

CHAPTER 186.

**WEST AFRICAN COCOA RESEARCH INSTITUTE
(SIERRA LEONE STATUS).**

ARRANGEMENT OF SECTIONS.

SECTION.

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4. Modification in relation to Sierra Leone of certain provisions of the Gold Coast Ordinance.

SCHEDULE.

**THE WEST AFRICAN COCOA RESEARCH INSTITUTE ORDINANCE (GOLD COAST
ORDINANCE CAP. 164).**

CHAPTER 186.

**WEST AFRICAN COCOA RESEARCH INSTITUTE
(SIERRA LEONE STATUS).**

An Ordinance to provide for the status and the functions, including the powers and duties, within Sierra Leone of the West African Cocoa Research Institute and the West African Cocoa Research Institute Managing Committee which were established in the Gold Coast by the West African Cocoa Research Institute Ordinance, 1947, of the Gold Coast, and for purposes connected therewith.

31 of 1957.
35 of 1959.

[15TH DECEMBER, 1956.]

WHEREAS there were established in the Gold Coast by the West African Cocoa Research Institute Ordinance (Gold Coast Ordinance Cap. 164) the provisions of which (as amended by the West African Cocoa Research Institute (Amendment) Ordinance, 1954, No. 11 of 1954, and the West African Cocoa Research Institute (Amendment) Ordinance, 1956, No. 36 of 1956) are set out in the Schedule to this Ordinance, and which is hereinafter referred to as "the Gold Coast Ordinance", the West African Cocoa Research Institute hereinafter referred to as "the Institute", and the West African Cocoa Research Institute Managing Committee hereinafter referred to as "the Committee":

Preamble.

AND WHEREAS the Institute was so established for the purposes of undertaking research into, and investigation of, all problems and matters relating to cocoa, and for the provision of information and advice relating to cocoa:

AND WHEREAS the Committee was established as a body corporate to manage the affairs of the Institute:

AND WHEREAS by the West African Cocoa Research Institute (Amendment) Ordinance, 1956 (No. 36 of 1956), of the Gold Coast provision was made for Sierra Leone to participate in the work of the West African Cocoa Research Institute and for one member of the Committee to be nominated by the officer administering the Government of Sierra Leone:

AND WHEREAS it would enure to the benefit of the Sierra Leone cocoa industry were the Institute and the Committee to be given status and functions, including powers and duties, within Sierra Leone:

Short title
and com-
mencement.

1. This Ordinance may be cited as the West African Cocoa Research Institute (Sierra Leone Status) Ordinance, and shall be deemed to have had effect as from the 15th day of December, 1956 (being the date upon which the Gold Coast Ordinance entitled "the West African Cocoa Research Institute (Amendment) Ordinance, 1956" (No. 36 of 1956) came into operation).

Status and
functions of
the Institute.

2. Subject to the provisions of section 4, the Institute established by section 2 of the Gold Coast Ordinance (which shall be known in Sierra Leone as the West African Cocoa Research Institute) 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
Committee.

3. The Committee established by section 3 of the Gold Coast Ordinance and incorporated by section 6 of that Ordinance (which shall be known in Sierra Leone as the West African Cocoa Research Institute Managing Committee) 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 4, the Committee 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.

4. (1) The power of the Committee under sub-section (4) of section 7 of the Gold Coast Ordinance shall apply in relation to the employment of servants in Sierra Leone as though they were employed in Ghana.

Modification in relation to Sierra Leone of certain provisions of the Gold Coast Ordinance.

(2) The provisions of section 14 of the Gold Coast Ordinance shall apply in relation to any activities of the Institute and the Committee in Sierra Leone, save that the accounts may be made up and audited in Ghana.

(3) The provisions of section 15 of the Gold Coast Ordinance shall not apply in relation to the functions of the Committee in Sierra Leone.

(4) The provisions of section 16 of the Gold Coast Ordinance shall apply in relation to the discipline of servants of the Institute or the Committee employed in Sierra Leone as though they were employed in Ghana.

(5) The power to dissolve the Institute and the Committee and all other powers conferred by section 17 of the Gold Coast Ordinance shall, in so far as the Institute and the Committee have assets in Sierra Leone, devolve upon the Governor of Sierra Leone and shall be exercised by him subject to the approval of the Secretary of State.

5. (1) It shall be lawful for the Governor by Order to declare that any office under the Institute or Committee shall be a pensionable office for the purposes of the Pensions Ordinance.

Pensionable Officers.

Cap. 173.

(2) The provisions of the Pensions Ordinance shall, subject to the provisions of sub-section (3) of this section, apply or continue to apply to employees of the Institute or the Committee 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 Sierra Leone under the Government of Sierra Leone.

35 of 1959.

(3) For the purpose of this section the Pensions Ordinance shall have effect as if in paragraphs (1) and (6) of section 7 and sub-sections (1) and (2) of section 9 of that Ordinance the word "Committee" were substituted for the words "Governor" and "Governor in Council" wherever such words appear therein.

(4) Nothing in the provisions of sub-section (2) shall prevent the appointment of a person to a pensionable office on terms which preclude the grant of a pension under the Pensions Ordinance to such a person in respect of his service in that office.

Membership of the Committee not a public office for the purposes of the Sierra Leone (Constitution) Order in Council, 1958.

6. It is hereby declared that the office of member of the Committee shall not be a public office for all or any of the purposes of the Sierra Leone (Constitution) Order in Council, 1958.

SCHEDULE.*

THE WEST AFRICAN COCOA RESEARCH INSTITUTE ORDINANCE (GOLD COAST ORDINANCE CAP. 164).

Ordinances Nos. 1 of 1947, 11 of 1954, 36 of 1956.

An Ordinance for the Establishment of an Institute to Undertake Research into Matters relating to Cocoa, for the Incorporation of a Committee to Manage the Institute and for other purposes connected therewith.

Date of commencement.

[12TH APRIL, 1947.]

BE IT ENACTED by the Governor of the Gold Coast, with the advice and consent of the Legislative Council thereof so far as the provisions hereof relate to the Colony and Ashanti, as follows—

Short title.

1. This Ordinance may be cited as the West African Cocoa Research Institute Ordinance.

PART I.—ESTABLISHMENT OF INSTITUTE AND COMMITTEE.

Establishment of Institute.

2. For the purposes of undertaking research into, and investigation of, all problems and matters relating to cocoa, and for the provision of information and advice relating to cocoa, there is hereby established an institute, to be called the West African Cocoa Research Institute (hereinafter referred to as the Institute).

Establishment of Committee.

3. There shall be established a committee to be called the West African Cocoa Research Institute Managing Committee (hereinafter referred to as the Committee), with powers, duties and procedure as detailed in sections 7 to 14 of this Ordinance.

Appointment of Director.

4. (1) The Director of the Institute (hereinafter referred to as the Director) shall be such person as the Secretary of State may, after consultation with the Governor and the officers administering the Governments of Nigeria and Sierra Leone, appoint, and he shall hold office during the pleasure of the Secretary of State.

(2) When the Director is through absence, illness or other good cause unable to discharge the duties of his office, the Secretary of State may appoint a person temporarily to discharge such duties.

Constitution of Committee.

5. (1) The Committee shall be constituted by the following members—

(a) the Chairman, to be nominated by the Secretary of State after consultation with the Governor and the officers administering the Governments of Nigeria and Sierra Leone;

* 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 subject to the following provisions (which are to be seen in section 79 of the Order in Council)—

Every reference to "the Governor" or "the Secretary of State" shall be read and construed as a reference to "the Governor General".

Every reference to "the Gold Coast" shall be read and construed as a reference to "Ghana".

Every reference to the "Legislative Assembly" shall be read and construed as reference to the "National Assembly".

(b) members not exceeding five in number to be nominated by the Governor, of whom two shall be members of the Cocoa Marketing Board established under the Gold Coast Cocoa Marketing Board Ordinance; Cap. 186.

(c) members not exceeding five in number, to be nominated by the officer administering the Government of Nigeria;

(cc) one member to be nominated by the officer administering the Government of Sierra Leone; and

(d) the Director.

(2) The Chairman and the Director shall retain their membership of the Committee during the pleasure of the Secretary of State exercised after consultation with the Governor and the officers administering the Governments of Nigeria and Sierra Leone.

(3) The members respectively nominated by the Governor and the officers administering the Governments of Nigeria and Sierra Leone shall retain their membership of the Committee during the pleasure of the Governor or the officer administering the Government of Nigeria or of Sierra Leone, as the case may be.

6. (1) The Committee shall be a body corporate having perpetual succession and a common seal, and may sue and be sued in its corporate name. Incorporation
of
Committee.

(2) The common seal of the Committee 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 Committee and recorded in the minutes.

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

7. (1) Subject to any directions, specific or general, of the Secretary of State, the Committee may— Powers of
Committee.

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

(b) acquire and hold movable or immovable property and sell, mortgage, lease, transfer or otherwise deal with such property;

(c) borrow at interest, on the security of any corporate land or any funds of the Committee, such moneys as the Committee may from time to time think necessary or expedient for carrying into effect the provisions of this Ordinance;

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

(e) with the approval of the Secretary of State, delegate to the Director all or any of the duties imposed upon the Committee by that portion of paragraph (i) of section 8 of this Ordinance which relates to the appointment of servants of the Institute.

(2) (a) The Committee may from time to time appoint from among its members such and so many sub-committees, either of a general or special nature and consisting of such number of persons as they shall think fit, for any purpose which the Committee may think would be better managed or regulated by means of such sub-committees, and where such power of appointment is exercised the Committee shall specify the duties and powers of the sub-committee appointed.

(b) Every question which comes before any such sub-committee shall be decided by a majority of the votes of the members thereof.

(3) The Committee may at any time appoint, and terminate the appointment of, any person to assist in the deliberations of the Committee, but no such person shall be, or shall be deemed to be, a member of the Committee.

Cap. 31.

(4) (a) The Committee at any time, with the approval of the Governor, may require to contribute to the scheme established by the Pensions (Widows and Orphans) Ordinance any servant of the Institute or of the Committee, 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.

(b) Where the Committee requires any person to contribute in accordance with paragraph (a) of this sub-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 in the service of the Government of the Gold Coast, and every such person so contributing shall be deemed to be a "European officer" within the meaning of such Ordinance.

(c) "Servant of the Institute" means a person engaged by the Director in the exercise of his delegated powers for work in or in connection with the Institute.

Duties of
Committee.

8. It shall be the duty of the Committee—

(a) to formulate statements of the research needs of the cocoa industry and of their relative urgency;

(b) to arrange for the annual preparation by the Director of a detailed research programme;

(c) to arrange for the annual submission of such programme to the Secretary of State for approval;

(d) to arrange for the annual preparation by the Director of a statement of the expenditure necessary to carry out the approved programme;

(e) to arrange for the annual submission of such statement to the Secretary of State for approval;

(f) to consider matters relating to the provision of advice to cocoa producers;

(g) to receive reports from the Director of the progress of research and advisory work and the expenditure and liabilities incurred, to make such observations thereon as they may think fit and to arrange for the transmission of such reports and observations, if any, to the Secretary of State;

(h) to advise the Director on any matter on which advice may be sought;

(i) subject to any directions, specific or general, of the Secretary of State, to appoint, and to fix the salaries and terms of appointment of, and to dismiss, the servants of the Institute and any servant the Committee may think fit to employ;

(j) to perform such other duties as may be prescribed by the Secretary of State.

Meetings of
Committee.

9. (1) The Committee shall ordinarily meet for the despatch of business at such times and places as the Committee may from time to time appoint, but not less than once a year.



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

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

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

(5) Five members shall form a quorum for any meeting.

(6) The member presiding at 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 Committee shall be regularly entered in a book to be kept for that purpose, and minutes of proceedings of meetings shall, after approval, be signed at the next ensuing meeting by the member presiding thereat. Minutes of the Committee.

11. (1) The Committee may from time to time make, amend or revoke standing orders, not inconsistent with the provisions of this Ordinance, to ensure due notice being given to members of the meetings of the Committee and to regulate the proceedings of the Committee or any sub-committee appointed under sub-section (2) of section 7 of this Ordinance. Standing orders.

(2) The standing orders for the time being in force shall be followed and observed and shall be binding upon the Committee and any such sub-committee, as the case may be.

PART III.—FINANCE.

12. (1) The funds of the Committee shall include— Funds of the Committee.

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

(b) all moneys accruing to the Committee from the Imperial Government or from any Government either by way of grant-in-aid or endowment or otherwise;

(c) all charges, dues or amounts recovered by the Committee;

(d) all interest on moneys invested by the Committee;

(e) all donations accruing to the Committee for the general purposes of the Institute from any sources other than sources specified in this Ordinance;

(f) any other money accruing to the Committee or the Institute in the course of the operations of the Committee or Institute.

(2) The funds of the Committee shall, subject to the approval, general or specific, of the Secretary of State, be applied by the Committee to the accomplishment of the purposes of this Ordinance.

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

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

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

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

(2) Such statements shall be audited and published in such manner as the Committee, subject to any directions which from time to time may be given by the Secretary of State, may direct.

PART IV.—MISCELLANEOUS.

Acquisition
of land.

15. (1) When there is any hindrance to the acquisition by purchase or lease of any land or building required for carrying into effect any of the provisions of this Ordinance, the Governor, upon the application of the Committee and after such enquiry as he may think fit, may declare that the land or building is required for the service of the Committee; and he may direct that proceedings be taken under the provisions of the Public Lands Ordinance 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.

(2) When the land or building has been acquired under the provisions of the Public Lands Ordinance, the Governor may vest such land or building in the Committee 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 made over to the Committee.

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

Pension-
ability of
officers.
No. 42 of
1950.

15A. (1) It shall be lawful for the Governor in Council by Order to declare that the office of Director and any office under the Institute or Committee shall be a pensionable office for the purposes of the Pensions Ordinance, 1950.

(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 persons 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 persons if they were serving in a civil capacity in a pensionable office in the Gold Coast under the Government of the Gold Coast.

(3) For the purposes 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 "Committee" were substituted for the words "Chief Secretary" and the word "Governor" respectively wherever such words appear therein except in relation to the Director in which case, for the purposes of this section, the Pensions Ordinance, 1950, shall have effect as if the words "Secretary of State, acting after consultation with the Governor and the officers administering the Governments of Nigeria and Sierra Leone" and "Committee" were substituted for the words "Governor" and "Chief Secretary" respectively wherever such words appear in those sub-sections.

(4) Nothing in the provisions of sub-section (2) of this section shall prevent the appointment of a person to a pensionable office on terms which preclude the grant of a pension under the Pensions Ordinance, 1950, to such a person in respect of his service in that office.

Discipline.

16. (1) (a) Every servant of the Institute or of the Committee, who is in receipt of an annual salary of not less than forty-eight pounds, shall be subject

to the authority of the Director or of the Committee, as the case may be, and to the provisions of the Colonial Regulations and the General Orders of the Government of the Gold Coast.

(b) For the purpose of discipline, the provisions of the Colonial Regulations shall apply to every such servant when invoked by the Governor at the request of the Secretary of State or a servant may be dealt with disciplinarily in such other manner as the Secretary of State, either specifically or generally, may determine or, in the case of a minor offence by a servant, he may be dealt with disciplinarily by the Director, if a servant of the Institute, or by the Committee, if a servant of the Committee, in such manner as the Director or the Committee, as the case may be, may either generally or specifically determine.

(2) Every servant of the Institute or of the Committee who is in receipt of an annual salary of less than forty-eight pounds or is paid salary other than an annual salary, shall be subject to the authority of the Director or the Committee, as the case may be, and for the purpose of discipline, including dismissal, to such directions as the Director or the Committee, as the case may be, may either generally or specifically issue.

17. The Governor, upon the direction of the Secretary of State, may by order declare that the Committee and Institute, as established by this Ordinance, shall be dissolved and cease to exist as from a date to be specified in the order, and thereupon any balance of the funds of the Committee, including the capital assets, remaining at such date shall be disposed of and applied as may be directed by the Secretary of State to further the best interests of the cocoa producers of West Africa.

Power to
dissolve
Committee
and
Institute.