

CHAPTER 109.**WEST AFRICAN EXAMINATIONS COUNCIL**
(SIERRA LEONE STATUS).**ARRANGEMENT OF SECTIONS.****SECTION.**

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1. Short title, commencement and application.
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SCHEDULE.

CHAPTER 109.**WEST AFRICAN EXAMINATIONS COUNCIL**
(SIERRA LEONE STATUS).

38 of 1952.
22 of 1959.

An Ordinance to Provide for the Status and Functions, including the Powers and Duties, within Sierra Leone of the West African Examinations Council which was Established in the Gold Coast by the West African Examinations Council Ordinance, 1951, of the Gold Coast, and for Purposes Connected therewith.

[31ST DECEMBER, 1951.]

WHEREAS there was established in the Gold Coast by the West African Examinations Council Ordinance, 1951, (Gold Coast Ordinance No. 40 of 1951) the provisions of which are set out in the Schedule to this Ordinance and which is hereinafter referred to as "the Gold Coast Ordinance" the West African Examinations Council (hereinafter referred to as "the Council"):

AND WHEREAS the Council was so established to conduct, or to arrange for the conducting of, such examinations in the West African Territories (that is to say, the Gambia, the Gold Coast, Nigeria and Sierra Leone collectively) as may be necessary in the public interest:

AND WHEREAS the Gold Coast Ordinance makes provision for three members of the Council to be nominated by the Officer Administering the Government of Sierra Leone:

AND WHEREAS it is desirable to make statutory provision in Sierra Leone whereby the Council may be given status and functions, including powers and duties, within Sierra Leone:

1. This Ordinance may be cited as the West African Examinations Council (Sierra Leone Status) Ordinance, and shall be deemed to have had effect as from the 31st day of December, 1951 (being the date upon which the Gold Coast Ordinance came into operation), and shall apply to the Colony and Protectorate.

Short title, commencement and application.

2. The Council established by section 3 and incorporated by section 5 of the Gold Coast Ordinance (which Council shall be known in Sierra Leone as the West African Examinations Council) shall also be within Sierra Leone a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name; and subject to the provisions of section 3, the Council shall have within Sierra Leone the like functions (which expression shall include powers and duties) as it has within Ghana under the provisions of the Gold Coast Ordinance.

Status and functions of the Council.

3. (1) The power to nominate three members of the Council conferred by paragraph (d) of sub-section (1) of section 4 of the Gold Coast Ordinance upon the Officer Administering the Government shall be exercised by the Governor in Council.

Modifications in relation to Sierra Leone, of sections 4, 14 and 17 of the Gold Coast Ordinance.

(2) The provisions of section 14 of the Gold Coast Ordinance (which relates to accounts and audit) shall apply in relation to the functions of the Council in Sierra Leone, save that the accounts may be made up and audited in Ghana.

(3) The provisions of section 17 of the Gold Coast Ordinance (which relates to the acquisition of land) shall not apply in relation to the functions of the Council in Sierra Leone.

4. The provisions of sections 18, 19 and 21 of the Gold Coast Ordinance (which relate respectively to widows' and orphans' pensions, pensionable offices, and discipline) shall apply in relation to employees of the Council in Sierra Leone as though they were employed in Ghana.

Application of sections 18, 19 and 21 of the Gold Coast Ordinance.

SCHEDULE.*

THE WEST AFRICAN EXAMINATIONS ORDINANCE, 1951 (GOLD COAST
ORDINANCE NO. 40 OF 1951).

An Ordinance to provide for the establishment of a Council to conduct, or arrange for the conducting of, such examinations in the West African Territories as may be necessary in the public interest and for purposes connected therewith.

Date of
commence-
ment.

[31ST DECEMBER, 1951]

BE IT ENACTED by the Governor of the Gold Coast with the advice and consent of the Legislative Assembly thereof, as follows—

Short title.

1. This Ordinance may be cited as the West African Examinations Council Ordinance, 1951.

Interpreta-
tion.

2. In this Ordinance, unless the context otherwise requires—

“the Council” means the West African Examinations Council established by section 3 of this Ordinance;

“Local Committee” means a Committee established under subsection (1) of section 15 of this Ordinance;

“the West African Territories” means the Gambia, the Gold Coast, Nigeria and Sierra Leone collectively.

PART I.—ESTABLISHMENT AND CONSTITUTION OF THE COUNCIL.

Establish-
ment of the
Council.

3. For the purpose of holding such examinations in the West African Territories as may be necessary in the public interest there shall be hereby established a Council, to be called the West African Examinations Council.

Constitution
of the
Council.
22 of 1959
(of Sierra
Leone).

4. (1) The Council shall consist of the following members—

(a) the Chairman, nominated by the Council;

(b) four members nominated by the Governor in Council one of whom shall be a representative of the Council of the University College of the Gold Coast;

(c) four members nominated by the Officer Administering the Government of Nigeria;

(d) three members nominated by the Officer Administering the Government of Sierra Leone;

(e) two members nominated by the Officer Administering the Government of Gambia;

(f) two members nominated one by the University of Cambridge and the other by the University of London:

* The Ordinance, set out in this Schedule, was enacted in the Gold Coast in 1951 and was in force at the coming into operation of the Ghana (Constitution) Order in Council, 1957 (S.I. 1957/277), and continues to be in force.

The Ordinance, *qua* Schedule to Cap. 109, has been amended by No. 22 of 1959 of Sierra Leone, where this latter Ordinance is noted in the margin.

Provided that after the constitution of Local Committees under the provisions of sub-section (1) of section 15 of this Ordinance, the Council shall include such members, not in excess of sixteen in number, as shall be nominated by such Local Committees in accordance with the provisions of this Ordinance.

(2) A member nominated under the provisions of paragraphs (a) to (f) inclusive of sub-section (1) of this section shall retain his membership of the Council during the pleasure of the person who nominated him as a member of the Council.

(3) A member nominated by a Local Committee shall retain his membership of the Council for a period not exceeding four years from the date of his nomination, but without prejudice to the right of a Local Committee to nominate a retiring member for a further such period.

(4) Any member of the Council who has been nominated as the person for the time being holding a particular office shall be entitled to nominate, by notice to the Chairman, a temporary member to attend any particular meeting or meetings of the Council in his place and every such temporary member shall have all the powers and authority of the member whom he has replaced until such member notifies the Chairman that he proposes to resume his attendance at meetings of the Council or until the term of office of such member shall have terminated, whichever shall occur first.

(5) If any member of the Council who has been nominated by name is incapacitated by illness, absence from the West African Territories or other sufficient cause from performing the duties of his office, a temporary member may be nominated in the same manner as and in accordance with the same procedure under which the incapacitated member was nominated and every such temporary member shall have all the powers and authority of the member whom he has replaced until such member is again able to perform the duties of his office or until the term of office of such member shall have terminated whichever shall occur first:

Provided that in the case of such incapacity of the Chairman the Council may nominate an existing member of the Council to be the Chairman during the period of such incapacity.

5. (1) The Council shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

Incorporation and seal of Council.

(2) The common seal of the Council shall not be used or affixed to any document save in pursuance of a resolution in that behalf passed at a duly constituted meeting of the Council and recorded in the minutes of such meetings.

PART II.—POWERS, DUTIES AND PROCEDURE OF COUNCIL.

6. The Council may—

(a) enter into contracts and do all things necessary for, or incidental to the purposes of this Ordinance;

(b) acquire and hold moveable or immoveable property and sell, mortgage, lease or otherwise deal with such property.

(c) borrow at interest, on the security of any corporate land or funds of the Council, such moneys as the Council may from time to time think

Powers of Council.
22 of 1959
(of Sierra Leone).

necessary or expedient for carrying into effect the provisions of this Ordinance;

(d) from time to time invest the funds of the Council in such manner and to such extent as the Council may think necessary or expedient;

(e) appoint a Registrar to the Council and delegate to him all or any part of the duties imposed upon the Council by the provisions of subparagraphs (i), (ii) and (iii) of paragraph (b) and of paragraph (d) of section 8 of this Ordinance which relate to the holding of examinations and the appointment of employees of the Council respectively:

Provided that the first Registrar may be appointed by the Secretary of State after consultation with the Governments of the Gambia, the Gold Coast, Nigeria and Sierra Leone:

Provided further that nothing in this paragraph shall authorise the delegation to the Registrar of the appointment of an employee whose annual salary exceeds three hundred pounds or, if the appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding three hundred pounds.

Appoint-
ment of Com-
mittees and
persons to
assist the
Council.

7. (1) (a) The Council may from time to time appoint from among the members thereof such Committees (hereinafter referred to as "Committees of the Council"), as the Council shall think fit, and the Council shall specify the duties and powers of a Committee appointed under the provisions of this sub-section.

(b) Every question which comes before any such Committee of the Council shall be decided by a majority of the votes of the members thereof, and, in so far as the procedure of meetings of such Committee is not prescribed by this Ordinance or by the Council, the Committee may regulate its own procedure.

(2) The Council may at any time appoint any person to assist in the deliberations of the Council but no such person shall be, or be deemed to be, a member of the Council.

Duties of
Council.

8. It shall be the duty of the Council—

(a) to review and consider annually the examinations to be held in the West African Territories, for the purpose of furthering the public interest in the West African Territories:

(b) (i) to conduct such examinations as the Council may think appropriate to the purposes of this Ordinance and to award certificates and diplomas on the results of examinations so conducted;

(ii) to invite any body or bodies, established in the United Kingdom for the conduct of examinations which the Council may think fit to conduct examinations in the West African Territories, so to conduct examinations and to award certificates and diplomas on the result of such examinations; to advise any body so invited on such adaptation of their examinations as the Council may think necessary for the purposes of this Ordinance and generally to assist any body so invited in the conduct of such examinations in the West African Territories:

Provided always that no adaptation shall be advised under this paragraph which shall have the effect that any certificate or diploma shall be awarded on the result of such examinations at a lower standard than is required for the award of a similar certificate or diploma as a result of an examination in the United Kingdom;

(iii) if invited by the Government of the Gambia, of the Gold Coast, of Nigeria or of Sierra Leone to arrange for the examination of persons for the purpose of appointment to or promotion in the public service, to conduct such examinations or to arrange for the conduct of such examinations by any body or bodies, established in the United Kingdom for the conduct of examinations, which the Council may think fit to hold examinations for this purpose in the West African Territories;

(c) to receive from any Local Committee or Committees established under section 15 of this Ordinance reports and recommendations on any matters relevant to the purposes of this Ordinance and to consider such reports and recommendations; and

(d) subject to the provisions of this Ordinance, to appoint and to fix the salaries and terms of appointment of employees (including the Registrar to the Council) whom the Council may think fit to employ;

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(of Sierra
Leone).

Provided that no person shall be appointed to an office declared to be a pensionable office under the provisions of sub-section (1) of section 19 of this Ordinance on terms which are inconsistent with the provisions of sub-sections (2) and (3) of section 19 of this Ordinance.

9. (1) The Council shall ordinarily meet for the despatch of business at such times and places as the Council may from time to time appoint, and at least one meeting shall be held in each year.

Meetings of
the Council.

(2) The Chairman may, and on the request in writing of six members of the Council shall, call a special meeting of the Council at such time and place as he may appoint.

(3) At every meeting of the Council the Chairman, if present, shall preside, but in his absence the Council shall appoint one of the members present to preside.

(4) Every question which comes before the Council at any meeting shall be decided by a majority of the votes of the members present.

(5) Twelve members shall form a quorum at any meeting.

(6) The Chairman of any meeting shall have a vote and, in the case of an equality of votes, a second or casting vote.

10. Minutes of the proceedings of every meeting of the Council shall be entered in a book to be kept for that purpose, and minutes of proceedings shall, after approval, be signed at the next ensuing meeting by the Chairman thereof.

Minutes of
the Council.

11. (1) The Council may from time to time make standing orders, not inconsistent with the provisions of this Ordinance, to ensure due notice being given to members of the meetings of the Council and to regulate the proceedings of the Council, a Local Committee and of any committee of the Council appointed under sub-section (2) of section 16 of this Ordinance.

Standing
Orders.

(2) The standing orders for the time being in force shall be followed and observed by the Council, a Local Committee and any committee of the Council respectively.

PART III.—FINANCE.

12. (1) The funds of the Council shall include:—

Funds of the
Council.

(a) all moneys raised for the general purposes of the Council;

(b) all moneys accruing to the Council either by way of grants-in-aid, endowment, donation or otherwise;

(c) all charges, dues or fees received by the Council;

(d) all interest on moneys invested by the Council.

(2) The funds of the Council shall be applied by the Council to the accomplishment of the purposes of this Ordinance.

Payment
into bank.

13. All sums of money received on account of the Council may be paid into such bank or banks as may be approved by the Council for the credit of the Council's general current or deposit account.

Accounts
and audit.

14. (1) The Council shall cause to be prepared not later than the 31st day of May in each year—

(a) a statement showing in detail the items of income and expenditure and the profit or loss of the Council for the year ending on the 31st day of March immediately preceding; and

(b) a statement of the assets and liabilities of the Council as they stood on the 31st day of March immediately preceding.

(2) Such statements shall be audited and published in such manner as the Council shall direct.

PART IV.—CONSTITUTION AND DUTIES OF LOCAL COMMITTEES.

Constitution
of Local
Committees.

15. (1) A Local Committee may be established in any part of the West African Territories by the Council, and any Local Committee may consist of such persons or holders of offices as the Council shall think fit:

Provided that not more than sixteen Local Committees may be established.

(2) Every Local Committee shall elect one of its members to be Chairman.

Duties and
powers of
Local
Committees.

16. (1) It shall be the duty of every Local Committee—

(a) to advise the Council on any matter on which advice may be sought; and

(b) subject to such general directions as the Council may give to nominate a member or number of members, as prescribed by the Council, to the Council.

(2) A Local Committee may make a report or recommendations to the Council on any matter relevant to the provisions of this Ordinance.

(3) A Local Committee may from time to time appoint from among its members such sub-committees as they shall think fit and on the appointment of a sub-committee the Local Committee shall specify the duties of such sub-committee.

PART V.—MISCELLANEOUS.

Acquisition
of land.

17. (1) When there is any hindrance to the acquisition by purchase or lease of any land or building in the Gold Coast required for carrying into effect any of the provisions of this Ordinance, the Governor, upon the application of the Council and after such enquiry as he may think fit, may declare that the land or building is required for the service of the Council and upon such declaration such land or building shall, if such land or building is to be

acquired by purchase, for the purposes of the Public Lands Ordinance be deemed to be land required for the service of the Colony and Ashanti or, if such land or building is to be acquired by lease, shall for the purposes of the Public Lands (Leasehold) Ordinance, 1950, be deemed to be land required for a public purpose; and the Governor may direct that proceedings be taken under the provisions of the Public Lands Ordinance or under the Public Lands (Leasehold) Ordinance, 1950, whichever shall be more appropriate, for acquiring the land or building for the Government of the Gold Coast and for determining the compensation to be paid to the parties interested.

Cap. 113.
No. 55 of
1950.

(2) When any land or building has been acquired under the provisions of the Public Lands Ordinance or the Public Lands (Leasehold) Ordinance, 1950, consequent upon a direction given under sub-section (1) of this section the Governor may vest such land or building in the Council by means of a certificate under the hand and seal of the Commissioner of Lands to the effect that the land or building has been transferred to the Council.

Cap. 113
No. 55 of
1950.

(3) The compensation, if any, for such acquisition shall in the first instance be paid by the Government of the Gold Coast, but the Council shall refund to such Government any compensation so paid and all expenses incidental to such acquisition incurred by such Government.

Cap. 113.
No. 55 of
1950.

18. (1) The Council at any time, with the approval of the Governor, may require any employee of the Council, being a person who if he were in the service of the Government of the Gold Coast would be deemed to be a "European Officer" within the meaning of such Ordinance, to contribute to the scheme established by the Pensions (Widows' and Orphans') Ordinance.

Widows' and
Orphans'
Pensions

Cap. 31.

(2) Where the Council requires any person to contribute in accordance with sub-section (1) of this section, the provisions of the Pensions (Widows' and Orphans') Ordinance shall apply to such person in the same manner and to the same extent as if such person were, whilst an employee of the Council, in the service of the Government of the Gold Coast, and every person so contributing shall be deemed to be a "European Officer" within the meaning of such Ordinance.

Cap. 31.

19. (1) It shall be lawful for the Governor in Council by order to declare that any office under the Council shall be a pensionable office for the purposes of the Pensions Ordinance, 1950.

Pensionable
offices.

(2) The provisions of the Pensions Ordinance, 1950, shall, subject to the provisions of sub-section (3) of this section, apply or continue to apply to employees of the Council confirmed in offices declared to be pensionable under sub-section (1) of this section in the same manner and to the same extent as the said provisions would apply to such employees if they were serving in a civil capacity in a pensionable office in the Gold Coast under the Government of the Gold Coast.

No. 42 of
1950.

(3) For the purpose of this section the Pensions Ordinance 1950, shall have effect as if in sub-section (1) of section 7 and sub-section (2) of section 9 of that Ordinance the word "Council" were substituted for the words "Chief Secretary" and the word "Governor" wherever such words appear therein.

20. The Council may make regulations prescribing the fees chargeable to entrants to, and relating to the conduct of, any examinations conducted under the provisions of paragraph (b) of section 8 of this Ordinance, including, but without prejudice to the generality of the foregoing, regulations relating to—

Power to
make
regulations.

(a) the persons or categories of persons who may enter for such examinations;

(b) the conduct of entrants during such examinations.

All such regulations shall be reduced into writing and shall come into force when signed by the Chairman of the Council and sealed with the seal of the Council. It shall not be obligatory to publish such regulations in the *Gazette*.

Discipline.
22 of 1959
(of Sierra
Leone).

21. (1) Every employee of the Council who is in receipt of an annual salary of not less than three hundred pounds or, if his appointment contains provisions for increases in salary, who may receive a maximum annual salary thereunder exceeding three hundred pounds shall be subject to the authority of the Council.

(2) Every employee of the Council who is in receipt of an annual salary of less than three hundred pounds or, if his appointment contains provisions for increases in salary, who is on terms of maximum annual salary thereunder not exceeding three hundred pounds or is paid otherwise than in terms of an annual salary, shall subject to the authority of the Registrar to the Council, and for the purpose of discipline, including dismissal, to such directions as the Registrar to the Council may either generally or specifically issue:

Provided that no pensionable member of the staff shall be dismissed without the approval of the Council.
