

ACTS OF GHANA



HOME

NATIONAL REDEMPTION COUNCIL DECREE

PROFESSIONAL BODIES REGISTRATION DECREE, 1973 (NRCD 143)

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IN pursuance of the National Redemption Council (Establishment) Proclamation, 1972, this Decree is hereby made:

Section 1—Registration of Professional Bodies.

Any professional body established in Ghana shall be registered in accordance with the provisions of this Decree.

Section 2—Professional Bodies Registered to be Bodies Corporate.

Any professional body registered under this Decree shall, while it continues to be so registered, be deemed to be a body corporate and—

(a) shall have perpetual succession and a common seal,

(b) may sue and be sued in its own name,

(c) may acquire, hold and dispose of any movable or immovable property,

(d) may enter into any contract or other transaction.

Section 3—Education of Professional Persons to be Regulated by the Council.

The provision of education and training for the purpose of enabling persons to qualify to become members of any profession in relation to which a professional body has been registered under this Decree shall be under the control of such persons as the National Redemption Council (in this Decree referred to as the "Council") may after consultation with the said professional body from time to time by legislative instrument prescribe.

Section 4—Registrar of Professional Bodies.

There shall be a Registrar of Professional Bodies who shall be the Registrar-General, hereafter in this Decree referred to as "the Registrar".

Section 5—Register of Professional Bodies.

The Registrar shall maintain in accordance with the provisions of this Decree a Register of Professional Bodies, hereafter in this Decree referred to as "the Register".

Section 6—Bodies which may be Registered, Etc.

(1) Subject to the provisions of this Decree any professional body may apply to the Registrar to be registered on the Register.

(2) A body shall not apply to be registered and shall not be registered on the Register as a professional body unless it is a society, institution or group of persons, by whatever name called, the members of which are—

(a) trained and qualified in a profession recognised as such, and

(b) united in a common interest for the purposes of pursuing research and other activities concerned with the progress of knowledge in any such profession and for maintaining and advancing a code of ethics and conduct among its members and generally for the maintenance of the highest ideals of the profession concerned.

Section 7—Mode of Application for Registration.

(1) Any professional body to be registered may apply in writing to the Registrar and shall furnish to the Registrar together with its application the following:—

(a) a copy of the constitution of that body;

(b) a list of members of that body as at the date of application together with their qualifications and addresses;

(c) a statement of the activities of that body for the period of twelve months immediately preceding the date of application or if the body has been in existence for less than twelve months a statement of its activities for the period during which it has been in existence;

(d) such other particulars as the Registrar may reasonably request.

(2) The constitution of a professional body shall include a statement of the following:—

(a) the objects of that body,

(b) rules regulating discipline of members

of the profession in question and the manner of enforcing such rules.

Section 8—Registration.

(1) The Registrar shall, subject to the other provisions of this Decree, register any body applying for registration if he is satisfied—

(a) that that body has complied with the requirements of section 7 of this Decree,

(b) that it is such a body as is described in subsection (2) of section 6 of this Decree, and

(c) that the body in question represents not less than 75 per cent of persons trained and qualified in the profession in respect of which that body desires to be registered.

(2) The Registrar shall cause to be published in the Gazette notice of every registration effected under this Decree.

(3) A professional body shall, before registration, pay to the Registrar a registration fee of ₦300.00 and shall also pay to the Registrar annually and before the 31st day of January, a further fee equal to ₦1.00 for each member of that body.

Section 9—Registrar to Notify Refusal to Register.

Where the Registrar refuses to register any professional body under this Decree he shall within seven days after the refusal notify that body in writing of his reasons for the refusal.

Section 10—Registrar not to Register more than One Body in Respect of the Same Profession.

The Registrar shall not register more than one professional body in respect of any one profession.

Section 11—Registrar not to Register a Body where Profession Comprises Less Than 50

Persons.

Unless the Council is satisfied that it is in the interest of the profession concerned so to do, the Registrar shall not register a professional body in respect of a profession comprising less than fifty persons trained and qualified in the profession.

Section 12—Cancellation of Registration.

(1) The Registrar may cancel the registration of a professional body if he is satisfied—

(a) that that body has ceased to be such a body as is described in subsection (2) of section 6 of this Decree, or

(b) that that body has contravened any of the provisions of this Decree.

(2) Any such cancellation shall be published in the Gazette and shall take effect upon such publication.

(3) Before cancelling the registration of any professional body the Registrar shall give to that body not less than a month's notice in writing of his intention to cancel the registration and his reasons for such cancellation.

Section 13—Appeals from Decisions of Registrar.

(1) Any professional body aggrieved by the refusal of the Registrar to register it may within one month after receipt of the reasons for the Registrar's refusal appeal to the Court of Appeal against such refusal.

(2) Any person aggrieved by the registration of any professional body under this Decree may appeal to the Court of Appeal against such registration within one month after notice of the registration is published in the Gazette by the Registrar under section 8 of this Decree.

(3) The Court of Appeal may upon any appeal brought under subsection (1) or (2) of this section confirm, reverse or vary the decision of the

Registrar.

(4) Any professional body aggrieved by a cancellation of its registration may appeal against it to the Court of Appeal within one month after the publication in the Gazette by the Registrar of the notice of cancellation and the Court of Appeal may confirm the cancellation or may set it aside and order the name of the professional body concerned to be restored to the Register.

(5) The only ground on which a professional body is entitled to appeal under subsection (4) of this section is that the provisions of subsection (1) of section 12 of this Decree have not been complied with.

Section 14—Disciplinary Authorities of Professional Bodies to have Power to Call Evidence, Etc.

(1) Subject to the provisions to this section, any disciplinary authority appointed by a registered professional body and approved by the Council (in this section referred to as "an approved disciplinary authority"), shall for the purposes of any disciplinary enquiry conducted by it, have such powers, rights and privileges as are vested in a High Court in respect of the following matters—

(a) enforcing the attendance of witnesses and examining such witnesses,

(b) compelling the production of documents.

(2) Any person shall be guilty of an offence who—

(a) having been summoned as a witness before an approved disciplinary authority makes a default in attending without reasonable excuse proof of which shall be on him; or

(b) being in attendance as a witness refuses—

(i) to take an oath or to make an

affirmation legally required by the authority to be taken or to be made; or

(ii) without lawful excuse (proof of which shall be on him) to produce any document in his power or control legally required by the approved disciplinary authority to be produced by him; or

(iii) to answer any question to which the approved disciplinary authority may legally require an answer; or

(c) does any other thing which would, if the approved disciplinary authority had been a court of law having power to commit for contempt, have been contempt of that court.

(3) Where any person commits an offence under subsection (2) of this section the chairman of the approved disciplinary authority shall certify the offence of that person under his hand to the High Court, and the Court shall forthwith enquire into the alleged offence.

(4) The Court after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence may, if satisfied that the person charged has committed the offence, deal with him summarily as if he had committed contempt of that Court and sentence him to a fine not exceeding ₦300.00 or to a term of imprisonment not exceeding three months or to both.

(5) The Rules of Court Committee may make rules for the regulation of the proceedings of an approved disciplinary authority and such rules shall be binding on any such authority and on all persons affected by the proceedings.

(6) Pending the making of any rules under subsection (5) of this section, where any enquiry falls to be held by an approved disciplinary authority, the enquiry shall be conducted in such

manner as may be determined by the professional body concerned not being inconsistent with the requirements of natural justice.

(7) A witness or counsel before an approved disciplinary authority shall be entitled to the same immunities and privileges as if he were a witness or counsel before the High Court.

(8) For the purposes of the law relating to perjury an enquiry before an approved disciplinary authority shall be deemed to be an enquiry before a Court.

Section 15—Professional Bodies to make Rules Etc.

(1) A professional body registered under this Decree may, after consultation with the Council, make rules and regulations governing the admission and the code of ethics of its members compatible with its traditions including rules and regulations providing for the ceasing of a person to be a member of the profession.

(2) Notwithstanding anything contained in any rules or regulations made by virtue of this section, any person adversely affected by any decision of a professional body registered under this Decree or of any disciplinary authority thereof, being a decision refusing him admission to or terminating or suspending or refusing to restore his membership of, the professional body or requiring him to pay the costs of any enquiry, may appeal to the Court of Appeal against such decision—

(a) on any questions of law or mixed law and fact,

(b) with the leave of the Court of Appeal on any question of fact.

(3) Any such decision of a professional body or a disciplinary authority thereof, as is referred to in subsection (2) of this section shall as soon as practicable after the decision is taken be communicated in writing by the professional body or disciplinary authority concerned to the person

affected by the decision.

(4) An appeal under subsection (2) of this section shall be lodged within twenty-one days after the decision was communicated to the person making the appeal.

(5) Unless the Court of Appeal otherwise directs, any such decision shall not have effect during the period within which an appeal may be brought under subsection (4) of this section, and unless the Court of Appeal otherwise directs, where an appeal has been lodged the decision shall not take effect until the appeal is finally determined or is discontinued.

(6) The Court of Appeal may upon hearing any such appeal confirm, reverse or vary the decision appealed against as it thinks fit and may otherwise make such order as it may think fit.

(7) Rules and regulations made under subsection (1) of this section by a professional body with the prior approval of the Council may provide for the control of the practice by any firm, company or other group or body of persons of the profession in respect of which that body is registered and may provide for the registration of such a group or body; and subject to subsections (8) and (9) of this section the practice as aforesaid of any such profession shall be in accordance with such rules and regulations.

(8) Any person aggrieved by any act done under any rule or regulation made by virtue of subsection (7) of this section may appeal to the Court of Appeal within one month after the doing of such act on the ground that such act is unreasonable.

(9) The Court of Appeal may on any such appeal confirm or set aside the act and make such other order as it may think just.

(10) For the avoidance of doubt it is hereby declared that rules and regulations made under this section may prescribe fees in respect of any matter to which the said rules and regulations

relate.

Section 16—Accounts and Audit.

(1) A professional body registered under this Decree shall keep proper records of its accounts.

(2) The accounts of such professional body shall be audited each year by an auditor approved by the Registrar.

Section 17—Registered Body to Submit Annual Return.

A professional body registered under this Decree shall submit to the Registrar before the 31st day of January in each year a return in respect of the preceding year which shall include—

- (a) a copy of its audited accounts;
- (b) an up-to-date list of its members;
- (c) any changes which have occurred in its constitution;
- (d) such other information as the Registrar may require.

Section 18—Registration of Professional Persons.

(1) A person who has been admitted or enrolled as or otherwise accepted to be a member of any professional body registered under this Decree shall be entitled to be registered in the Register by the Registrar in respect of that professional body upon the production to the Registrar of a certificate issued by the said professional body that he is of good standing with that professional body.

(2) The registration of a person under subsection (1) of this section shall lapse at the end of each calendar year and shall upon the production to the Registrar of a certificate referred to in subsection (1) of this section, be renewed by the Registrar.

(3) No person shall practise any profession in respect of which a professional body has been registered under this Decree unless he has been duly registered by the Registrar under this section.

(4) When any person applies to a professional body for a certificate of good standing for the purposes of this section the application shall be dealt with by that body as soon as possible and the decision of the professional body thereon shall be communicated in writing to the applicant within seven days after the decision is taken.

(5) Any person aggrieved by the refusal of a professional body to issue to him a certificate of good standing applied for by him under this section may within twenty-one days after the decision was communicated to him under subsection (4) of this section appeal against the decision to the Court of Appeal.

(6) The Court of Appeal may upon hearing any appeal brought under this section confirm, reverse or vary the decision of the professional body appealed against and may make such other order that it may think fit.

Section 19—Decisions of Court of Appeal to be Final.

Any decision of the Court of Appeal on an appeal brought under this Decree shall be final.

Section 20—Offences.

Any person who—

(a) not being registered under section 18 as a member of a professional body registered under this Decree represents himself or holds himself out as so registered, or

(b) not having the qualification for admission to or enrolment in or for being accepted as a member of, such a body knowingly represents that he has such

qualification, or

(c) otherwise contravenes any of the provisions of this Decree,

shall be guilty of an offence and liable on summary conviction to a term of imprisonment not exceeding five years or to a fine not exceeding ₵1,000.00 or to both; and where the offence is of a continuing nature the offender shall be liable to a further fine not exceeding ₵50.00 in respect of each day on which the offence continues.

Section 21—Offences by Bodies of Persons.

Where an offence under this Decree is committed by a body of persons then every president, vice-president, chairman, vice-chairman, director or partner and every officer of that body shall also be guilty of that offence if he is proved to have directly or indirectly whether by any act or omission permitted to be done the act or omission which constitutes the offence.

Section 22—Exemption from Payment of Fees.

The Council may in exceptional circumstances by notice published in the Gazette exempt any professional body from the payment of the whole or any part of any fees prescribed by section 8 of this Decree.

Section 23—Council to make Regulations Generally to Further the Aims of this Decree.

The Council may make such regulations as appear to it expedient for the furtherance of the aims of this Decree and the promotion of the orderly development of professional bodies in Ghana.

Section 24—Consequential Amendment of Existing Enactments.

The Chairman of the Council may by legislative instrument repeal, revoke or amend any enactment relating to professional bodies or the practice of any profession (being an enactment in

existence on the day on which this Decree is published in the Gazette) for the purpose of bringing the provisions of such enactment into conformity with this Decree or any regulations made thereunder and until any such legislative instrument is made in respect of such enactment that enactment shall remain in force as if this Decree has not been made.

Section 25—Interpretation.

In this Decree "Council" means the National Redemption Council.

Section 26—Repeal and Revocation.

(1) Article 51 of the suspended Constitution shall cease to have effect.

(2) The Professional Bodies Registration Regulations, 1971 (C.I. 20) are hereby revoked.

Made this 5th day of January, 1973.

COLONEL I. K.
ACHEAMPON
G

Chairman of the
National
Redemption
Council

Date of Gazette Notification: 12th January, 1973.