

GHANA NATIONAL RESEARCH FUND BILL, 2019

ARRANGEMENT OF SECTIONS

Section

Ghana National Research Fund

1. Establishment of the Fund
2. Objects of the Fund
3. Sources of money for the Fund
4. Bank account of the Fund

Governance of the Fund

5. Governing body of the Fund
6. Functions of the Board
7. Tenure of office of members of the Board
8. Duties and liabilities of a member of the Board
9. Meetings of members of the Board
10. Disclosure of interest
11. Establishment of committees
12. Allowances
13. Ministerial directives

Review Committees

14. Establishment of review committees
15. Functions of a review committee

Administrative Provisions

16. Appointment of Administrator
17. Functions of the Administrator
18. Appointment of Deputy Administrator
19. Functions of the Deputy Administrator
20. Appointment of other staff
21. Secretariat of the Fund

Financial Provisions

22. Disbursement of moneys of the Fund
23. Internal Audit Unit
24. Expenses of the Fund
25. Waiver or variation of tax
26. Accounts and audit
27. Annual report and other reports

GHANA NATIONAL RESEARCH FUND BILL, 2019

Access to Funding for Research

28. Eligibility for funding
29. Disqualification from funding
30. Application for funding
31. Consideration of application
32. Cancellation of research grant

Miscellaneous Provisions

33. Request for information
34. Regulations
35. Interpretation
36. Transitional provisions

FIRST SCHEDULE

Tertiary and Research Institutions

SECOND SCHEDULE

Application for Funding

Ghana National Research Fund Bill, 2019

A
BILL

ENTITLED

GHANA NATIONAL RESEARCH FUND ACT, 2019

AN ACT to establish the Ghana National Research Fund to support national research in tertiary and research institutions; to provide for the management of the Fund and for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Ghana National Research Fund

Establishment of the 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) The Fund may, for the performance of its functions, 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.

Ghana National Research Fund Bill, 2019

Objects of the Fund

2. (1) The objects of the Fund are to
- (a) provide financial resources to support, promote and publicise research, technology generation and innovation in the tertiary and research institutions specified in the First Schedule;
 - (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
 - (d) 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) economics and social science research;
 - (iii) research in creative arts; and
 - (iv) research into language and literature policy;
 - (d) support research into the science of 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;
 - (b) an amount equivalent to one per cent of the Gross Domestic Product approved by Parliament annually;
 - (c) grants, donations, gifts and other voluntary contributions to the Fund;
 - (d) moneys that accrue from the Endowment Fund created by the Fund;
 - (e) moneys that accrue to the Fund from investments made by the Board;

Ghana National Research Fund Bill, 2019

- (f) 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 relevant expertise in the following fields:
 - (i) science, technology, engineering and mathematics,
 - (ii) information and communication technology,
 - (iii) economics and social science,
 - (iv) human genome science,
 - (v) creative arts research,
 - (vi) language and literature policies, and
 - (vii) fund management,nominated by the President; and
- (d) two persons nominated by the President 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;

Ghana National Research Fund Bill, 2019

- (c) ensure accountability of the Fund by defining appropriate procedures for the management of the Fund;
- (d) 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;
- (f) prepare and publish
 - (i) guidelines for the disbursement of moneys from the Fund; and
 - (ii) applications for the moneys out of the Fund;
- (g) 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;
- (h) approve research proposals upon recommendation by a review committee established under section 14; and
- (i) 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, but a member shall not be appointed for more than two terms.

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

(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.

Ghana National Research Fund Bill, 2019

- (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 a person to fill the vacancy.

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 with loyalty and in good faith as a director of a company incorporated under the Companies Act, 1963 (Act 179).

(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 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
- (d) 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 members of the Board

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

Ghana National Research Fund Bill, 2019

(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 the time and in the 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.

Ghana National Research Fund Bill, 2019

(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.

Ministerial directives

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

Review Committees

Establishment of review committees

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

(a) Medical, Biological and Human Genome Review Committee;

(b) Engineering, Information and Communication Technology, Mathematics and Physical Sciences Review Committee;

(c) Agriculture, Environment and Natural Resources Review Committee; and

(d) Humanities and Social Sciences Review Committee.

(2) A review 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 review committee.

(4) Members of a review committee shall meet at least once every quarter for the despatch of business.

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

Functions of a review committee

15. A review committee shall perform the following functions:

(a) receive and consider proposals for funding;

Ghana National Research Fund Bill, 2019

- (b) interview applicants who have submitted proposals for funding;
- (c) assist interested persons to develop and submit research proposals;
- (d) 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.

(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 ensuring 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 is the secretary to the Board.

(3) The Administrator shall

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

(4) 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.

(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

Disbursement of moneys of the Fund

22. For the purpose of achieving the object of the Fund, the Board shall apply

- (a) twenty- five per cent of the moneys of the Fund for research on science, technology, engineering and mathematics;
- (b) twelve per cent of the moneys of the Fund for research on information and communication technology;
- (c) twelve per cent of the moneys of the Fund for research on human genome science;
- (d) eight per cent of the moneys of the Fund for research on technology transfer and innovations;
- (e) ten per cent of the moneys of the Fund for skill training;
- (f) thirteen per cent of the moneys of the Fund for research on economics and social science;
- (g) eight per cent of the moneys of the Fund for research on creative arts;
- (h) eight per cent of the moneys of the Fund for research on language and literature policies; and
- (i) four per cent of the moneys of the Fund for the administration of the Fund.

Ghana National Research Fund Bill, 2019

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 under paragraph (i) of section 22.

(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 of account and proper records 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 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 one month 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.

Ghana National Research Fund Bill, 2019

(3) The Minister shall, within one month 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 to apply for funding for research if that person

- (a) is a citizen of Ghana;
- (b) is a full time member of a faculty of a tertiary institution or is a research scientist;
- (c) has served for at least two years in a tertiary institution or research institution;
- (d) has a refereed publication; and
- (e) complies with the guidelines for application for moneys out of the Fund.

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

(3) A person who wishes to apply for funding shall satisfy the requirements specified under subsection (1).

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; or
- (c) fails to discharge an obligation contingent upon the funding obtained for the research.

Application for funding

30. (1) A person who is eligible for funding pursuant to subsection (1) of section 28 may apply to the Board for funding.

(2) The application shall be as set out in the Second Schedule.

Consideration of application

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

(2) The Board shall,

(a) within twenty-one 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

32. 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.

Miscellaneous Provisions

Request for information

33. (1) The Board may, for the proper 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 an administrative penalty of one thousand penalty units.

Regulations

34. (1) The Minister may, 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;

Ghana National Research Fund Bill, 2019

- (d) areas of research that meet requirements for funding;
- (e) the allocation of funds for specific research;
- (f) the procedure for the promotion of programmes for research;
- (g) notification procedures for the receipt of funds from Government; and
- (h) the retrieval of funds misused or misapplied.

Interpretation

35. 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;
 - “human genome science” means the whole of the hereditary information of a person encoded in the DNA for the purpose of enquiry;
 - “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;

Ghana National Research Fund Bill, 2019

- “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 University 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

36. (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.

(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.

Ghana National Research Fund Bill, 2019

FIRST SCHEDULE

(section 2(1)(a))

Tertiary and Research Institutions

1. Public universities including specialised degree-awarding institutions
2. Private universities
3. Technical universities
4. Polytechnics
5. Colleges of education
6. Council for Scientific and Industrial Research
7. Public health research institutions
8. Ghana Academy of Arts and Sciences

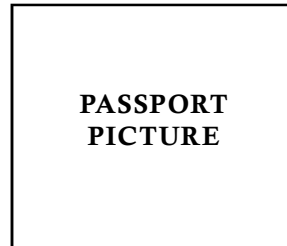
Ghana National Research Fund Bill, 2019

SECOND SCHEDULE
(section 30(2))
Application for Funding

INFORMATION FORM FOR THE GHANA NATIONAL RESEARCH FUND

This form should be completed and returned to the Ghana National Research Fund together with the under – mentioned documents:

- i) one recent passport – size photograph bearing the name of applicant on the reverse side; and
- ii) a Medical Certificate of fitness issued by a Government Medical Officer of Health.



PART 'A' TO BE COMPLETED BY APPLICANT

- 1. Surname.....
- 2. First Name (s)..... Other Name(s).....
- 3. a. Date and Place of Birth
- b. Nationality c. Sex: M/F
- d. Permanent Address
-
- Electronic Mail Address
- 4. a. Father's Name
- b. Permanent Address
- c. Telephone Number Electronic Mail Address
- 5. a. Mother's Name
- b. Permanent Address
- c. Telephone Number Electronic Mail Address
- 6. a. Name of Guardian.....
- b. Permanent Address
- c. Telephone Number Electronic Mail Address

Ghana National Research Fund Bill, 2019

7. Have you had funding from the Ghana National Research Fund before? **YES ... NO ...**

i. Type of research: FOREIGN LOCAL

ii. Duration:

iii. Course for which research was awarded

8. Are you on any scholarship?

If yes, please specify

.....

.....

9. Declaration by applicant

I

certify that the information given by me on this form is to the best of my knowledge, accurate and that in accepting this award, I undertake to abide by the terms and conditions specified in the award letter.

Date Signature

FOR OFFICIAL USE ONLY

Applicant awarded (full or partial scholarship)

.....

Indicate scholarship items:

.....

.....

.....

Any other remarks:

.....

.....

Signature of officer:

Date :

Ghana National Research Fund Bill, 2019

Date of *Gazette* notification: 18th March, 2019.

Ghana National Research Fund Bill, 2019

MEMORANDUM

The purpose of the Bill is to establish a Ghana National Research Fund to provide for funds to support national research in tertiary and research institutions, 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, technology generation and innovation in the tertiary and research institutions specified in the First Schedule. Other objects include evaluation of the status and needs of research development to

Ghana National Research Fund Bill, 2019

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, economics and social science research, 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, one per cent of the Gross Domestic Product approved by Parliament, donations, grants, gifts and other voluntary contributions to the Fund and moneys that accrue from the 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 an eleven member Board comprising the chairperson, the Administrator of the Fund, seven persons with relevant expertise in the fields of science, technology and engineering mathematics, information, communication technology, economics and social science, human genome science, creative arts research, language and literature policies and fund management. Other members are two other persons nominated by the President, at least one of whom is a woman.

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.

Ghana National Research Fund Bill, 2019

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 members of the Board, disclosure of interest, establishment of committees, allowances and ministerial directives.

Under *clause 7*, a member of the Board other than the Administrator of the Fund or a person who is a member of the Board by reason of the office of that person, 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 with loyalty and good faith as a director of a company incorporated under the Companies Act, 1963 (Act 179).

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 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 Review Committees. *Clause 14* establishes a Medical, Biological and Human Genome Review Committee, an Engineering, Information and Communication Technology, Mathematics and Physical Sciences Review Committee, an Agriculture, Environment and Natural Resources Review Committee and a Humanities and Social Sciences Review Committee. A review committee is to

Ghana National Research Fund Bill, 2019

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 review committee are to meet at least once every three months for the despatch of business.

Clause 15 spells out the functions of a review 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, ensuring the implementation of the decisions of the Board and forwarding of applications for funding of research proposals to review 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 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. Under *clause 22*, for the attainment of the object of the Fund, the Board is to apply twenty-five percent of the moneys of the Fund for research on science, technology, engineering and mathematics, twelve per cent each of the moneys of the Fund

Ghana National Research Fund Bill, 2019

for research on information and communication technology and human genome science respectively. *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 specified under paragraph (i) of *clause 22*.

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 to apply for funding for research if that person is a citizen of Ghana, is a full time member of a faculty of a tertiary institution or is a research scientist, has served for at least two years in a tertiary institution or research institution, has a refereed publication and complies with the guidelines for application for moneys out of the Fund. 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. A person is disqualified from benefiting from a research grant if that person 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 provides for applications for funding. A person who is eligible for funding may apply to the Board for funding in the form set out in the Second Schedule.

Ghana National Research Fund Bill, 2019

Clause 31 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 twenty-one days of receipt of the application and notify the applicant of its decision within nine days of taking the decision.

Under *clause 32*, 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.

Clauses 33 to 36 deal with miscellaneous provisions. *Clause 33* 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 34 makes provision for the Minister to make Regulations, by legislative instrument, on matters including the procedure for application 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 35 provides for the interpretation of some of the words and expressions used in the Bill. Transitional provisions are provided for in *clause 36*.

HON. DR. MATTHEW OPOKU PREMPEH (MP)
Minister responsible for Education

Date : 12th March, 2019.