THE OPEN UNIVERSITY OF TANZANIA ACT, 1992

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section *Title*

1. Short title and commencement.
2. Interpretation.

PART II

OPEN UNIVERSITY OF TANZANIA

3. Establishment of Open University of Tanzania.
4. Objects and functions.

PART III

AWARDS OF DEGREES, DIPLOMAS, ETC

5. Award of degrees, etc.
6. Degrees honoris causa.

PART IV

ADMINISTRATION

(a) *Chancellor and other Senior Officers*

7. Chancellor.
8. Vice Chancellor.
9. Deputy Vice Chancellor.
IO. Registrar.

(b) *Council*

11. Council.
12. Powers of the Council.
13. Secretary of the Council.
14. Validity of acts of Council in certain cases.

(c) Boards and Committees

15. Faculty Boards.
16. Appointments Committee for Academic Staff.
17. Appointments Committee for Administrative Staff.
18. Other Boards and Committees.

(d) Senate

19. Senate.
20. Functions of the Senate.

(e) *Faculties and Institutes*

2 21. Faculties and Institutes.

(f) *Staff of the University*

-22. Academic Staff of University.
23. Appointment of Dean and Director.
24. Powers of Academic Appointment Committee.
25. Vacancy of Senior Academic Post.
26. Administrative Staff.
27. Power to Abolish Officers.
28. Power to appoint administrative staff.
29. Power to terminate appointments.
30. Delegation of the Council's powers.
31. Application of Second Schedule.
32. Exercise of powers conferred under Section 29.
33. Terms of employment of University Staff.

PART V

DISCIPLINE

34. Interpretation.
35. Council may make by-laws.
36. Investigation of disciplinary offence.
37. Registrar may delegate powers.
38. Formal and summary proceedings.
39. Institution of formal proceedings.
40. Institution of Summary proceedings.
41. Disciplinary Appeals Committee.
42. Appeal by convicted student.
43. Disciplinary offence not deemed offence under written law.
44. Decisions of Disciplinary Appeals Committee final.

PART VI

CONVOCATION

(a) *Convocation*

45. Convocation members.
46. Meeting of Convocation.
47. President of Convocation.
48. Procedure of Convocation.
49. Registrar to report on business of Convocation.

(b) *Academic Staff Assembly*

50. Academic Staff Assembly.

PART VII

FINANCIAL PROVISIONS

51. Management of property of University.
52. Funds of the University.
53. Investments of University funds.
54. Financial year.
55. Annual budget estimates.
56. Accounts of University.
57. Annual financial report of Vice-Chancellor
58. Financial report to be tabled in National Assembly

PART VIII

MISCELLANEOUS PROVISIONS

59. Regulations
60. Fees and allowances
61. Chancellor may give direction
62. Indemnity for *bona* fide acts
63. Validity of acts of Senate or Board in certain cases
64. Transitional and consequential provisions
65. Students Organization
66. Functions of Students organization

———

FIRST SCHEDULE-Section 8(l)

———

Provisions relating to the Search Committee

———

SECOND SCHEDULE-Section 11(2)

———

Provisions relating to the Council

———

THIRD SCHEDULE-Section 28

———

Provisions relating to the appointment of staff

———

FOURTH SCHEDULE-Section 64

———

Consequential and Transitional Provisions

THE UNITED REPUBLIC OF TANZANIA



NO. 17 OF 1992

I ASSENT,

.....

President

28/12/92

.....

An Act to establish the Open University of Tanzania and to provide for matters connected therewith or incidental thereto

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Open University of Tanzania Act, 1992 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Interpretation

2. In the Act, unless the context otherwise requires:—

"academic staff" shall have the meaning assigned to that term by section 22;

"administrative staff" shall have the meaning assigned to that term by Section 26;

"appointing authority" in relation to any member of the Council means the person or body of persons by whom such member was appointed or elected to the Council;

"appointment" in relation to the staff of the University, means an appointment of a person to the academic staff or the administrative staff of the University and includes an appointment on promotion or transfer, and also includes an acting appointment;

"Appointments Committee" means in relation to an appointment to the academic staff or any matter relating to a member of the academic staff the Committee established by Setion 16 and in relation to an appointment to the administrative staff or any matter relating to a member of the administrative staff on the committee established by section 17;

"Board" means a Board or Committee established under Section 18.
"the Chairman" means the Chairman of the Council;
"the Chancellor" means the Chancellor of the University;
"the Convocation" means the convocation established by Section 45;
"the Council" means the Council of the Open University of Tanzania established by Section 11;
"Dean" means the Dean of a Faculty;
"Deputy Vice-Chancellor" means a Deputy Vice-Chancellor appointed under Section 9;
"Director" means a Director of an Institute;
"distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
"Faculty" means a Faculty of the University established by Section 21;
"Faculty Board" means a Faculty Board established by Section 15;
"Financial year" means, subject to the provisions of Section 54, the period of twelve months commencing on the first day of July in any year and expiring on the thirtieth day of June in the following year;
"Institute" means an Institute established by Section 21;

"Inquiry Officer" means the inquiry officer appointed under Section 39(3);
"Member" in relation to-

(a) the Council, means a member of the Council and includes the Chairman;

(b) a Board, means a member of the Board and includes the Chairman of the Board;

(c) the Senate, means a member of the Senate and includes the Chairman of the Senate ,

.(d) the Convocation, means a member of the Convocation,

"Minister" means the Minister currently responsible for Higher Education;
Officer' means any person in the employment of the University but does not include the Vice-Chancellor, the Deputy Vice-Chancellor or the Registrar;
"Regional Centre" means a centre established or maintained by the University,
"Registrar" means the registrar appointed under Section 10;
"regulations" means regulations made under section 59;
"salary" includes any overseas pay addition but does not include any allowance or other monetary benefit;
"Search Committee" means a Committee set up as provided for in section 8(1) and whose functions shall be as shown in the First Schedule;
"Secretary" means the officer appointed by the Council to be the Secretary of the Council,
"the Senate" means the Senate of the University established by Section 19;

"Staff Association" means the academic staff association established by section 50;

"student" means a student of the University and includes any person who has enrolled himself for pursuing any course of study of the University;

Students Organisation" means an organ representative of the students of the University established by Section 65;

"Study Centre" means a centre established, maintained or recognised by the University;

"the University" means the Open University of Tanzania established by section 3;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 8.

PART II

OPEN UNIVERSITY OF TANZANIA

Establishment of Open University

3.-(1) There is hereby established a University to be known as the Open University of Tanzania.

(2) The University shall be a body corporate and shall-

(a) have perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued;

(c) be capable of purchasing and otherwise acquiring, and of alienating, any movable or immovable property; and

(d) have power from time to time to borrow such sums as it may require for its purposes.

Objects and functions

4. The objects and functions of the University shall be-

(a) to preserve, enhance and transmit knowledge by teaching and conducting research through various means, including the use of broadcasting and technological devices appropriate to higher education, by correspondence, tuition, residential courses and seminars;

(b) to provide opportunities for higher education to a broad segment of the population through distance learning;

(c) to promote the educational well-being of the community generally through distance education methods;

(d) to provide education of University and professional standards for its students and;

(e) to conduct examinations for, and to grant degrees, diplomas, certificates and other awards of the University.

PART III

AWARDS OF DEGREES/DIPLOMAS, ETC.

Award of degrees, etc.

5. It shall be lawful for the University-

(a) To confer the degrees of Bachelor, Master, Doctor and such other degrees as may be prescribed; and

(b) to grant diploma or certificates or other awards,

Degrees honoris *causa*

6. The provisions of section 5 shall apply respectively to the honorary. degrees which the Senate, with the approval of the Chancellor may wish to confer upon any person who, in the opinion of the Senate, has rendered distinguished service in the advancement of any branch of learning or has otherwise rendered himself worthy of such a degree.

PART IV

ADMINISTRATION

(a) *The Chancellor and Other Senior Officers*

Chancellor

7.-(l) The President of the United Republic shall be the chancellor of the University unless he sees fit to appoint some other person to the office of the Chancellor.

(2) The Chancellor shall. be the Head of the University and shall confer all degrees of the University.

(3) The Chancellor shall have such other functions as are conferred upon him by this Act.

Vice-Chancellor

8.-(I) There shall be a Vice-Chancellor of the University who shall be appointed by the Chancellor from a list of not more than three and not fewer than two persons submitted by a Search Committee set up in accordance with the First Schedule:

Provided that in the case of the first Vice-Chancellor, the Chancellor will not have to make any reference to the Search Committee.

(2) The Vice-Chancellor shall hold office for term of four years and may be re-appointed for one further term of four years.

(3) The Vice-Chancellor shall be the principal executive officer of the University and shall be responsible to the Council for the implementation of the decisions of the Council.

(4) The Vice-Chancellor shall have such other functions as are conferred upon him by this Act or as may be prescribed.

Deputy Vice-Chancellor

9.-(l) There shall be a Deputy Vice-Chancellor or Deputy Vice-Chancellors of the University up to three in number who shall be appointed by the Chancellor after consultation with the Vice-Chancellor from amongst the Professors of the University.

(2) A Deputy Vice-Chancellor shall hold office for a period of three years provided that he may not be reappointed for more than one further consecutive term.

(3) The Deputy Vice-Chancellor and Deputy Vice-Chancellors shall be responsible to the Vice-Chancellor in relation to all matters assigned to them.

(4) The Deputy Vice-Chancellor shall have such other functions as are conferred upon them by this Act or as may be prescribed -

Registrar

10.-(I) There shall be a Registrar of the University who shall be appointed by the Chancellor after, consultation with the Vice-Chancellor.

(2) The Registrar shall hold office for such period and on such terms and conditions as the Chancellor may determine.

(3) The Registrar shall be responsible to: the Vice-Chancellor in respect of all administrative matters pertaining to the University.

(4) The Registrar shall have such other functions as are conferred upon him by this Act or as may be prescribed,

(b) *The Council*

Council

11--(1) There shall be a Council of the University which shall be composed of—

(a) a Chairman who shall be appointed by the President;

(b) the Vice-Chancellor who shall be an ex-officio member;

(c) three members who shall he appointed by the Chancellor;

(d) one member who shall be appointed by the Minister responsible for Higher Education;

(c) one member who shall be appointed by the Minister for the time being responsible for Education, who shall be a Regional Education officer;

(f) one member who shall be appointed by the Minister for the time being responsible for Finance;

(g) two members who shall be elected by the National Assembly from amongst the members of the National Assembly;

(h) two members who shall be appointed by the Revolutionary Government of Zanzibar;

(i) one member who shall be appointed by the Committee of Vice-Chancellors and Principals of the Universities and University Colleges of Tanzania;

(j) one member who shall be appointed by the Minister for the time being responsible for Television in the Revolutionary Government of Zanzibar;

(k) three members who shall be elected by the Senate;

(1) one member who shall be elected by the Convocation; and

(m) two members who shall be elected by the! Students Organisation.

(2) The provisions of the Second Schedule to this Act shall. apply to the tenure of office and termination of the appointment of the members of the Council, the proceedings of the Council and other matters in relation to the Council and its members provided for in the said Schedule.

Powers of Council

12.-(l) Subject to the provisions of this Act the governing and control of the University shall be vested in the Council.

(2) In particular and without prejudice to the generality of sub-section (1) the Council shall have power-

(a) to administer the properties of the University, both movable and immovable;

(b) to administer the funds and other assets of the University;

(c) to signify the acts of the University by use of the common seal;

(d) on behalf of the University, to receive gifts, donations, grants or other moneys and to make disbursements therefore to the Faculties, institutes, Regional Centres, Study Centres or to other persons or bodies;

(e) subject to the provisions of this Act, to appoint such officers of the University as it may deem necessary;

(f) to do all such other acts and things as may be provided for in this Act or as may be prescribed.

Secretary of the Council

13.-(I) The Council shall appoint a suitable person to be the secretary of the Council from amongst names submitted by the Vice-Chancellor.

(2) The Council may also appoint such number of officers to assist the secretary as the Council may consider necessary.

(3) Where the Secretary is not a member of the Council he shall have such functions as may be conferred upon him by the Council.

Validity of acts of Council in certain Cases

14. No act or proceeding of the Council shall be invalid by reason only of the number of the members not forming a quorum at the time of such act or proceeding or of any defect in the appointment of any member of the Council or the fact that any member of the Council was at the time in question disqualified or disentitled to act as such.

(c) Boards and Committees

Faculty Boards

15.-(l) There shall be established a Faculty Board in respect of each Faculty.

(2) Every Faculty Board established for a Faculty shall be composed of-

(a) the Dean of that Faculty who shall be the Chairman;

(b) not more than nine members appointed by Deputy Vice-Chancellor responsible for academic. affairs from amongst the academic staff assigned to that Faculty;

(c) one member appointed by the Senate; and

(d) two members elected to the Faculty Board by the students in the Faculty for which the Board is established.

(3) Every Faculty Board shall, subject to the general or specific direction of the Senate, have power, from time to time:-

(a) to review and make recommendations to the Senate in respect of the control and 'regulation of the instruction, education and research within the Faculty;

(b) to make recommendations to the Senate on any matter pertaining to the Faculty; and

(c) to do any other act or thing as it may be empowered to do by the Senate or under any provision of this Act.

(4) A Faculty Board:-

(a) may, subject to any direction of the Senate, meet at such intervals as it considers necessary;

(b) shall act in accordance with the directions of the Senate and shall report on its functions and actions to the Senate in such manner and at such intervals as the Senate may direct; and

(c) subject to the directions of the Senate,, may regulate its own proceedings and fix a quorum for its meeting.

Appointments Committee for academic staff

16.-(l) There shall be an Appointment Committee for the academic staff which shall be composed of

(a) the Vice-Chancellor, who shall be the Chairman,

(b) the Deputy Vice-Chancellor who shall be the Vice-Chairman,

(e) one member who shall be the Dean of there relevant Faculty, and

(d) one member who shall be the Head of the relevant department.

(e) two members to be appointed by the Chairman of the Council from amongst members of the Council who are not members of the Staff of the University.

(2) Where the Appointments Committee meets to make or approve any appointment, in addition to the person specified in subsection (1), the following persons shall be entitled to sit on the committee as temporary members-

(a) where the appointment is to be made to a Regional Centre, the' Director of the Centre; and

(b) two members appointed by the Vice-Chancellor from amongst persons who, in the opinion of the Vice-Chancellor, are adequately qualified or have enough experience in academic matters to enable them to assist in making a suitable appointment.

(3) The, Appointments Committee shall have such functions as may be conferred upon it under this Act or as may be delegated to it by the Council.

(4) The provisions of the Second Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members of' the appointments Committee appointed under paragraphs (d), (e) and (f) of subsection (1), their retirement, the power to terminate their appointment, and the appointment of a new member to fill any vacancy, and also in relation to the election of a temporary Chairman, the quorum, proceedings and meetings of the committee.

Appointments Committee for administrative Staff

17.-(l) There shall be an Appointments Committee for the administrative staff which shall be composed of-

(a) the Registrar, who shall be, the Chairman;

(b) one member who shall be the Head of the relevant Department; and

(c) one member who shall be a Senior Administrative Officer.

(d) two members to be appointed by the Chairman of the Council from amongst members of the Council, who are not members of the staff of the University.

(2) The Appointments Committee shall have such functions as may be conferred upon it by or under this act or as may be delegated to it by the Council.

(3) The provisions of the Second Schedule to this Act shall apply *mutatis mutandis* in relation to the tenure of office of the members of the Appointments Committee appointed under paragraphs (c) and (d) of subsection (1), their retirement, the power to terminate their appointment, and the appointment of a new member to fill any vacancy, and also in relation to the election of a temporary chairman, the quorum, proceedings and meetings of the committee.

Other Boards and Committees

18.-(I) The Council may, from time to time, appoint such other Boards and Committees as it may consider necessary and, subject to the provisions Of this Act and directions given by the Chancellor in that behalf, delegate to any such Board or Committee any of its functions under this Act.

(2) A Board or Committee appointed under this section shall be composed of such number of members as the Council may determine provided that at least one-third of the total number of members appointed to any such Board or Committee shall be appointed from amongst the members of the Council.

(3) The quorum necessary for the conduct of any business of such Board or Committee appointed under this section shall be fixed by the Council.

(4) Where the Council establishes a Board or Committee under this section, the Council shall elect one of its members to be the Chairman of the Board or as the case may be, of the Committee.

(5) Where at any meeting of a Board or Committee established under this section the Chairman is absent, the members present may elect one of their number to be the Chairman for that meeting.

(6) Subject to the provisions of this Act and any regulations made hereunder in that behalf, and subject to any directions given by the Council in that behalf, a Board or Committee established under this section may regulate its own proceedings.

(7) For the purposes of this section the Deputy Vice-Chancellors, the Registrar and the Secretary shall be deemed to be members of the Council.

(d) *The Senate*

Senate

19.-(1) There shall be a Senate of the University which shall be composed of--

(a) the Vice-Chancellor, who shall be the Chairman;

(b) the Deputy Vice-Chancellor;

(c) the Registrar;

(d) the Deans of the Faculties of the University;

(e) two members appointed by the Chairman of the Council from amongst the members of the Council;

(f) the Directors of the Institutes;

(g) four members appointed by the Vice-Chancellor at least two of whom shall be appointed from amongst members of the Academic staff and which the appointment shall take into account existing expertise in Tanzania.

(h) eight Directors of Regional Centres; and

(i) three members elected by the Students' Organisation from amongst the students.

(2) The provisions of the Second Schedule to this Act shall apply *mutatis mutandis* in relation to the tenure of office of members elected under paragraphs (g) and (h) of subsection (1), their retirement, the power to terminate their appointment and the appointment of a new member to fill any vacancy, and also in relation to the election of a temporary chairman, quorum, proceedings and meeting of the Senate.

Functions of the Senate

20.-(I) The Senate shall be responsible to the Council for the control and general regulation of the instruction, education and research within the University and in addition thereto shall have the following functions:-

(a) to satisfy itself regarding the content and academic standard of any course of study offered by any Faculty or institute in respect of a degree, diploma, certificate or the award of the University and to report its findings thereon to the Council.

(b) with the consent of the Council to make by-laws:

(i) regarding the eligibility of persons for admission to courses for a degree, diploma, certificate or other award of the University, and

(ii) with regard to the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award of the University.

(c) to decide whether any candidate for degree, diploma, certificate or other award of the University has attained in standards of proficiency prescribed in the by-laws made under paragraph (b) and is otherwise fit for the grant of such degree, diploma, certificate or other award of the University;

(d) to consider recommendations made to it by a Faculty Board and to take such action thereon as it may consider appropriate;

(e) to make proposals to the Council on matter relating to the conduct of the University generally; and

(f) to perform such other functions as may be conferred upon it by regulations made hereunder or by the Council.

(2) In respect of any matter in relation to which the Senate is required to report to the Council or to make by-laws in accordance with the provision of paragraphs (a) and (h) of sub-section (1), the Council shall not initiate any action in respect thereto until such report has been received from the Senate or, as the case may be, such by-laws have been made by the Senate and shall not reject any such report or by-laws without further reference to the Senate.

(c) Faculties and Institutes

Faculties and Institutes

21.-(I) There shall be established the following Faculties of the University-

(a) the Faculty of Arts and Social Science
(b) the Faculty of Education and
(c) the Faculty of Science, Technology and environmental Studies.

(2) There shall be established the following Institutes of the University-

(a) the Institute of Continuing Education and
(b) the Institute of Educational Technology.

(3) The Council may, from time to time, after consultation with the Senate and with the approval of the Chancellor, by order published in the *Gazette*, establish Faculties and Institutes either in addition to, or in substitution of the Faculties and Institutes.

(4) The course of study to be conducted in any Faculty or Institute, shall be determined by the Senate.

(f) *The Staff of the University*

Academic Staff of University

22. The academic staff of the University shall be comprised of-

(a) the Deputy Vice-Chancellors;
(b) the Deans of the Faculties;
(c) the Directors of the Institutes;
(d) Professors and Associate Professors;
(c) Assistant Lecturers, Lecturers and Senior Lecturers;
(f) Assistant Research Fellows, Research Fellows, Senior Research Fellows, Associate Research Professors and Research Professors;
(g) Assistant Librarians, Librarians, Senior Librarians, Associate Library Professors and Library Professors;

(h) Assistant Development Engineer; Development Engineers, Senior Development Engineer Principal Development Engineers and Chief Development Engineers; and

(i) Editors of the University press and such other members of the staff of the University who are engaged wholly in teaching or research in any Faculty or Institute.

Appointment of Deans and Director;

23.-(I) The Dean of a Faculty or a Director of an Institute shall be appointed by the Council.

(2) Where a vacancy occurs in the office of the Dean of a Faculty or a Director of an Institute, the Deputy Vice-Chancellor responsible for academic activities shall, after consultations with the Senate and having regard to the recommendations, if any, made by the Faculty Board, submit to the Council the names of not more than three and not less than two persons who, in his opinion, are qualified and suitable for appointment as the Dean of that Faculty or, as the case may be, as the Director of that Institute:

Provided that for the purposes of the appointment of the Deans and the Directors to be first appointed after the coming into operation of this Act, it shall not be necessary for the Deputy Vice-Chancellor responsible for academic activities to consult the Senate before submitting the names to the Council.

(3) Where names are submitted to the Council in accordance with the provisions of subsection (2) the Council shall proceed to elect a Dean or as the case may be, a Director from amongst the persons whose names are submitted to it.

(4) Every Dean or Director appointed in accordance with the provisions of this section shall, subject to the provisions of this Act, hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment:

Provided that no one will he appointed as such Dean or Director for more than two consecutive terms.

Powers of Academic Appointments Committee

24.-(I) The Appointments Committees for Academic Staff shall have power to make appointments to all offices of the academic staff other than the offices of the Deputy Vice-Chancellor, the Dean and the Director.

(2) The Appointments Committee may delegate its powers under subsection (1) in relation to any office, to the Vice-Chancellor, a Deputy Vice-Chancellor, a Dean or a Director.

Vacancy of Senior academic post

25.-(1) Where a vacancy occurs in any senior post on the academic staff or when the holder of such post is on leave or is absent from the United Republic or is temporarily unable to perform the functions of his office by reason of illness or other cause whatsoever, the Vice-Chancellor may, if in his opinion it is necessary or desirable so to do, appoint an officer to act in such post until such time as the vacancy is filled in accordance with the provisions of this Act or as the case may be, the substantive holder of the post resumes duty.

(2) While on an acting appointment made under subsection (1), the officer so appointed may be paid an acting allowance at such rate as the Vice-Chancellor may direct.

Administrative Staff

26. The administrative staff shall be comprised of-

(a) the Registrar,
(b) the Bursar, and
(c) all other officers of the University who are not members of the academic staff.

power to abolish office,

27. The powers of constituting and abolishing offices in the service of the University are vested in the Council:

Provided that nothing in this section shall apply to any office constituted by or provided for in this Act.

Power to appoint administrative staff

28. The powers of making any appointment to an office of the administrative staff other than the office of the Registrar are vested in the Council.

Power to terminate appointments

29. The powers of dismissing or terminating the, appointment of any officer by way of disciplinary action or of punishing any officer otherwise than by dismissal or termination of his appointment for any disciplinary offence are vested in the Council.

Delegation of powers of Council

30. The Council may, by regulations made under section 59 delegate any of the powers vested in it by section 27, section 28 and section 29 to the Appointments Committee, the Vice -Chancellor, the Deputy Vice-Chancellors, the Registrar or any other officer of the University, subject to such limitations as the Council may specify.

Application of Second Schedule

31. Until such time as regulations are made by the Council delegating its functions of making appointments to the administrative staff, the provisions of the Second Schedule to this Act shall have affect.

Exercise of powers conferred under section 29

32. Notwithstanding the provisions of section 29, the power to dismiss an officer of the University by way of disciplinary action shall not be exercised unless-

(a) a disciplinary charge has been made against such officer;
(b) the Officer has had an opportunity to answer such charge; and
(c) an inquiry has been held into the charge in accordance with the provisions of the regulations made by the Council in that behalf.

Terms Of employment Of University Staff

33. The term and conditions of the employment of officers of the University shall be such as may be prescribed.

PART V

DISCIPLINE

34. In this Part, unless the context otherwise requires-

"disciplinary authority" means a body composed of the following-

(a) the Registrar who shall be the Chairman;

(b) three members elected by the Students Organisation;

(c) two members elected by the Senate from amongst its members; and

(d) the Dean of the Faculty, to which the student belongs, as temporary member:

Provided that the tenure of office of the members under paragraphs (b) and (c) shall be one year;

"disciplinary offence" means the contravention of any By-law made under the provisions of section 35 where such By-law provides that its contravention shall constitute a disciplinary offence.

Council may make By-laws

35--(1) The Council may make By-laws to ensure discipline amongst the students.

(2) By-laws made under sub-section (1) may provide that the contravention of any such By-law shall constitute a disciplinary offence and may further provide the punishment that may be imposed for such disciplinary offence.

(3) It shall not be necessary for the By-laws made under this section to be published in the *Gazette* and every such By-law shall be brought to the notice of the students in such manner as the Council may determine.

Investigation of disciplinary offence

36. Every charge of a disciplinary offence against a student shall be investigated by the Registrar who shall impose such punishment as he may consider appropriate after inquiring into the offence in accordance with the procedure prescribed by section 40 and upon being satisfied that the charge against the student has been proved.

Registrar may delegate powers

37. The Registrar may, by writing under his hand, delegate, subject to such limitations as he may prescribe, all or any of the powers vested in him by section 38 to a Dean or a Director.

Formal and Summary proceedings

38.-(l) Disciplinary proceeding under this part may be either formal or summary.

(2) Formal proceedings shall be instituted where in the opinion of the disciplinary authority the disciplinary offence which the student is alleged to have committed is of such gravity that should lie be found guilty it may warrant his dismissal or rustication from the University.

(3) Summary proceedings may be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which the student is alleged to have committed is of such gravity that should he be found guilty it may not warrant his dismissal or rustication from the University.

(4) Notwithstanding the nature of the procedure intended to be adopted by the disciplinary authority, no disciplinary proceedings shall be instituted against any student after the expiration of thirty days from the date of commission of a neglect, offence or, in the case of a continuance of injury or damage, within fifteen days next after its cessation -

Institution of formal proceedings

39.-(1) No formal proceedings for a disciplinary offence shall be instituted against a student unless he is previously served with a copy of the charge setting out the nature of the offence which he is alleged to have committed, and the charge shall be prepared by the disciplinary authority after carrying out such preliminary investigations as the disciplinary authority may consider necessary. The charge shall state briefly the nature of the offence which the accused if alleged to have committed, and shall set out in concise form the allegations made against the accused student.

(2) The charge shall state briefly the nature of the offence which the accused if alleged to have committed, and shall set out in concise form the allegations made against the accused student.

(3) The charge as drawn up shall then be served upon the accused student together with a notice addressed to him inviting him to state in writing and within such period as may be specified in the notice, the grounds upon which he relies to exculpate himself.

(4) Where the accused student fails or refuses to make representations in writing giving grounds upon which he relies to exculpate himself within the period prescribed in the notice, or make representations which in the opinion of the disciplinary authority do not amount to a complete defence of the offence charged, the disciplinary authority shall appoint an Inquiry Officer or Officers, to hold an inquiry into the charge.

(5) i The Inquiry Officer shall notify the accused student of the day, date, time and place at which the inquiry shall be held. The inquiry shall not be open to the public.

(6) The accused student shall have the right to appear before the Inquiry Officer, examine witnesses and be heard in his own defence, save that failure by the accused student to appear at the inquiry shall not vitiate the proceedings.

(7) The accused student shall have the right-

(a) to cross-examine any witness examined by the Inquiry Officer or by the disciplinary authority;

(b) to examine and make copies of any document produced as evidence against him;

(c) to call witnesses on his own behalf and produce any document relevant to the inquiry.

(8) The Inquiry Officer may take into consideration any evidence which he considers relevant to the subject of the inquiry before him, notwithstanding that such evidence would not be admissible under the law relating to evidence, and shall record the gist of the evidence adduced before him.

(9) Upon the conclusion of the inquiry, the Inquiry Officer shall forward the record of proceedings before him, together with his report on the proceedings to the disciplinary authority.

(10) a report under sub-section (8) shall-

(a) state whether in the opinion of the Inquiry Officer the charges against the accused student have been proved;

(b) state the reason or reasons for holding that opinion;

(c) State any fact which, in the opinion of the Inquiry Officer, aggravates or mitigates the gravity of the act or omission which was the subject matter of the charge; and

(d) state any other fact which in the opinion of the Inquiry Officer is relevant but shall not contain any recommendation as to the form or nature of the punishment to be awarded.

(11) Upon receipt of the record of proceedings and the report, the disciplinary authority shall, after considering the evidence and the report of the Inquiry Officer, make and record a finding whether or not the accused student is guilty of the disciplinary offence with which he was charged.

(11) Where the disciplinary authority's finding as to the guilt or innocence of the accused is contrary to the opinion of the Inquiry Officer as expressed in his report, the disciplinary authority shall record its reasons for the finding.

(13) Where the disciplinary authority finds the accused student guilty, it shall proceed to award the punishment prescribed by the By-laws in respect of the disciplinary offence or such lesser punishment as it deems appropriate.

Institution of summary proceedings

40.-(1) Where the disciplinary authority decides to institute summary proceedings against an accused student, it shall cause a statement giving particulars of the charge of charges to be prepared and served upon the accused student.

(2) The disciplinary authority shall appoint the day, date, time and place for the investigation of the charge or charges and shall give the accused student notice of the same.

(3) The investigation of the charge or charges shall be carried out in such manner as the disciplinary authority may determine. The accused student shall have the right to appear at the investigation and make his defence, but failure or refusal by him to attend the investigation shall not vitiate the proceedings.

(4) Where at any stage of the proceedings before a finding is made, it appears to the disciplinary authority from the nature of the facts and circumstances disclosed that it is necessary or desirable that the matter be dealt with by way of formal proceedings, the disciplinary authority may terminate the summary proceedings and institute formal proceedings in accordance with section 39.

(5) Upon the conclusion of the investigation, the disciplinary authority shall make a finding whether or not the accused student is guilty of the disciplinary offence or offences with which he is charged, and if it finds the accused student guilty, the disciplinary authority shall proceed to award such punishment as it may consider appropriate, save that under no circumstances, on an investigation under this section, shall the accused student be punished by dismissal or rustication from the University.

Disciplinary Appeals Committee

41.-(1) There is hereby? established a Committee to the known as the Disciplinary Appeals Committee of the University.

(2) The Disciplinary Appeals Committee shall be composed of-

(a) the Chairman, who shall be appointed by the Minister;

(b) four members elected by the Council from amongst its members, one of who shall be a member elected to the Council by the Students' Organization; and

(c) A legally qualified person holding office in the Attorney-General's Chambers nominated in that behalf by the Attorney-General.

(3) The quorum of the meetings of the Disciplinary Appeals Committee shall be the Chairman and four other members, one of whom shall be the member referred to in paragraph (c) of subsection (2).

(4) The provisions of the Second Schedule to this Act shall apply mutatis mutandis in relation to the nature of office of the members of the Disciplinary Appeals Committee, their retirement, the power to terminate their appointment, and the appointment of a new member to fill any vacancy, and also in relation to the proceedings and meetings of the Committee, as they apply to the Council.

Appeal by a convicted student

42.-(1) Where a- student has been punished for any disciplinary offence and he wishes to appeal, he may, while carrying out the punishment, appeal to the Disciplinary Appeals Committee within thirty days of the decision of the disciplinary authority.

(2) Where a student wishes to appeal pursuant to subsection (1), he shall, within not more than three days of the decision of the disciplinary authority, give a written notice of his intention to so appeal to the disciplinary authority which shall forthwith submit it to the Chairman of the Disciplinary Appeals Committee.

(3) On every appeal under this section the student appealing and the disciplinary authority, shall both have the right to appear before and be heard by the Disciplinary Appeals Committee.

(4) On an appeal under this section the Disciplinary Appeals Committee may-

(a) set aside the finding made against the student and the punishment imposed on him; or

(b) uphold the finding and the punishment; or

(c) uphold the finding and reduce or enhance the punishment imposed upon the student.

(5) Notwithstanding subsection (4) (c) where the investigations of the offence by the disciplinary authority was conducted in accordance with the summary procedure prescribed by section 41, the Disciplinary Appeals Committee shall not enhance the punishment to dismissal or rustication from the University.

Disciplinary offence not deemed offence under written law

43. For the purposes of section 48 of the Interpretation of laws and General clauses Act, 1972 a disciplinary offence under this Act shall be deemed not to be an offence created by or under any written law,

Decisions of Disciplinary Appeals Committee final

44. Subject to the provisions of section 42 relating to appeals to the Disciplinary Appeals committee, no decision of an Inquiry Officer or the Disciplinary Committee shall be subject to review by any court.

PART VI

(a) *Convocation*

Convocation members

45--(1) There shall be a Convocation of the University which shall consist of-

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellors;

(c) all members of the academic staff; and

(d) all persons who become graduates of the University:

Provided that no such graduate shall become a member or the Convocation unless he is ordinarily resident in the United Republic of Tanzania;

(c) such persons as the Chancellor may appoint as members of the Convocation.

(2) The Registrar shall cause to be compiled and maintained a convocation roll in which he shall enter the names of all persons who are, for the time being members of the Convocation.

Meeting of Convocation

46. The Convocation shall have the right to meet and discuss any matter within the sphere of competence of the University and to transmit any resolution arising from such discussion to the Chancellor or to the Council or to the Senate, as the Convocation may consider appropriate.

President of Convocation

47.-(1) The Convocation shall at its first meeting elect from amongst its number the President of the Convocation.

(2) The President of the Convocation shall, subject to his continuing to be qualified to be a member of the Convocation and unless he resigns, hold office for a period of three years and shall be eligible for re-election.

Procedure of Convocation

48.-(1) The Registrar shall be the Secretary of the Convocation.

(2) The Convocation shall meet at such times as may be necessary or expedient for the transaction of its business.

(3) The Secretary shall give to every member of the Convocation at least twenty one days' notice of the date, time and place of the meeting.

(~) The President of the Convocation shall preside over the meetings of the Convocation.

(5) Where at any meeting of the Convocation the President of the Convocation is absent, the members present may elect from amongst their number a temporary Chairman who shall preside over that meeting.

(6) Fifteen members shall constitute a quorum for meeting of the Convocation .

(7) A decision shall be made by the majority of the members present and voting at- a meeting of the Convocation.

(8) In the event of an equality of votes, the President of the Convocation or the temporary Chairman, as the case may be, presiding over the meeting, shall have a casting vote in addition to his deliberative vote.

(9) No proceeding of the Convocation shall be invalid by reason only of any defect in the appointment of any member of the Convocation or by reason only of the fact that a person who is entitled to be a member of the Convocation has not been registered in the Convocation roll.

Registrar to report on business of Convocation-

49.-(1) The Registrar shall report to the Council the activities of the Convocation and shall transmit to the Chancellor, the Council or the Senate, as the case may be, any resolution passed by the Convocation .

(2) The Registrar shall send a copy of the minutes of every meeting the Convocation to the Chancellor.

(b) *Academic Staff Assembly*

Academic staff assembly

50.-(l) There shall be an, Academic staff Assembly which shall be composed of all staff engaged in teaching, research and related activities as defined under section 22.

(2) The objects and functions of the Assembly shall be-

(a) to stimulate and promote discussion on matters of academic interest;

(b) to promote the academic functions of the University;

(c) to sponsor social functions for the purpose of enriching the intellectual and cultural' development of the University;

(d) to discuss any matter relating to the general welfare of the academic members of staff of the University; and

(e) to cooperate with other organs of the University on matters of general interest to the University Community.

(3) The constitution of the Academic Staff Assembly shall be determined by the academic members of staff of the University and approved by the council.

PART VI

FINANCIAL PROVISIONS

Management of property of University

51. The Council shall manage all the assets and properties, movable and immovable, of the University, in such manner and for such purposes as in the opinion of the Council would promote the best interest of the University.

Funds of the University

52. The funds and resources of the University shall consist of-

(a) such sums as may be provided for the purposes of University by Parliament, either by way of grant or loan;

(b) such sums as the Council may, from time to time borrow for the purposes of the University; and

(c) such sums as may in any manner become payable to or vested in the University either under the provisions of this Act or incidental to the carrying out of its functions.

Investment of University funds

53. The Council shall have power to invest the funds of the University in such investments, and subject to such conditions as are prescribed by the Trustees Investments Act, 1967, in relation to investments of funds by a trustee.

Financial year

54. Notwithstanding; the financial year the Council may determine any other period of twelve consecutive months which shall constitute the financial Year of the University:

Provided that in the event of any change in the financial year and for the purposes of the transition from one financial year to another, the transitional *period, whether longer or shorter than twelve months, shall be regarded as if it were a financial year.

Annual budget estimates

55.-(1) At least two months before the commencement of any financial year the Bursar shall prepare or cause to be prepared for the approval of the Council, annual estimates of the revenue and expenditure of the University for the ensuing financial year.

(2) The Council shall, before the commencement of a financial year, consider and approve, subject to such modifications, and amendments as may consider appropriate the estimates prepared in accordance with subsection (1).

(3) The annual estimates shall contain provisions for all the estimated expenditure during the ensuing financial year and in particular:

(a) for the payment of salaries, allowances,. passages and other charges in respect of officers of the University including the Vice-Chancellor, the Deputy Vice-Chancellors and the Registrar;

(b) for the payment of allowances, fees and expenses in respect of the members of the Council, the Senate, the Convocation and other Boards and Committees;

(c) for payment of all pensions, gratuities and other charges in respect of retiring benefits which are payable out of the funds of the University; and

(d) for the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the University;

(e) For the proper maintenance and replacement of the furniture and equipment of the University; and

(f) for the creation of such reserve funds to meet future contingent liabilities as the Council may think fit.

(4) No expenditure shall be incurred for the purposes of the University except in accordance with the provisions of the annual estimates or in accordance with the annual estimates, or any supplementary estimates proved by the Council.

(5) A copy of the annual estimates and of every supplementary estimates, if any shall, immediately After approval be forwarded to the Chancellor and the Minister.

Accounts of University

56.-(1) The Council shall cause to be kept proper accounts and shall, as soon as is practicable after the end of each financial year, cause such accounts relating to such financial year together with:

(a) a statement of income and expenditure during such financial year, and

(b) a statement of the assets and liabilities of the University on the last day of such financial year to be submitted to and audited by, the Tanzania Audit Corporation Act, 1968.

(2) Copies of the statements referred to subsection (1) and a copy of the auditor's, report, if any, shall be forwarded to the chancellor.

Financial report of Vice-Chancellor

57. The Vice-Chancellor shall at the end of each financial year prepare a report on the activities of the University during that financial year and submit such report to the Chancellor.

58. The Chancellor shall cause to be laid before the National Assembly as soon as may be practicable- Financial report to be tabled in the National Assembly

(a) copies of the statements referred to in subsection 56(1);

(b) a copy of the auditor's report, if any; and

(c) a copy of the Vice-Chancellor's report.

PART VIII

MISCELLANEOUS PROVISIONS

59--(1) With the consent of the Chancellor the Council may make regulations for the better carrying out-of the purposes of this Act, and without prejudice to the generality of the foregoing, may make regulations- Regulations

(a) prescribing the degrees, diplomas, certificates and other awards which may be conferred or granted by the University;

(b) prescribing the conditions which must be satisfied before the granting of any certificate or other award;

(c) prescribing the manner in which a degree may be conferred or a diploma, certificate or other award may be granted;

(d) regulating the administration of any Faculty or Institute established under this Act;

(e) prescribing the manner in which by laws made by. the Senate under section *20* shall be submitted to the Council for its approval;

(f) regulating the conduct of examinations;

(g) prescribing fees f6r admission to the University, Faculty or Institute established under this Act;

(h) prescribing fees payable by the candidates for the examination held or conducted by the University;

(i) providing for any regulating disciplinary proceedings against the officers of the University;

(j) prescribing anything which may be prescribed under this Act;

(k) governing any matter in respect of which regulations may be made under this Act;

(1) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the furtherance of the functions and objects of the University; and

(m) providing for the delegation of the powers of the Council.

(2) Regulations made tinder this section shall be published in the *Gazette.*

60. The Council may, with the approval of the Chancellor, issue directions -prescribing fees and allowances payable to the members of the Council, the Senate, the Convocation or a Board. Fees and allowances

61. The Chancellor may give the Council directions of a general or specific character and the Council shall give effect to every such direction. Chancellor may give directions

Indemnity for bona *fide* acts

62. No matter or thing done by any member or officer or the Council, the Senate, the Convocation or a Board shall, if done *bona fide* in the execution or in the purported execution of the functions of such Council, Senate, Convocation or Board, as the case may be, render such member or officer personally liable for such matter or thing.

Validity of acts of Senate or Board in certain cases

63. No act or proceeding of the Senate or a Board shall be invalid by reason only of any vacancy in the membership thereof, any defect in the appointment of any member or the fact that any member was at the time in question disqualified or disentitled to act as such.

Transitional and consequential provisions

64.-(1) The consequential and transitional provisions set out in the fourth Schedule to this act shall apply and have effect from the date on which this Act comes into operation.

(2) The President may at any time before the thirty first day of July, 1993 by order published in the *Gazette* amend the provisions of the Fourth Schedule to this Act, if in his opinion, such amendment is necessary or desirable.

Students' Organisation

Students' Organization

65.-(l) There shall be established a Students' Organization of the Open University which shall be known by such name as may be agreed upon by its members and approved by We Chancellor by notice published in the *Gazette.*

(2) Every student of the University shall be deemed to have become a member of the Organisation upon his registration, and his membership shall terminate upon the cessation of his registration as a student.

(3) The affairs of the Organisation shall be conducted in accordance with its constitution, which shall be approved by the Council and the Chancellor.

Functions of Students Organization

66. The functions of the Students' Organization shall include-

(a) to stimulate and promote meaningful discussion amongst the students of the University on matters of academic and social interests;

(b) to sponsor social and other functions for the purposes of enhancing the intellectual and cultural development of the University; and

(c) to cooperate with other organs of the University in matters of general interest to the University Community.

FIRST SCHEDULE

(Section 8(l))

PROVISIONS RELATING TO THE SEARCH COMMITTEE

1. There shall be a Search Committee for making recommendations to the Chancellor for appointment of a Vice-Chancellor.

2. The Search Committee shall consist of three members of whom two shall be nominated by the Council and one by the Chancellor, and the person nominated by the Chancellor shall be the convener of the Committed:

Provided that no person who is an employee of the University or any authority of the University shall be nominated to be a member of the Committee.

3. The Chancellor shall appoint a Vice-Chancellor from out of a panel of not more than three persons recommended by the Search Committee constituted under section (2):

Provided that if the Chancellor does not approve of any of the persons so recommended he may call for fresh recommendation.

SECOND SCHEDULE

(Section 11(2))

1. The Chairman of the Council shall hold office for a period of four years from the date of his appointment.

2. Subject to the provisions of this Schedule, the term of office of all members of the council other than the Chairman and, the ex officio members shall be three years and all such members shall retire on the last day of June of the third year, and on the last day of June every third year hereafter, their places shall be filled by the newly appointed, or as the case may be, elected members who shall come into office immediately upon such retirement:
Provided that:-

(a) Nothing in this Schedule shall be construed as preventing any person otherwise eligible to be appointed or elected as a member from being re-appointed or, as the case may be, re-elected for another term of office;

(b) in the case of a member elected by the National Assembly, he shall cease to hold office if at any time prior to the date of his retirement he ceases to be a member of the National Assembly;

(c) in the case of a member elected by the Students Organisation, he shall cease to hold office if at any time prior to the date of his retirement under this paragraph, he ceases to be a student.

3. Nothing in paragraph 2 shall be construed as preventing any appointing authority from terminating the appointment of any member appointed or elected by it, prior to the date when such member is required to retire from office under paragraph 2.

4. Where any member absents himself from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of the fact and the appointing authority may, if it deems fit so to do, terminate the appointment of the member and appoint or, as the case may be, elect another member in his place.

5.--(1) Where any member of the Council ceases to be such a member by resignation or death, or by virtue of the operation of the provise to paragraph 2, or is unable to perform his functions as such member by reason of his absence from the United Republic or by reason of any infirmity or body or mind, or where the appointing authority terminates his appointment under paragraph 3 or paragraph 4, the appointing authority may appoint or, as the case may be, elect another member in his place, and the member so appointed or elected shall, subject to the provisions of this schedule hold office for the remainder of the term of his predecessor.

(2) Where in the opinion of the appointing authority, the absence or infirmity of any member is of a temporary nature only, it may appoint or, as the case may be, elect a temporary member to take his place, and such temporary member shall have, so long as he remains temporary member all the powers and functions of a member of the Council:

Provided that on the resumption of office by the substantive member, the temporary member shall cease to hold office.

6. The Registrar shall have the right to be present at every meeting of the Council and to participate in its deliberations but shall have no right of vote.

7. The Council shall elect one of its members to be the Vice-Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member hold office of Vice-Chancellor for a term of one year from the date of his election, and shall be eligible to be re-elected.

8.—(1) The Chairman shall preside at all meetings of the Council.

(2) Where at any meeting of the Council, the Chairman is absent the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Council, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

(4) The Chairman, Vice-Chairman or temporary Chairman presiding at any meeting of the Council, shall have a vote and, in the event of any equality of votes, shall have a casting vote in addition to his deliberative vote.

9.—(1) Subject to any general or specific direction by the Chancellor, the council shall meet not less that four times during every financial year and at such additional times as may be fixed by the Chairman or, if he is absent from the United Republic or unable for any reason to act, the Vice-Chairman:

Provided that the Chairman or, if he is absent from the United Republic or is unable for any reason to act, the Vice-Chairman shall, at the request of at least ten members summon a meeting of the Council within thirty days of such requests being made to him in writing.

(2) The Secretary of the Council shall give to each member not less than fourteen days notice of the time and place of meeting.

10.—(1) At any meeting of the Council not less than one-third of the members in office for the time being shall constitute a quorum.

(2) If a quorum is not present within half an hour of the time appointed for the meeting, the members present, or the majority of them, or any one member or if only one is present, or the Secretary if no member is present, may adjourn the meeting to any time not later than fourteen days from the adjournment.

11. Subject the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of the votes of the members present at the meeting, and if any member fails or refuses to vote on any question, his vote shall be counted in the negative.

12. Notwithstanding the foregoing provisions of this schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing:

Provided that any member shall be entitled to require that any such decision be deferred and the subject matter be considered at a meeting of the Council.

13.—(1) The seal of the University shall be of such shape size and form as the Council may determine.

(2) The seal shall be affixed in the presence of—

(a) the Vice-Chancellor, or

(b) the Registrar, or

(c) such person or persons appointed in writing by the Vice-Chancellor in that behalf, and the person or persons present shall sign over or underneath the sealin witness thereof.

14. Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, authorities, mortgage, charges, bills of exchange, promissory notes, bank drafts, letters of credit, securities and other instruments whatsoever to which the University is a party shall be executed on behalf of the University by—

(a) The Vice-Chancellor,

(b) the Registrar, or

(c) such other officer of the University as the Vice-Chancellor may appoint in that behalf.

15. Subject to the provisions of this schedule the Council may regulate its own meetings.

THIRD SCHEDULE

(Section 28)

PROVISIONS RELATING TO APPOINTMENT OF STAFF

1.—(1) Where a vacancy occurs in the post of the Bursar or any senior administrative Officer, the Registrar shall cause the vacancy to be advertised in such manner as he may consider fit and shall submit to the Appointments committee the names of all persons who have applied for the post and shall, after consultations with the Vice-Chancellor, make recommendations to the Appointments Committee as to:

(a) where a vacancy should be filled by promotion from amongst the officer of the University, or

(b) whether the vacancy should be filled by making an appointment from amongst the applications.

(2) Where the Registrar recommends that the vacancy should be filled by promotion, he shall, after consultation with the Vice-Chancellor, submit to the Appointments Committee the name or names of the officer or officers who, in his opinion, is or are suitable for promotion.

(3) Where the Registrar recommends that the vacancy be filled by an appointment otherwise that on promotion he shall, after consultation with the Vice-Chancellor, propose to the Appointments Committee the name of the candidate who, in his opinion, is most suitable for appointment to the post.

(4) The Appointments Committee shall, after considering the applications and the recommendations of the Registrar, make an appointment:

Provided that an apointment to the post of Bursar shall be subject to the approval of the Council.

(5) For the purposes of this Schedule "Senior Administrative Officer" means a member of the administrative staff holding a post the salary or the maximum of the salary scale of which exceeds a figure specified in the approved salary scale.

2.—(1) The Vice-Chancellor after consultation with the Registrar and subject to the approval of the Appointments Committee may make an appointment to any post on the administrative staff within a range specified from time to time.

(2) The Vice-Chancellor after consultation with the Registrar may make an appointment to any post on the administrative staff within a specified range from time to time.

(3) The Registrar may make an appointment to any post on the administrative staff within a specified range from time to time.

(4) The Registrar may delegate the power of making appointments conferred upon him by subparagraph (3) to a Senior administrative officer or to any other officer within ranges specified from time to time.

3. Where a vacancy occurs in any post on the administrative staff or where the holder of such post is on leave or is absent from the United Republic or is temporarily unable to perform the functions of his office by reason of illness or other cause whatsoever, the Vice-Chancellor may, if in his opinion that is necessary or desirable to be so, appoint an officer to act in such post until such time as the vacancy is filled in accordance with provisions of this Act or as the case may be, the substantive holder of the post resumes duty.

4. Where an officer is appointed to act in any post under the provisions of paragraph 3 he shall be entitled, unless the Vice-Chancellor otherwise directs, to be paid an acting allowance at such rate as may be prescribed.

FOURTH SCHEDULE

(Section 64)

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

1. In this Schedule, unless the context otherwise requires:—

"effective date" means a date specified by the Minister;

"former Council" means the Council of the Institute of Adult Education established by Act No. 12 of 1975;

"former Institution" means the National Correspondence Institution established as part of the Institute of Adult Education;

"former officer" means any person employed on the academic or administrative staff of the former institution immediately preceding the effective date and includes the persons so employed as Head or Coordinator of Studies in the former institution.

2. All assets and liabilities of the former institution and of the former Council assigned to the former institution subsisting upon the effective date shall by virtue of this Act and without further assurance vest in the University; and the former Council and the former institution, as the case may be, shall as from the effective date be discharged from its obligations in respect of every such liability.

3.—(1) The University shall carry out and continue the functions of the former institution in accordance with the provisions of this Act and all the students who immediately before the effective date were the students of the former institution shall, as from the effective date, become students of the University.

(2) The Decrees establishing the former institution which are in force immediately before the coming into operation of this Act, shall continue in force and apply, in so far as may be applicable, and with such modifications as may be necessary as if the said Decree were regulations made under section 59 of this Act, until such time as they are replaced by appropriate regulations.

4.—(1) Subject to the provisions of paragraph 5 and paragraph 6 every former officer shall as from the effective date be deemed to be an employee of the University.

(2) Where a former officer becomes employed by the University by virtue of subparagraph (1), the terms and conditions of service of his employment is the service of the University shall be in accordance with the provisions of this Act and any regulations made hereunder:

Provided that this subparagraph shall not apply so as to permit any reduction of salary to which such former officer was entitled immediately before the effective date.

(3) Every former officer who, by virtue of this paragraph, becomes an employee of the University shall be deemed to have been appointed to the service of the University on the effective date in accordance with the provisions of this Act:

(a) for the purposes of determining any right to a gratuity or other pension benefits, his service with University shall be regarded as continous with his service immediately preceding the effective date;

(b) his employment immediately prior to the effective date on his employment by the University shall be deemed to be employment by one employer within the meaning of section 8A of the Severance Allowance Act, 1962, for the purpose of determining any entitlement to the payment of severance allowance under the said Act.

5. Rules or regulations made by or under the authority of the former Council for the purpose of regulating discipline amongst the students of the former institution shall, until such time as by-laws are made under section 35, continue in force and have effect as if such rules or regulations were by-laws made under section 35, and where any such rule or regulation does not prescribe the penalty which may be imposed for its contravention, the disciplinary authority as defined in Part V of this Act, may impose such penalty as it may consider appropriate.

6. The provisions of the Decrees and other subsidiary legislation made under the Institute of Adult Education Act, 1975 which relate to:—

(a) certificates, diplomas and other awards of the said Institute, and

(b) the manner in which such diplomas, certificates and other awards may be conferred, shall continue to force and apply *mutatis mutandis* in relation to the diploma, certificates and other awards of the University established by this Act as if such provisions were contained in regulations made under section 61 until such time as regulation are made under this Act providing for diplomas, certificates and other awards of the University.

7.—(1) All instruments to which this paragraph applies are instrument (including contracts, guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities)—

(a) to which the former institution is a party; or

(b) under which any money is or may become payable or any other property is or may become liable to be transferred, conveyed or assigned to the former Council of the former Institutions; or

(c) under which any money is or may become payable or any other property is to be, or may become liable to transferred, conveyed or assigned by the former Council or the former Institutions which are subsisting at the effective date, other than any contract or agreement. between the former Council the former Institution and any former officer.

(2) An instrument to which this paragraph applies shall, by virtue of this paragraph, continue in full force and effect and the University shall, by this Act—

(a) be substituted for the former Council or the former Institution as the case may be, as a party thereto;

(b) be entitled to receive and enforce payment of any money payable thereunder;

(c) be entitled to obtain a transfer, conveyance or assignment of, and enforce possession of, any property which is to be transferred, conyeyed or assigned thereunder;

(d) be liable to make payment of any money payable thereunder; and

(e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder, as the case may be.

Passed in the National Assembly on the fourth day of December, 1992.

Clerk of the National Assembly

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