

**ACT 351****NATIONAL VOCATIONAL TRAINING ACT, 1970**

## ARRANGEMENT OF SECTIONS

*Establishment of Institute*

## SECTION

1. Establishment of National Vocational Training Institute.
2. Offices of the Institute.
3. Functions of the Institute.
4. The Board.
5. Meetings of the Board.
6. Committees of the Board.
7. Administration and staff.
8. The director of the Institute.
9. Superannuation of employees.

*Financial Provisions*

10. Funds of the Institute.
11. Gifts.
12. Estimates of income and expenditure.
13. Accounts and audit.
14. Annual report.
15. Powers of the Minister.

*Miscellaneous*

16. By-laws of the Institute.
17. Exemption from taxes and rates.
18. Repeals and revocation.
19. Interpretation.
20. Commencement.

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**ACT 351****NATIONAL VOCATIONAL TRAINING ACT, 1970<sup>1</sup>**

**AN ACT to establish a National Vocational Training Institute to co-ordinate at the national level all aspects of vocational training including apprenticeship, and to provide for related matters.**

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1. The Act was assented to on 12th January, 1971.

*Establishment of Institute***1. Establishment of the National Vocational Training Institute**

(1) There is hereby established a body corporate to be known as the National Vocational Training Institute.

(2) The Institute shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Institute may, for and in connection with its functions under this Act, purchase, hold, manage and dispose of property and may enter into contracts and any other transactions that are expedient.

(4) The common seal of the Institute shall be kept in the custody determined by the Board, and shall not be affixed to a document or an instrument except by order of the Board, and in the presence of two members of the Board, who sign the document or instrument independently of the signatures of a person who may have signed the document or instrument as a witness.

**2. Offices of the Institute**

(1) The head office of the Institute shall be at Accra.

(2) The Institute may open branch offices in the Regions for the performance of its functions under this Act.

**3. Functions of the Institute**

(1) The functions of the Institute are,

- (a) to organise apprenticeship, in-plant training and training programmes for industrial and clerical workers, and to train the instructors and training officers required for that purpose;
- (b) to provide for vocational guidance and career development in industry;
- (c) to develop training standards and trade testing;
- (d) to initiate a continuing study of the country's manpower requirements at the skilled worker level;
- (e) to establish and maintain technical and cultural relations with international organisations and any other foreign institutions engaged in activities connected with vocational training; and
- (f) to do subject to this Act, the things that are conducive to the attainment of the objects of the Institute.

(2) The Institute shall, in the performance of its functions, have financial and administrative autonomy.

**4. The Board**

(1) The governing body of the Institute is a Board consisting of

- (a) a person of recognised standing and experience in administration and industrial training as the chairman,

- (b) the Director of the Institute,
- (c) two members representing the Trades Union Congress,
- (d) two members representing the Employers' Association,
- (e) the chief technical education officer, Ministry of Education, and
- (f) two other members.

(2) The chairman and the other members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The chief labour officer and the chairman of the Manpower Board may be appointed members of the Board under this section and if they are not appointed they may attend and participate at the meetings of the Board but shall not vote on a matter for decision before the Board.

(4) *Omitted.*<sup>2</sup>

(5) The Board shall elect from among their number a person, other than the director, to be vice-chairman of the Board.

(6) A member, other than the director, shall hold office for the period, not exceeding three years, specified in the instrument of appointment.

(7) The chairman may resign from office by notice in writing addressed to the Minister for transmission to the President.

(8) A member may resign from office by notice in writing addressed to the chairman.

(9) A member is eligible for re-appointment, unless that member ceased to be a member as a result of misconduct or removal.

(10) A member may be paid the allowance or remuneration determined by the Minister.

## **5. Meetings of the Board**

(1) The Board shall meet at least once every three months for the despatch of business at the times and places decided by the Board.

(2) The chairman may, and shall, at the request in writing of not less than five members, call an extraordinary meeting of the Board at the time and place determined by the chairman.

(3) The quorum at a meeting of the Board is five or a greater number as determined by the Board.

(4) The chairman shall preside at the meetings of the Board, and, in the absence of the chairman, the vice-chairman, and in the latter's absence, a member elected by the members present shall preside at the meeting.

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

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2. But incorporated in paragraph (a) of subsection (1).

(6) The Board may request the attendance of a person to act as adviser at a meeting of the Board and that person while attending shall not vote on a question for determination by the Board but the presence at the meeting of that person shall not count towards the constitution of a quorum.

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

(8) Subject to this section the Board may regulate its own procedure.

## **6. Committees of the Board**

(1) The Board may appoint committees consisting of a number of persons, whether members of the Board or not, that it thinks fit to perform, or advise the Board on the performance of a function under this Act.

(2) A member of the Board shall be appointed chairman of the committee.

## **7. Administration and staff**

(1) The Board shall, subject to this Act, have the sole management of the property, income, funds and affairs of the Institute.

(2) The Institute shall have a director and a deputy director.

(3) The director and the deputy director shall be appointed by the President, in accordance with article 195 of the Constitution and shall hold office on the terms and conditions prescribed in the instrument of appointment.

(4) Subject to article 195 of the Constitution the Board may employ, on the terms and conditions determined by the Board, the persons required for the proper and efficient performance of the Board's functions.

(5) The Board may delegate to the director the power to appoint persons to posts that are designated by the Board.

(6) An appointment under a subsection (5) shall be submitted to the Board for approval.

## **8. The director of the Institute**

(1) The director is the principal technical and administrative officer of the Institute and shall,

- (a) exercise authority and general control over the technical and administrative staff of the Institute,
- (b) co-ordinate and implement the training programmes of the Institute in accordance with the general policy of the Board, and
- (c) submit to the Board progress reports on the projects of the Institute.

(2) In the absence of the director, the deputy director shall act until the director resumes office or a new director is appointed.

**9. Superannuation of employees**

(1) The Board may, after consultation with the Minister responsible for Finance, grant, subject to the Social Security Act, 1991<sup>3</sup> and in accordance with rules made in that behalf by the Board, pensions, allowances, gratuities or retiring awards to the employees of the Board to whom the Pensions Act applies.<sup>4</sup>

(2) The Board may require those employees to contribute to a pension, provident fund or superannuation scheme.

*Financial Provisions***10. Funds of the Institute**

(1) The funds of the Institute include

- (a) the grants received from the Government for the performance of its functions,
- (b) the loans granted to the institute by the Government,
- (c) the grants received from the United Nations Special Fund or from any other international organisation,
- (d) the moneys accruing to the Institute in the course of the performance of its functions under this Act, and
- (e) gifts.

(2) The assets and liabilities of the Apprentices Board, dissolved by this Act, are hereby transferred to the Board.

**11. Gifts**

A gift intended for the Institute or for a project of the Institute shall be made directly to the Institute.

**12. Estimates of income and expenditure**

(1) The Board shall prepare estimates of income and expenditure for each financial year and submit them through the Minister for approval by the Parliament.

(2) The Minister shall approve, amend or recommend changes in the estimates submitted under subsection (1).

(3) The Board shall ensure that funds approved by the Government in pursuance of this section are employed solely for the purposes for which they were approved and in accordance with the financial regulations of the Institute.

**13. Accounts and audit**

(1) The Board shall keep proper books of accounts and proper records in relation to the accounts, in the form approved by the Auditor-General.

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3. P.N.D.C.L. 247.

4. Cap. 30 of the 1951 Edition of the Laws of the Gold Coast.

(2) Subject to the directions as to form given by the Auditor-General, the Board shall prepare, in respect of each financial year, a statement of account which shall include

- (a) a balance sheet, a statement of income and expenditure and a statement of surplus containing the information which, had the Board been a company registered under the Companies Act, 1963 (Act 179), would be required to be laid before the company by the directors at an annual meeting, and
- (b) any other information in respect of the financial affairs of the Institute required by the Minister.

(3) The Board shall submit to the Minister as required by the Minister a report of the Board's financial affairs.

(4) The books and accounts of the Institute shall be submitted for audit to the Auditor-General within six months after the end of the financial year.

(5) The Board shall, as soon as practicable, forward to the Minister a copy of the audited accounts and the Auditor-General's report.

(6) *Spent.*<sup>5</sup>

#### 14. Annual report

(1) The Board shall, not later than seven<sup>6</sup> months after the end of each financial year, submit an annual report to the Minister in the form prescribed by the Minister which shall include the statement of account specified in section 13 (2), and the Minister shall as soon as practicable lay the report before Parliament.

(2) The audit report of the Auditor-General shall be included in the annual report of the Institute and the annual report of the Institute shall be published in the manner determined by the Minister.

#### 15. Powers of the Minister

The Minister is responsible for the Institute, subject to this Act.

#### *Miscellaneous*

#### 16. By-laws of the Institute

(1) The Board may, with the approval of the Minister, make by-laws not inconsistent with this Act for the purpose of regulating the Institute's business or a matter falling within the scope of the Institute's functions.

(2) The Board may in particular make by-laws to

- (a) govern employers of apprentices in an industry and the apprentices of those employers;

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5. The subsection provided that:

"For the purposes of this subsection, the period extending from the commencement of this Act to the end of the current financial year shall be deemed to be a financial year."

6. Amended from "six" to "seven" to accord with section 13, in view of the change from "three months" to "six months" in subsection (4) of section 13 in conformity with article 187 of the Constitution.

- (b) govern any other matters relating to apprenticeship between the employers and apprentices, but the by-laws shall not apply to
  - (i) seamen,
  - (ii) students of a university, university college or any other educational institution who are exempted from this Act by executive instrument in the form of an order made by the Board, or
  - (iii) other apprentices belonging to a class or description who are exempted from this Act by that instrument;
- (c) specify penalties and fines for breach of the by-laws; and
- (d) provide for the payment of fees or charges the Board considers appropriate.

### 17. Exemption from taxes and rates

The Institute is exempted from tax imposed under the Internal Revenue Act, 2000 (Act 592), the Customs and Excise legislation and the rates imposed by an enactment relating to local administration.

### 18. Repeals and revocation

*Spent.*<sup>7</sup>

### 19. Interpretation

In this Act, unless the context otherwise requires,

“**by-laws**” means by-laws made by the Board;

“**Board**” means the Board constituted under section 4;

“**chairman**” means the chairman of the Board;

“**Institute**” means the National Vocational Training Institute established under section 1;

“**member**” means a member of the Board;

“**Minister**” means the Minister responsible for Labour and Co-operatives.

### 20. Commencement

*Spent.*<sup>8</sup>

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7. The section provided that:

“(1) The Apprentices Act, 1961 (Act 45) and the Apprentices Act (Amendment) Decree, 1969 (N.L.C.D 364) are hereby repealed and the Board constituted under the said Act is, subject to the proviso in subsection (3), hereby dissolved.

(2) The Apprentices Board (Functions) Instrument, 1961 (E.I. 107) is hereby revoked.

(3) Subsections (1) and (2) of this section shall not have effect with respect to the dissolution of the said Board until immediately before the first meeting of the Board under this Act.”

8. The section appointed the 23rd day of October 1968 as the date for the coming into operation of the Act subject to section 16 of the Act.

