

N.R.C.D.344
CENTRE FOR SCIENTIFIC RESEARCH INTO
PLANT MEDICINE ACT, 1975

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**CENTRE FOR SCIENTIFIC RESEARCH INTO
PLANT MEDICINE ACT, 1975**

AN ACT to establish a centre for scientific research into plant medicine and to provide for related matters.

Establishment

1. Establishment of the Centre

(1) There is hereby established a Centre for Scientific Research into Plant Medicine.

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

2. Functions of the Centre

The functions of the Centre are

- (a) to conduct and promote scientific research relating to the improvement of plant medicine;
- (b) to ensure the purity of drugs extracted from plants;
- (c) to co-operate and liaise with the Ghana Psychic and Traditional Healers' Association, research institutions and commercial organisations in any part of the world in matters of plant medicine;
- (d) to undertake or collaborate in the collation, publication and the dissemination of the results of research and any other useful technical information;
- (e) to establish where necessary botanical gardens for medicinal plants;
- (f) to perform any other function that the Government may assign to it.

3. The Council

(1) The governing body of the Centre is a Council which shall have the custody control and use of the common seal of the Centre.

(2) The Council shall encourage the use of medicinally proven preparations as effective substitutes for conventional drugs.

(3) The Council is responsible for the management and administration of the revenue and property of the Centre and shall subject to the functions of the Centre as prescribed in this Act have general control over the conduct of the affairs of the Centre including its public relations.

(4) The Council shall advise the Government on the preservation and restriction of the exportation of certain medicinal plants.

(5) The Council shall advise the Government from time to time on the desirability or otherwise of importing certain medicinal plants or their preparations into the country.

1. The Act was issued as the Centre for Scientific Research into Plant Medicine Decree, 1975 (N.R.C.D. 344), made on the 10th day of July, 1975 and notified in the *Gazette* on 18th July, 1975.

4. Membership of the Council

(1) The members of the Council are,

- (a) the chairman who is a person with recognised qualification or experience in plant medicine or a related subject,
- (b) one representative of the National Council for Higher Education,
- (c) the Dean of the University of Ghana Medical School or the representative of the Dean,
- (d) the Dean of the Faculty of Pharmacy, Kwame Nkrumah University of Science and Technology or the representative of the Dean,
- (e) the chairman of the Council for Scientific and Industrial Research or the representative of the chairman,
- (f) the Chief Medical Officer or the representative of the Chief,
- (g) the General Manager Pharmaceutical Division, Ghana Industrial Holding Corporation or the representative of the General Manager,
- (h) one representative of the Ghana Pharmaceutical Society,
- (i) one representative of the Ghana Medical Association,
- (j) two persons with special interest in plant medicine nominated by the Government, consideration to be given to traditional rulers,
- (k) one herbalist nominated by the Government in consultation with Council,
- (l) one member of the Ghana Psychic and Traditional Healers Association nominated by the Association,
- (m) the Director of the Centre.²

(2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

5. Terms of office

(1) Subject to this Act, the members of the Council other than ex officio members shall hold office for a term not exceeding three years and are eligible for re-appointment.

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

(3) The office of a member who is absent from the Republic for a continuous period of twelve months shall become vacant at the end of that period.

(4) A member shall not hold office under more than one provision of section 4, and a person appointed under more than one provision shall notify the Council under which provision the person chooses to hold office and another person shall be appointed under the other provision.

2. Substituted by the Centre for Scientific Research into Plant Medicine (Amendment) Decree, 1976 (S.M.C.D. 12).

6. Filling of vacancies

In the event of the death or resignation of a member or where the office of a member becomes vacant under subsection (3) of section 5, a replacement shall be appointed or nominated for the remainder of that member's term under section 4.

7. Remuneration

(1) A member of the Council other than the Director is not entitled to remuneration in respect of the membership.

(2) The Council may however pay to members of the Council and to any other persons attending meetings of the Council the traveling and any other allowances out of the funds of the Centre as determined by the Council.

Meetings and Committees

8. Meetings of the Council

(1) The Council shall meet not less than once in every three months for the dispatch of business at the times and places determined by the Council.

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

(3) The chairman shall preside at the meetings of the Council, and in the absence of the chairman a member of the Council elected by the members present shall preside at the meeting.

(4) The quorum at every meeting of the Council shall be not less than one-half of the total membership of the Council.

(5) Subject to the other provisions of this Act or the by-laws of the Council, questions proposed at a meeting of the Council 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 casting vote.

(6) The Council may request the attendance of a person to act as an adviser at a meeting of the Council and that person while so attending shall have the powers of a member, but not the power to vote on a question and the presence of that adviser at the meeting shall not count towards the constitution of a quorum.

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

(8) Subject to the other provisions of this section, the Council may regulate its own procedure.

9. Committees of the Council

(1) The Council may appoint committees consisting of persons whether members of the Council or not to advise the Council on the performance of any of its functions under this Act.

- (2) The chairman of a committee shall as far as possible be a member of the Council.

Administration

10. Director and other staff

(1) The President shall in accordance with article] 95 of the Constitution appoint a suitable person to be the Director of the Centre on the terms and conditions determined by the President.

(2) The Director is the chief executive of the Centre, the administrative head and chief disciplinary officer of the Centre and shall exercise general supervision over the work and general authority over the employees of the Centre.

(3) The Director is responsible to the Council for maintaining and promoting the good order and efficiency of the Centre.

(4) There shall be an administrative secretary who shall be appointed by the President in accordance with article 195 of the Constitution on the terms and conditions determined by the President and who shall be responsible to the Director for the day to day administration of the Centre. .

(5) The administrative secretary is the secretary to the Council.

(6) The President in accordance with article 195 of the Constitution may employ on the terms and conditions that are determined by the President research officers and any other persons as may be required for the proper and efficient performance of the Council's functions.

(7) Subject to article 195 of the Constitution, the Director may appoint subject to the Regulations made by the Council to that effect, persons as employees of the Centre who shall be designated as junior officers.

(8) The Director, the administrative secretary and the other employees of the Centre are public officers.

11. Pensions for employees

(1) The Council may grant to employees of the Centre of the Pensions Act (Cap. 30) does not apply and subject to the Social Security Act, 19723 and in accordance with rules made in that behalf by the Council pensions allowances gratuities or retiring awards to the employees of the Centre as the Council may after consultation with the Government determine.

(2) The Council may require those employees to contribute to a pension provident fund or superannuation or the Social Security Scheme.

(3) The Social Security Act, 19724 shall not apply to research officers of the Centre.

2. N.R.C.D. 127.

3. 4. N.R.C.D. 127.

Financial Provisions

12. Funds of the Centre

The funds of the Centre include subventions from the Government moneys accruing to the Centre in the course of the performance of its function under this Act, donations, endowments, grants, investments and moneys from any other source approved by the Council.

13. Donations

A donation shall be made directly to the Centre which shall utilise the donation in furtherance of any of its objectives under this Act.

14. Estimates of expenditure

(1) The Director shall for each financial year prepare and submit not later than two months before the commencement of that financial year draft estimates of expenditure in respect of the Centre administration and research projects during that financial year.

(2) The Council shall consider the estimates and shall after approval by it, submit them through the Ministry responsible/or Health to the Government for approval.

(3) The Council shall ensure that the funds of the Centre are employed solely for the purposes for which they were approved and in accordance with the financial regulations made by Minister on the recommendations of the Council.

15. Account and audit

(1) The Centre shall keep proper books of accounts and proper records in relation to the accounts.

(2) The Centre shall prepare an annual statement of accounts in the form and contain in the particulars directed by the Auditor-General.

(3) The books and accounts of the Centre shall be audited by the Auditor-General in accordance with article 187 of the Constitution.

(4) The Auditor-General shall in the report state whether proper books of accounts have been kept by the Centre and shall call the attention of the Government to a matter falling within the scope of the examination which should be brought to the attention of the Government.

(5) The Council shall as soon as possible on receiving the report of the Auditor General forward a copy to the Minister.

(6) The Minister shall as soon as practicable on receipt of the Auditor-General's report lay it before Parliament.

16. Annual report

(1) The Centre shall not later than six months after the end of each financial year submit an annual report through the Council to the Minister in the form prescribed by Minister which shall include the statement of accounts in section 15 (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 Centre and the annual report of the Centre shall be published in the manner determined by the Minister.

17. Minister's power

The Minister is generally responsible for the Centre and the Council subject to this Act.

Miscellaneous

18. General powers of the Centre

(1) The Centre may subject to any other provisions of this Act for a purpose which in the Council's opinion is necessary or expedient for or in connection with the proper performance of the functions of the Centre, acquire and hold movable or immovable property, sell, lease, mortgage or otherwise alienate or dispose of that property and enter into any other transaction.

(2) Where there is a hindrance to the acquisition of property by the Centre, the property may be acquired for the Centre under the State Property and Contracts Act, 1960 (C.A. 6) or under the State Lands Act, 1962 (Act 125) and each Act shall apply in relation to the acquisition with the modifications that are necessary to provide for the vesting of the property required in the Centre and for the cost of the acquisition to be defrayed by the Centre.

(3) A person shall not charge or dispose of land or buildings of the Centre without the consent in writing of the Council, which may be signified by the signature of the chairman or of any other person duly authorised by the Council to act in that behalf.

19. Regulations of the Council

The Minister may, by legislative instrument, make Regulations on the recommendations of the Council for the purposes of giving effect to this Act.

20. Rules and by-laws

The Council may make appropriate Rules and by-laws for the proper administration of the Centre.

21. Amendments to Act

(1) The Council may propose to the Government an amendment to this Act.

(2) The proposal shall be contained in a resolution passed at a meeting of the Council by the affirmative votes of not less than two-thirds of the total number of members of the Council present and voting.

(3) The resolution passed under subsection (2) is not effective unless it is later confirmed by the same number of members present and voting at a second meeting of the Council held not earlier than one month or later than four months after the first meeting of the Council under subsection (2).

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22. Exemption from rates and taxes

Subject to article 174 of the Constitution, the Centre shall for its own purposes be exempted from the payment of the taxes rates and duties approved in writing by the Minister responsible for Finance.

23. Transitional provision

The Director and the employees of the Centre holding office immediately before the commencement of this Act shall be deemed to have been duly appointed under this Act.

24. Interpretation

In this Act, unless the context otherwise requires,

"**Centre**" means the Centre for Scientific Research into Plant Medicine and any other Centre established by the Government on the advice of the Council;

"**financial year**" means financial year of the Government;

"**functions**" includes powers and duties;

"**Minister**" means the Minister responsible for Health;

"**scientific research**" includes research into social, cultural and any other aspects of plant medicine;

"**research officer**" means an officer of a status comparable to that of a university teacher or a person belonging to the academic staff of any of the Universities.