

Similarly, *clause 3* of the Bill amends section 22 of Act 922 by the substitution of subsection (2) to introduce a fixed tenure for the Director of Finance.

Clause 4 of the Bill amends paragraph (a) of subsection (1) of section 24 of Act 922 to ensure that the National Council for Tertiary Education approves the establishment, variation and supervision of academic divisions, Schools, Faculties, Institutes, Departments, Centres and hostels of Technical Universities.

In the same vein, *clause 4* of the Bill also amends paragraph (a) of subsection (2) of section 24 of Act 922 to ensure that the National Council for Tertiary Education approves agreements or relationships between a Technical University and another institution, whether academic or non-academic and within or outside the country.

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Clause 5 of the Bill amends section 26 of Act 922 by repealing subparagraph (ii) to enable the Fair Wages and Salaries Commission to determine the conditions of service of the employees of Technical Universities.

Clause 6 of the Bill amends section 27 of Act 922 to involve the National Council for Tertiary Education in the procedure for the enactment of harmonised Statutes for the Technical Universities.

Clause 7 of the Bill inserts a new section 27A of Act 922 to require Technical Universities to operate in accordance with the Scheme of Service approved by the National Council for Tertiary Education.

Clause 8 of the Bill amends section 31 of Act 922 to ensure that Technical Universities seek the approval of the Minister responsible for Education and consult with the National Council for Tertiary Education before they acquire and hold movable and immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property or enter into any other transaction relating to real property.

Clause 9 of the Bill amends section 40 of Act 922 to clarify the scope of amendment of the Schedules by Regulations.

Clause 10 of the Bill amends subsection (6) of section 42 of Act 922 to apply the requirements of the harmonised Statutes and Scheme of Service for the Technical Universities to persons in the employment of a polytechnic deemed to have been duly employed by the respective Technical University.

Clause 10 of the Bill also amends section 42 of Act 922 by the insertion of a new subclause (6A) to clarify the status of employees of a polytechnic whose appointments are based on the Statutes of the polytechnic. The persons are deemed as interim employees of the respective Technical University, subject to approval of the harmonised Statutes for the Technical Universities and appointment of substantive officers by the Council of the Technical Universities in accordance with the Statutes.

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Finally, *clause* 11 of the Bill amends the First Schedule to increase the list of Technical Universities by the addition of Cape Coast Technical University and Tamale Technical University.

DR MATTHEW OPOKU PREMPEH (MP)
Minister responsible for Education

Date: 6th December, 2017.