

# **NATIONAL VOCATIONAL TRAINING ACT, 1970 (ACT 351)**

## **ARRANGEMENT OF SECTIONS**

### Section

#### **PART I—ESTABLISHMENT OF INSTITUTE**

1. Establishment of National Vocational Training Institute.
2. Offices of the Institute.
3. Functions of the Institute.
4. Constitution of the Board.
5. Meetings of the Board.
6. Committees of the Board.
7. Administration and Staffing.
8. Duties of the Director of the Institute.
9. Superannuation of employees.

#### **PART II—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.

#### **PART III—MISCELLANEOUS**

16. Bye-laws and Regulations.
17. Exemption from taxes and rates.

18. Repeals and Revocation.

19. Interpretation.

20. Commencement of this Act.

## **THE THREE HUNDRED AND FIFTY-FIRST**

### **ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA**

ENTITLED

#### **THE NATIONAL VOCATIONAL TRAINING ACT, 1970**

AN ACT to establish a National Vocational Training Institute to co-ordinate at the national level all aspects of vocational training including apprenticeship.

DATE OF ASSENT: 12th January, 1971

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:-

#### **PART I—ESTABLISHMENT OF INSTITUTE**

##### **Section 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 any property and may enter into such contracts and other transactions as may be expedient.

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

## **Section 2—Offices.**

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

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

## **Section 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 other foreign institutions engaged in activities connected with vocational training; and

(f) subject to the provisions of this Act, to do all such things as are conducive to the attainment of the objects of the Institute.

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

## **Section 4—The Board.**

(1) The governing body of the Institute shall be a Board.

(2) The Chairman and members of the Board shall be appointed by the President acting on the advice of the Prime Minister, in accordance with article 49 of the Constitution and the provisions of this section.

(3) The Board shall consist of—

- (a) a Chairman,
- (b) the Director of the Institute,
- (c) two members representing the Ghana Trades Union Congress,
- (d) two members representing the Ghana Employers' Association,
- (e) the Chief Technical Education Officer, Ministry of Education, and
- (f) two other members.

(4) 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 so appointed they shall nevertheless be entitled to attend and participate at all meetings of the Board but shall not vote on any matter before the Board at any such meetings.

(5) The Chairman of the Board shall be a person of recognised standing and experience in administration and industrial training.

(6) The Board shall elect from among their number a person, other than the Director, to be Vice-Chairman of the Board.

(7) A member of the Board other than the Director shall hold office for the period, not being more than three years, specified in his instrument of appointment.

(8) The Chairman of the Board may resign his office by notice in writing addressed to the Minister for transmission to the Prime Minister.

(9) A member of the Board may resign his office by notice in writing addressed to the Chairman of the Board.

(10) Every member of the Board shall, on ceasing to be a member, be eligible for re-appointment, unless he has ceased to be a member as a result of misconduct or removal.

(11) Members of the Board may be paid such allowance or remuneration as the Minister may decide.

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

(1) The Board shall ordinarily meet for the despatch of business at such times and places as the Board may decide but shall meet at least once every three months.

(2) The Chairman may, and shall at the request in writing of not less than five members of the Board, call an extraordinary meeting of the Board at such time and place as he may determine.

(3) The quorum at every meeting of the Board shall be five or such greater number as the Board may determine.

(4) The Chairman, if present, shall preside at every meeting of the Board, and, in his absence, the Vice-Chairman, and in the latter's absence, any member of the Board elected by the members present shall preside at the meeting.

(5) Subject to any other provisions of this Act or any bye-laws of the Board, all 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 Chairman or the person presiding shall have a second or casting vote.

(6) The Board may request the attendance of any person to act as adviser at any meeting of the Board and that person while so attending shall have all the powers of a member except that he shall not vote on any question and his presence at the meeting shall not count towards the constitution of a quorum.

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

(8) Subject to the preceding provisions of this paragraph the Board may regulate its own procedure.

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

(1) The Board may appoint such committees consisting of such number of persons, whether members of the Board or not, as it thinks fit to exercise or advise the Board on the exercise of any of its functions under this Act.

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

#### **Section 7—Administration and Staff Matters.**

(1) The Board shall, subject to the provisions of 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, acting in accordance with the advice of the Prime Minister, and shall hold office upon such terms and conditions as may be prescribed in the instrument of appointment.

(4) The Board may employ, upon such terms and conditions as the Board thinks fit, such persons as may be required for the proper and efficient discharge of the Board's functions.

(5) The Board may delegate to the Director of the Institute the power to appoint persons to such posts as are designated by the Board.

(6) Every such appointment shall be submitted to the Board for approval.

### **Section 8—Duties of the Director.**

(1) The Director shall be the principal technical and administrative officer of the Institute and shall subject to the provisions of this Act, perform the following duties:—

(a) exercise authority and general control over the technical and administrative staff of the Institute,

(b) co-ordinate and implement the training programme 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 shall the Deputy Director, act until such time as a new Director is appointed.

### **Section 9—Superannuation of Employees.**

(1) The Board may grant, subject to the provisions of the Social Security Act, 1965 (Act 279) and in accordance with rules made in that behalf by the Board, pensions, allowances, gratuities or retiring awards to such employees of the Board as the Board may, after consultation with the Minister responsible for finance, determine, being employees to whom the Pensions Ordinance (Cap. 30) does not apply.

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

## **PART II—FINANCIAL PROVISIONS**

### **Section 10—Funds of the Institute.**

(1) The funds of the Institute shall include—

(a) any grants received from the Government by the Institute for the discharge of its functions;

(b) any loans granted to the Institute by the Government;

(c) any grants received from the United Nations Special Fund or from any international organization;

(d) any 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.

### **Section 11—Gifts.**

Every gift intended for the Institute or for any project of the Institute shall be made directly to the Institute.

### **Section 12—Estimates of Expenditure.**

(1) The Board shall cause to be prepared estimates of income and expenditure for each financial year and submit them through the Minister for approval by the Government.

(2) The Minister shall approve, amend or recommend such changes in the estimates submitted to him under the foregoing subsection as the Minister thinks fit.

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

### **Section 13—Accounts and Audit.**

(1) The Board shall keep proper books of accounts and proper records in relation thereto.

(2) Subject to such directions as to form as the Auditor-General shall give, 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 such information as, had the Board been a company registered under the Companies Code, 1963 (Act 179), would be required to be laid before the company by the directors at an annual meeting, and

(b) such other information in respect of the financial affairs of the Institute as the Minister may require.

(3) The Board shall submit to the Minister such report of the Board's financial affairs as the Minister may at any time require.

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

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

(6) For the purpose of this paragraph, 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.

#### **Section 14—Annual Report.**

(1) The Board shall, not later than six months after the end of each financial year, submit an annual report to the Minister in such form as the Minister may prescribe which shall include the statement of account specified in section 13 (2) of this Act and the Minister shall as soon as practicable lay the report before the Cabinet.

(2) The audited 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 such a manner as the Minister may determine.

#### **Section 15—Minister's Powers's.**

The Minister shall be generally responsible for the Institute, subject to the provisions of this Act.

### **PART III—MISCELLANEOUS**

#### **Section 16—Bye-Laws and Regulations of the Institute.**

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

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

(a) govern all employers of apprentices in any industry and the apprentices of such employers;

(b) govern other matters relating to apprenticeship between such employers and apprentices provided no such bye-laws are made to apply to the following:—

(i) seamen,

(ii) students of a university, university college or other educational institution who are exempted from the provisions of this Act by executive instrument in the form of an order made by the Board, or

(iii) other apprentices belonging to any class or description who are exempted from the provisions of this Act by such instrument;

(c) specify penalties and fines for breach of any such bye-laws; and

(d) make provision for payment of fees or charges as the Board shall deem fit.

### **Section 17—Exemption from Taxes and Rates.**

The Institute shall be exempted from any tax imposed under the Income Tax Decree, 1966 (N.L.C.D. 78), the Customs and Excise Tariff Act, 1966 (Act 318) and any rates imposed by any enactment relating to local administration.

### **Section 18—Repeals and Revocation.**

(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.

### **Section 19—Interpretation.**

In this Act—

"the Board" means the Board constituted under section 4 of this Act,

"the Institute" means the National Vocational Training Institute established under section 1 of this Act,

"the Minister" means the Minister responsible for Labour and Co-operatives.

### **Section 20—Commencement.**

Without prejudice to clause 16 this Act shall come into operation on the 23rd day of October, 1968.