

ACT

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THE SIERRA LEONE COUNCIL FOR POSTGRADUATE COLLEGES OF HEALTH SPECIALTIES ACT, 2016

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Passed in Parliament this *4th day of February*, in the year of our Lord two thousand and sixteen.

IBRAHIM S. SESAY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

IBRAHIM S. SESAY,
Clerk of Parliament.

SIGNED this *7th day of March, 2016.*

DR. ERNEST BAIKOROMA,
President.



No. 5

2016

Sierra Leone

**The Sierra Leone Council for Postgraduate Colleges of
Health Specialties Act, 2016**

Short title.

Being an Act to establish the Sierra Leone Council for Postgraduate Colleges of Health Specialties to supervise and coordinate the training of postgraduate health specialists and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires –

“Chairman” means Chairman of the Council;

“College” means a Postgraduate College established by section 21;

“Council” means the Sierra Leone Council for Postgraduate Colleges of Health Specialties established by section 2;

“Executive Board” means an Executive Board of a Postgraduate College;

“Minister” means the Minister responsible for health.

PART II – ESTABLISHMENT OF THE SIERRA LEONE
COUNCIL FOR POSTGRADUATE COLLEGES OF HEALTH
SPECIALTIES

Establishment of Sierra Leone Council for Postgraduate Colleges of Health Specialties. 2. (1) There is hereby established a body to be known as the Sierra Leone Council for Postgraduate Colleges of Health Specialties.

(2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Council shall have a common seal, the use of which shall be authenticated by the signatures of–

- (a) Chairman or other member of the Council authorised either generally or specially by the Council in that behalf; and

- (b) the Executive-Director or some other person authorised by the Council in that behalf.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Council shall be sealed with the common seal of the Council authenticated in the manner stated in subsection (3) and shall be deemed to be so executed or issued without further proof unless the contrary is proven.

(5) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

3. (1) The Council shall consist of–

Composition of Council.

- (a) a Fellow of a of post graduate college of health specialists with proven professional experience of not less than ten years, who shall be Chairman;
- (b) the President of each college referred to in section 21;
- (c) the Registrar of each college referred to in section 21;
- (d) the Director, Postgraduate Training, Ministry of Health;
- (e) the Chairman, Tertiary Education, Commission;
- (f) the Financial Secretary;
- (g) the Provost, College of Medicine and Allied Health Sciences;
- (h) two eminent non-health professionals, one of whom shall be a woman, nominated by the Minister; and

- (i) the Executive-Director who shall be Secretary to the council.

(2) The Chairman and members of the Council referred to in paragraph (h) of subsection (1) shall, on the advice of the Minister and subject to the approval of Parliament, be appointed by the President.

Tenure of
members of
Council.

4. (1) The Chairman and members of the Council referred to in paragraph (h) of subsection (1) of section 3, shall hold office for a term of three years and shall be eligible for re- appointment for another term of three years.

(2) A person shall cease to be a member of the Council on any of the following grounds—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Council without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of
Council.

5. (1) The Council shall meet for the dispatch of its business at least once every three months at the offices of the Council and at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Council and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Council may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Council for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five working days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Council shall be seven.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council:

Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply to such proposal.

(8) The Council may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue of the Council.

(9) The Council shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Council shall regulate its own procedure.

Disclosure of interest.

6. (1) A member of the Council who has any interest, whether direct or indirect in any matter being considered or to be considered by the Council, shall disclose the nature of his interest to the Council and the disclosure shall be recorded in the minutes of the Council and such member shall not take part in any deliberation or decision of the Council relating to that matter.

(2) A member of the Council who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Council.

Immunity of members of Council, etc.

7. (1) No action or other proceedings shall lie or be instituted against any member of the Council or member of a committee of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Council shall be personally liable for any debt or obligation of the Council.

Committees of Council.

8. (1) The Council may, for the discharge of its functions appoint one or more committees to perform such functions as the Council may determine.

(2) A committee shall consist of members of the Council or non-members or both as the Council may decide.

(3) Without prejudice to the generality of subsection (1), the Council shall appoint an audit committee consisting of such members of the Council, excluding the Executive-Director, and performing such functions as the Council may determine.

(4) A committee shall submit a report of its proceedings to the Council at such time as the Council may determine.

9. (1) The Chairman, and other members of the Council shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions as the Council may, with the approval of the Minister, determine. ^{Remuneration of members.}

(2) Co-opted persons of the Council under subsection (8) of section 5 shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions.

10. (1) Where the Chairman or a member of the Council dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months - ^{Filling of vacancies.}

(a) the members of the Council shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of a member, the Chairman shall, subject to this Act have another person appointed to the Council.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III—OBJECTS AND FUNCTIONS OF THE COUNCIL

11. (1) The object for which the Council is established is to promote specialist education and training in medicine and dentistry, nursing and midwifery, pharmacy and other post graduate health specialities. ^{Objects and functions of Council.}

(2) Without prejudice to the generality of subsection (1), the Council shall perform the following functions –

- (a) formulate policies for the promotion of continuous professional development in medicine and dentistry, nursing and midwifery, pharmacy and other post graduate health specialities;
- (b) supervise and coordinate research in medicine and dentistry, nursing and midwifery, pharmacy and other post graduate health specialities;
- (c) mobilise and allocate funds to the colleges;
- (d) supervise the activities of the colleges; and
- (e) do all other things that may be necessary for the purpose of achieving the objective of the Council.

PART IV – ADMINISTRATION OF COUNCIL

Executive-Director.

12. (1) There shall be an Executive-Director appointed by the Council upon such terms and conditions as the Council shall determine.

(2) No person shall be appointed an Executive-Director unless he has proven knowledge and experience in management and administration.

Functions of Executive Director.

13. The Executive-Director shall be responsible to the Council for the performance of the following functions–

- (a) the provision of overall leadership in the conduct and management of the day-to-day business or activities of the Council;

- (b) the supervision and discipline of the other staff of the Council;
- (c) the execution of policies and directives of Council;
- (d) serve as Secretary to the Council; and
- (e) carry out such other functions as may be assigned by the Council or necessary for the purposes of the Council.

14. (1) The Council shall have, in addition to the Executive-Director, a Secretariat consisting of a Secretary, Finance Officer, Administrative Officer and such other additional technical and administrative staff, as may be required for the efficient performance of the functions of the Council. Other staff of Council.

(2) The staff of the Secretariat shall be appointed by the Council subject to such terms and conditions as the Council shall determine.

(3) The Council may delegate to the Executive-Director-

- (a) the power of appointment of such grade or categories of staff as the Council may require; and
- (b) the power to enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Council for and on behalf of the Council.

15. No officer or employee of the Council or any person acting on the directions of an officer or employee of the Council shall be liable in respect of any matter or thing done by him in good faith under this Act. Protection of officers

PART V – FINANCIAL PROVISIONS

Funds of
Council.

16. (1) The activities of the Council shall be financed by funds consisting of –

- (a) any monies appropriated from time to time by Parliament for the purposes of the Council;
- (b) all monies given to the Council by way of gifts, requests, grants or other contributions by persons and organisations for the purposes of the Council;
- (c) all returns on investment;
- (d) proceeds from endowments established by the Council;
- (e) loans; and
- (f) all other monies which may, from time to time, accrue to the Council.

(2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

Accounts and
audit of
Council.

17. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Council a financial statement which shall include–

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds

(2) The accounts of the Council kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.

(4) The Council shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Council.

(5) The Auditor-General or the auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to–

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Council; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Council.

Internal Auditor. **18.** (1) There shall be an Internal Auditor appointed by the Council who shall be responsible for the internal audit of the Council.

(2) The Internal Auditor shall submit quarterly reports of the audit carried out by him to the Council.

Financial year. **19.** The financial year of the Council shall be the same as the financial year of the Government.

Annual report. **20.** (1) The Council shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policies and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 17 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VI – ESTABLISHMENT OF POST GRADUATE COLLEGES

Establishment of Post-graduate Colleges. **21.** (1) There is hereby established the following post graduate colleges–

(a) The Sierra Leone Postgraduate College of Nursing and Midwifery;

(b) The Sierra Leone Postgraduate College of Pharmacy; and

(c) The Sierra Leone Postgraduate College of Medicine and Dentistry.

(2) The Minister may, by statutory instrument establish such other Postgraduate Colleges as it may think appropriate.

22. A Postgraduate college established under section 21 shall Functions of Postgraduate colleges.

(a) organize and supervise specialist training and continuous professional development in the specialty related to it;

(b) support research in the specialty related to it;

(c) conduct specialist examinations in the specialty related to it;

(d) prepare and publish journals and pamphlets on its own or in collaboration with other bodies or organizations;

(e) award fellowships, memberships, diplomas certificates and other professional distinctions as are appropriate to the college;

(f) foster cooperation with other institutions with similar objectives, including intercollegiate cooperation; and

(g) initiate and participate in actions and discussions aimed at sound health and participate in the formulation of public policies on health.

Executive
Boards of
Postgraduate
Colleges.

23. (1) There is hereby established an Executive Board for each of the colleges established under section 21 which shall be the governing body of the College.

(2) An Executive Board of a college shall comprise –

- (a) the President of the College established in section 21, who shall be the Chairman;
- (b) the Chairman of each faculty of the college;
- (c) Secretary of each faculty of the college;
- (d) the Registrar of the college who shall be the Secretary;
- (e) an elected Fellow of a faculty of the College
- (f) a representative of trainees elected by the trainees of the college; and
- (g) the Chairman of a recognised professional health regulatory body related to the duties of the College.

Functions of
Executive
Boards

24. An Executive Board of a college shall have responsibility to –

- (a) make Regulations for the conduct of the business of the College, including election to the Executive Board;
- (b) determine the criteria for admission of Fellows, Members and Associate Members of the College;
- (c) approve a structure of operations that will enable the College to discharge its functions;
- (d) approve courts of examiners to conduct examinations;

(e) approve recommendations from Faculty Boards for the award of diplomas, memberships or fellowships of the College through examinations;

(f) approve examiners and alternates, examination fees and allowances payable to examiners and other persons connected with the conduct of examinations;

(g) determine the areas in the related specialty that require special attention;

(h) process and give accreditation to training centres throughout Sierra Leone for the training of specialists;

(i) approve the selected teachers and trainers of the various faculties recommended by the faculties;

(j) determine the annual membership fees payable by Fellows, Members and Associate Members of the College; and

(k) promote and coordinate education, training and research in the Faculties.

25. (1) A member of the Executive Board of a college, except the Registrar, shall hold office for a period of three years and shall be eligible for re-election for another term of three years.

Tenure of
Executive
Board
members.

(2) A person shall cease to be a member of the Board on any of the following grounds-

(a) for his inability to perform the functions of his office by reason of infirmity of mind or body;

(b) for proven misconduct;

- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause; or
- (f) if he resigns his office by written notice to the Minister.

Meetings of
Executive
Boards.

26. (1) The Board shall meet for the dispatch of its business at least once every three months at the offices of the Council and at such time as the President of the College may determine.

(2) The President of the College shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five working days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be five.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue of the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own proceedings.

27. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine.

Committees
of Executive
Boards.

(2) A committee appointed under subsection (1), shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the President, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

28. (1) The Chairman and other members of the Board shall be paid such remuneration, fees and allowances approved by the Council and shall be reimbursed by the Board for expenses incurred in connection with the discharge of their functions.

Remuneration
of Executive
Board
members.

(2) Co-opted persons of the Council under subsection (8) of section 26 shall be paid such remuneration, fees and allowances approved by the Council and shall be reimbursed by the Board for expenses incurred in connection with the discharge of their functions.

Filling of
vacancies.

29. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months—

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of a member, the Chairman shall, subject to this Act have another person appointed to the Board.

(2) Where a person is appointed Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART VII – ADMINISTRATION OF POSTGRADUATE COLLEGES

Membership
of Post-
graduate
Colleges.

30. A College shall have the following membership—

- (a) Foundation Fellows, who shall be persons admitted as fellows of the College at its inception;
- (b) Fellows, Members and Associate Members who have passed the prescribed examinations conducted by the College;
- (c) Fellows holding equivalent postgraduate qualifications from institutions recognised by the Council, proposed by the Board on the recommendation of the Faculty Board; and the person should have worked in West Africa for at least two years;
- (d) Honorary Fellows who shall be persons of high distinction as the College may honour.

31. (1) A College shall have a Secretariat which shall be headed by a Registrar.

Staff of
Postgraduate
Colleges.

(2) The Registrar shall be appointed by the Council on the recommendation of the Executive Board.

(3) The Registrar shall hold office for a term of four years and may be re-appointed for another term only.

(4) The Registrar shall be a Fellow of the College or person with equivalent qualification and shall be the administrative head of the College.

(5) The College shall have other staff to be appointed by the Executive Board and on the terms and conditions as the Board may determine.

32. (1) A College shall have an Editor who shall be responsible for the publications of the College.

Editor of
Postgraduate
Colleges.

(2) The Executive Board shall elect the Editor from among Fellows of the College and he shall hold office for five years and shall be eligible for re-election for another term of five years.

33. (1) An Executive Board shall, subject to the approval of the Council create such Faculties as it may determine.

Faculties of
Postgraduate
Colleges.

(2) A Faculty shall have a Chairman who shall be elected by the Faculty from among its members.

34. (1) A Faculty shall have a Board which shall consist of—

Members of
Faculty
Boards of
post graduate
colleges.

- (a) the Chairman of the Faculty;
- (b) the secretary to the Faculty; and
- (c) three Fellows in good standing who belong to the Faculty and who shall be elected by the Faculty.

(2) A Faculty Board may co-opt a Fellow of the College to advise it on any matter relating to the duties of the Faculty.

Duties of
Faculty
Boards.

35. (1) A Faculty Board shall be responsible for the organization and supervision of the Faculty in the performance of the Faculty's duties.

(2) Notwithstanding the generality of subsection (1) a Faculty Board shall have the responsibility to –

- (a) organize and control courses of study and examinations held in connection with those courses;
- (b) recommend to the Executive Board for approval, a board of examiners to conduct appropriate specialist examinations;
- (c) prescribe standards and programmes for specialists;
- (d) harmonize, where necessary, the standards, training programmes and syllabi for specialist education of the Faculty with other appropriate bodies duly recognized by the College; and
- (e) recommend to the Executive Board a structure of operation that will enable the College to discharge its duties.

Tenure of
members of
Faculty
Boards.

36. A member of a Faculty Board shall hold office for a term of three years and shall be eligible for re-election for another term of three years.

PART VIII – FUNDS AND ACCOUNTS OF POSTGRADUATE COLLEGES

Funds of
Postgraduate
Colleges.

37. The funds of a College shall include -

(a) monies appropriated from time to time by Parliament for the purpose of the college.

(b) fees charged by the College;

(c) income from investments;

(d) donations, gifts and bequests;

(e) grants and loans;

(f) proceeds from endowments established by the College; and

(g) proceeds from fundraising activities.

38. (1) The Executive Board shall appoint an internal auditor for the College, who shall be responsible for the internal audit of the College. Internal Audit.

(2) The Internal Auditor shall be answerable to the Executive Board.

(3) The Internal Auditor shall submit quarterly audit reports to the Executive Board through the Registrar.

39. (1) Every College shall submit to the Council as soon as practicable and in any event not more than two months after the end of each financial year, a report dealing generally with the activities of the College during the year to which the report relates and which shall include - Annual reports.

(a) the audited accounts of the College; and

(b) such other information as the College may consider necessary or the Council require.

PART IX – MISCELLANEOUS

40. The Minister may by statutory instrument make Regulations as it considers necessary or expedient for giving effect to any of the provisions of this Act. Regulations