

CHAPTER 195

THE SOKOINE UNIVERSITY OF AGRICULTURE ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 195

THE SOKOINE UNIVERSITY OF AGRICULTURE ACT

An Act to establish the Sokoine University of Agriculture and the Sokoine National Library at Morogoro and to provide for related matters.

[1st July, 1984] *

Acts Nos.

6 of 1984

14 of 1984

21 of 1991

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh195s1]1. Short title

This Act may be cited as the Sokoine University of Agriculture Act.

[PCh195s2]2. Omitted

[Omitted.]

[PCh195s3]3. Interpretation Act No. 14 of 1984 s. 3

In this Act, unless the context requires otherwise—

"academic staff" means members of the staff of the University described in section

25;

"academic staff association" means the association of academic staff established by section 34;

"administrative staff" means members of the staff of the University described in section 28;

"annual estimates" means the estimates, other than supplementary estimates, prepared under section 57 in respect of any financial year;

"appointing authority" in relation to a person holding any office created by or under this Act, means the person or body of persons vested with the power to appoint or elect that person to the office concerned;

"appointment" in relation to the staff of the University, means an appointment of a person to the academic or administrative staff of the University and includes an appointment or 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 section 20, and in relation to an appointment to the administrative staff or any matter relating to a member of the administrative staff, the Committee established by section 21;

"Board" means a Board or a Committee established under and in accordance with section 19, and includes an Appointment Committee, a Faculty Board, a Library Board established under section 65 the Disciplinary Appeals Committee established by section 43;

"book" includes every part or division of any book, document, periodical, magazine, newspaper, pamphlet, music score, gramophone record, picture point,

engraving, etching, deed, photograph, map, chart, plan, film, filmstrip, microfilm, slide or manuscript, and any other article or thing of a like nature, provided for the use of the public in the library or in any other library of any kind, whether or not it is the property of the University;

"Chairman" means the Chairman of the Council;

"Chancellor" means the Chancellor of the University referred to in section 9;

"constituent college" means a college or other institution established or declared to be a constituent college of the University under section 47;

"Convocation" means the Convocation of the University established by section 48;

"Council" means the Council of the University established by section 13;

"Dean" means the Dean of a Faculty;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor appointed under section 11;

"Director" means the director of an Institute;

"Disciplinary Appeals Committee" means the Committee established by section 43;

"Faculty" means a Faculty of the University established by or under section 18;

"Faculty Board" means a Faculty Board established in accordance with section 19;

"financial year" means the financial year of the University as determined under section 56;

"Institute" means an Institute established by or under this Act;

"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 and includes the President of the convocation;
- "Minister" means the Minister responsible for matters relating to higher education;
- "officer" means any person in the employ of the University but does not include the Vice-Chancellor, the Deputy Vice-Chancellor or the Registrar;
- "Registrar" means the Registrar of the University appointed under section 12;
- "regulations" means regulations made under section 68;
- "salary" includes any overseas pay addition but does not include any allowance or other monetary benefit;
- "Senate" means the Senate of the University established by section 16;
- "student" means any person admitted to the University as a candidate for a degree, diploma, certificate or other award of the University;
- "Students' Organisation" means an organisation approved by the Chancellor as being an organisation representation of the students of the University;
- "University" means the Sokoine University of Agriculture established by section 4;

"Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 10.

PART II

THE SOKOINE UNIVERSITY OF AGRICULTURE (ss 4-6)

[PCh195s4]4. Establishment of University Act No. 14 of 1984 s. 4

(1) There is established a University to be known as the Sokoine University of Agriculture.

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

- (a) have perpetual succession and an official seal;
- (b) in its corporate name, be capable of suing or being sued;
- (c) be capable of purchasing and acquiring in any other way, and of alienating any movable or immovable property;
- (d) have power to borrow such sums as it may require for its purposes.

[PCh195s5]5. Official seal and signification of documents

(1) The official seal of the University shall be kept in such custody as the Council directs and shall not be used except in accordance with an order or direction of the Council.

(2) The official seal of the University shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the Council authorised in that behalf by the Council, and that of the Registrar.

(3) The official seal of the University shall, when affixed to any document and duly authenticated under this section, be judicially and officially noticed and, unless the contrary is proved, any necessary order or authorisation of the Council under this section shall be presumed to have been duly given.

[PCh195s6]6. Objects and functions of the University

The objects and functions of the University shall be–

(a) to provide facilities for university education in the fields of or connected with agricultural sciences, including technological and professional agricultural education, and for research, either directly or through the medium of connected schools or institutes;

(b) to assist in the preservation, transmission, dissemination and enhancement of knowledge in the fields of agriculture; fisheries, forestry, veterinary and allied or complementary sciences;

(c) to create a sense of public responsibility for rural development among the educated, and to promote respect for learning and pursuit of truth;

(d) to prepare students to work with the workers and peasants of Tanzania in the agricultural, wildlife, livestock and allied sectors for purposes of the better development and strengthening of the national economy;

(e) to assume responsibility within the United Republic for higher level education in agriculture, fisheries, forestry, veterinary and allied or complementary sciences, and for that purpose to make provision for places and centres of learning, education, training and research;

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

(g) to initiate and conduct basic and applied research in the field of land use, crop and livestock production, fisheries, natural resources and allied sciences, mechanical arts and technology, and to promote the integration of the research with training and agricultural extension services;

(h) to develop, promote and undertake the provision of adult and continuing education alongside the teaching of regularly enrolled students designed to secure the development and dissemination of various applied sciences and technologies required for the enhancement of the rural economy and the efficacious solution of the economic and social problems of rural areas of the United Republic;

(i) to develop and maintain a reference library and provide library services in agricultural sciences and related disciplines for the benefit of the University community and the people of Tanzania generally;

(j) to co-operate with national and international institutions in the initiation and conduct of co-operative research and training programmes for the mutual benefit of the cooperating institutions and the United Republic;

(k) to co-operate with the Government of the United Republic, the Revolutionary Government of Zanzibar, the people of Tanzania and any person or body of persons within or outside the United Republic to secure the planned and orderly development and application of agricultural and allied sciences, and for the better performance of the functions of the University.

PART III

AWARD OF DEGREES, DIPLOMAS, ETC. (ss 7-8)

[PCh195s7]7. Degrees, diplomas, etc.

(1) Subject to the provisions of this Act, the University may confer the degrees of Bachelor, Master, Doctor and such other degrees as may be prescribed.

(2) The University may grant diplomas, certificates or other awards–

(a) to persons in respect of courses of study provided by the University and approved by the Senate; or

(b) to persons who, in the opinion of the Senate, are entitled to receive such diplomas, certificates or other awards.

[PCh195s8]8. Degrees honoris causa

Section 7 shall apply to the degree of Doctor honoris causa which the Senate may, with the approval of the Chancellor, 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

THE ADMINISTRATION OF THE UNIVERSITY (ss 9-35)

(a) The Leadership of the University (ss 9-12)

[PCh195s9]9. Chancellor

(1) The President of the United Republic shall, unless he sees fit to appoint some other person to the office of Chancellor, be the Chancellor of the University.

(2) A person who is appointed by the President to be the Chancellor shall hold office for such period and upon such terms and conditions as may be specified in the instrument of his appointment, subject to subsection (1).

(3) The Chancellor shall—

(a) be the Head of the University and shall, in the name of the University, confer all degrees, diplomas, certificates and other awards of the University;

(b) have the right, from time to time, to direct an inspection of the University or an inquiry into the teaching, research or any other work of the University;

(c) have power to arrange for visitation to the University in such manner as may be appropriate or prescribed;

(d) provide such advice and guidance to the Council as he may consider necessary or desirable for the betterment of the University.

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

(5) Whenever the Chancellor is absent from the United Republic or is for any other reason unable to perform the functions of his office, the President or any person authorised by him in that behalf may appoint a person to perform the functions of the office of Chancellor during such absence or in inability.

[PCh195s10]10. Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be appointed by the President after consultation with the Council; save that it shall not be necessary for the

President to consult the Council for the purposes of the appointment of the Vice-Chancellor to be first appointed immediately after the commencement of this Act.

(2) The Vice-Chancellor shall hold office for such period as the President may determine and upon such terms and conditions as shall be specified in the instrument of his appointment.

(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 functions as are conferred upon him by this Act or as may be prescribed.

[PCh195s11]11. Deputy Vice-Chancellor

(1) There shall be a Deputy Vice-Chancellor of the University who shall be appointed by the President, after consultation with the Vice-Chancellor, from amongst the professors of the University.

(2) The Deputy Vice-Chancellor shall hold office for such period as the President may determine and upon such terms and conditions as shall be specified in the instrument of his appointment.

(3) The Deputy Vice-Chancellor shall be the principal assistant and responsible to the Vice-Chancellor in all matters pertaining to the academic activities and life of the University.

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

[PCh195s12]12. Registrar

(1) There shall be a Registrar of the University who shall be appointed by the President, after consultation with the Vice-Chancellor, and shall be a person who, in the opinion of the President has proven administrative experience and is otherwise able to act effectively in the office.

(2) The Registrar shall hold office for such period as the President may determine and upon such terms and conditions as shall be specified in the instrument of his appointment.

(3) The Registrar shall be the principal assistant and responsible to the Vice-Chancellor in all matters pertaining to the administration of the University, including the administration of the funds and other assets of the University.

(4) The Registrar shall be the Secretary to the Council and the Senate.

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

(b) The Council (ss 13-15)

[PCh195s13]13. The University Council

(1) There shall be a Council of the University which shall consist of–

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

(b) the Vice-Chancellor and the Deputy Vice-Chancellor who shall be members ex officio;

(c) seven members who shall be appointed by the Chancellor, two of whom after consultation with the Vice-Chancellor;

(d) three members who shall be appointed by the Minister;

(e) three members who shall be appointed by the Revolutionary Government of Zanzibar;

(f) one member who shall be appointed by the Minister responsible for livestock development;

(g) one member who shall be appointed by the Minister responsible for natural resources;

(h) one member who shall be appointed by the Minister responsible for finance;

(i) one member who shall be appointed by the Minister responsible for economic planning;

(j) one member who shall be appointed by the Minister responsible for manpower development;

(k) two members who shall be appointed by the Minister responsible for agriculture;

(l) one member who shall be appointed by the Executive Council of Trade Union;

(m) two members who shall be appointed by the Apex organisation of co-operative unions in Tanzania;

(n) three members who shall be elected by the National Assembly from amongst the members of the National Assembly;

(o) ten members who shall be elected by the Senate, six of whom shall be elected from amongst the academic staff of the University;

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

(q) five members who shall be elected by the Students' Organisation from amongst its members.

(2) The provisions of the First Schedule in this Act shall have effect as to the tenure of office of the members of the Council, termination of their appointment the proceedings of the Council and other matters in relation to the Council and its members provided for in that Schedule.

(3) Where members of the Council are appointed, the appointing authority shall appoint persons who are qualified or who have prerequisite experience enabling them to fully and usefully contribute to the discharge of the functions of the Council.

[PCh195s14]14. Powers and duties of the Council

(1) Subject to this Act and without prejudice to any legislation, trust, deed or other instrument, statutory or otherwise, by or under which a constituent college is established, the government, control and administration of the University is hereby vested in the Council.

(2) In particular and without prejudice to the generality of subsection (1), the Council shall have power—

(a) to administer the property and funds of the University, both movable and immovable, other than the property and funds of a constituent college in such manner and for such purposes as, in the opinion of the Council, may be necessary or desirable for the promotion of the best interests of the University subject to subsection (3);

(b) to signify the acts of the University by use of the official seal;

(c) to receive on behalf of the University or a constituent college, gifts donations, grants, bequests or other moneys and property, and to make disbursements from them to the Faculties, Institutes, constituent colleges or to other persons or bodies of persons;

(d) to provide for the welfare of the students and the staff of the University;

(e) to enter into any association or co-operation with any other University or institution of learning within or outside Tanzania as the Council may deem necessary or appropriate;

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

(g) subject to this Act, to make by-laws relating to the government, conduct and discipline of the students and the staff of the University;

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

(3) All documents, other than those required by law to be under seal, made on behalf of the Council, and all decisions of the Council, may be signified under the hand of

the Vice-Chancellor, the Registrar or of any other member of the Council generally or specially authorised by the Council in that behalf.

(4) The Council may appoint such number of officers to assist the Registrar in his capacity as Secretary to the Council as it may consider necessary.

[PCh195s15]15. Irregularity not to affect validity of proceedings

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

(c) The Senate (ss 16-17)

[PCh195s16]16. The Senate

(1) There is hereby established a Senate of the University which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairman of the Senate;
- (b) the Deputy Vice-Chancellor, who shall be the Vice-Chairman of the Senate;
- (c) the Registrar;
- (d) the Dean of Students;
- (e) the head of each constituent college;
- (f) the Deans of the Faculties of the University;
- (g) two members appointed by the Chairman from amongst the members of the Council;

- (h) the Directors of the Institute;
- (i) one associate Dean from each Faculty of the University;
- (j) one associate Director from each institute of the University;
- (k) six members appointed by the Vice-Chancellor, three of whom shall be appointed from amongst the members of the Council;
- (l) the Heads of the departments of the Faculties;
- (m) ten members elected by the professors of the University from amongst themselves;
- (n) two members elected by the Academic Board or equivalent body, if any, of each constituent college from amongst the members of that Board or body;
- (o) the Commissioner for Education;
- (p) one representative of each of the Faculty Boards appointed by each Board from amongst its members who are not members of the Senate by virtue of any other provision of this subsection;
- (q) the Chief Co-ordinator of the University Teaching and Learning Improvement Programme;
- (r) four members elected by the Students' Organisation from amongst its members;
- (s) three members elected by the academic staff association from amongst its members.

(2) The provisions of the First Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of members of the Senate, termination of their appointment, the proceedings of the Senate and other matters in relation to the Senate as they apply to the Council.

[PCh195s17]17. Functions of the Senate

(1) The Senate shall be responsible to the Council for the control and general regulation of the instruction, education and research within the University and shall in addition have the following functions—

(a) to satisfy itself regarding the content and academic standard of any course of study offered by any Faculty, Institute or constituent collect of the University in respect of any degree, diploma, certificate or other award of the University and to report its findings on those matters to the Council;

(b) to formulate and recommend to the Council by-laws—

(i) regarding the eligibility of persons for admission to any course of study for a degree, diploma, certificate or other award of the University, and for the obtaining of any degree, diploma certificate or other award of the University;

(ii) regarding the standard of proficiency to be gained in each examination for a degree, diploma, certificate or other award of the University;

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

and proper person for the grant of the degree, diploma, certificate or other award of the University;

(d) to initiate and make proposals to the Council relating to the conduct of the University generally, and to discuss any matter relating to the University and to make representations on it to the Council;

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

(f) to make rules governing such other matters as are within its powers in accordance with the provisions of this Act;

(g) to perform such other functions as may be conferred upon it by the Council by regulations made under this Act.

(2) Notwithstanding any other provision of this Act, in respect of any matter in relation to which the Senate is required to report or make recommendations to the Council, the Council shall not initiate any action in respect of that matter until a report or recommendation on it has been received from the Senate, and shall not reject any such report or recommendation without further reference to the Senate.

(d) Faculties, Departments and Institutes (s 18)

[PCh195s18]18. Faculties, Departments and Institutes

(1) There are hereby established the following Faculties of the University–

(a) the Faculty of Agriculture;

(b) the Faculty of Forestry;

(c) the Faculty of Veterinary Medicine.

(2) The Faculty Board of a Faculty may, with the approval of the Senate, establish such number of departments within the Faculty as the Board may consider necessary.

(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 for, the faculties and Institutes established by or under this section, and may disestablish any Faculty or Institute.

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

(e) Boards and Committees (ss 19-22)

[PCh195s19]19. Faculty Boards

(1) There is hereby established in respect of each Faculty a Faculty Board.

(2) Every Faculty Board shall consist of–

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

(b) not more than fifteen members appointed by the Deputy Vice-Chancellor from amongst the academic staff assigned to the Faculty;

(c) not more than three members appointed by the Senate from amongst the staff of research institutions outside the University;

(d) five members elected to the Faculty Board by the students in the Faculty;

(e) three members elected by the academic staff of the Faculty from amongst themselves.

(3) Subject to any general or specific directions of the Senate, every Faculty Board may, from time to time—

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

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

(c) do any other act or thing as it may be empowered to do by the Senate or by or under 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 the discharge of its functions and actions to the Senate in such manner and at such intervals as the Senate may direct;

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

[PCh195s20]20. Appointments Committee for academic staff

(1) There is hereby established an Appointments Committee for the academic staff which shall consist of—

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

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

- (c) the Registrar;
- (d) one member appointed by the Minister;
- (e) one member appointed by the Vice-Chancellor;
- (f) the Deans of all Faculties and all the Directors of all Institutes of the University;
- (g) two members appointed by the Chairman of the Council from amongst the members of the Council;
- (h) two members elected by the Senate from amongst its members.

(2) Where the Appointments Committee meets to make or approve any appointment, in addition to its members, the following persons shall be entitled to sit on the Committee as temporary members—

- (a) where the appointment is to be made to a Department of a Faculty, the head of that Department; and
- (b) two members appointed by the Vice-Chancellor who, in his opinion, are adequately qualified or experienced in academic matters to assist in making a suitable appointment.

(3) 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.

(4) The provisions of the First Schedule to this Act shall apply mutatis mutandis in relation to the tenure of the office of the members, their retirement, the termination of their appointment, the proceedings of the Appointments Committee and other matters in relation to it as they apply in relation to the Council.

[PCh195s21]21. Appointments Committee for administrative staff

(1) There is hereby established an Appointments Committee for the administrative staff which shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairman;
- (b) the Registrar, who shall be the Vice-Chairman;
- (c) the Deputy Vice-Chancellor;
- (d) two members appointed by the Vice-Chancellor;
- (e) two members appointed by the Chairman of the Council from amongst the members of the Council.

(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 First Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members, their retirement, the termination of their appointment, its proceedings and other matters in relation to the Appointments Committee as they apply to the Council.

[PCh195s22]22. Council may establish other Boards and Committees

(1) 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 and appoint; save 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 the business of any 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) For the purposes of this section, the Registrar shall be deemed to be a member of the Council.

(f) The Staff of the University (ss 23-33)

[PCh195s23]23. Staff and offices in the service of the University

(1) The staff of the University shall comprise of the academic staff and administrative staff appointed to any office of any description in the service of the University.

(2) The power to constitute and to abolish offices in the service of the University are hereby vested in the Council subject to subsection (3).

(3) Nothing in subsection (2) shall apply to any office constituted by or provided for in this Act.

[PCh195s24]24. Terms and conditions of employment

(1) The terms and conditions of employment of all the staff of the University shall be such as may be prescribed.

(2) Notwithstanding subsection (1), a person seconded to the service of the University from the service of any other University or similar institution, the Government or any other public institution or authority shall be employed on such terms and conditions as may be agreed between the council and the seconding body or authority.

[PCh195s25]25. Academic staff

The academic staff of the University shall comprise of–

- (a) the Deputy Vice-Chancellor;
- (b) the Deans of Faculties;
- (c) the Directors of Institutes;
- (d) Professors in all disciplines;
- (e) Associate Professors in all disciplines;
- (f) Senior Lecturers, Senior Research Fellows and Senior Librarians;
- (g) Lecturers, Research Fellows and Librarians;
- (h) Assistant Lecturers, Assistant Research Fellows and Assistant Librarians.

[PCh195s26]26. Deans and Directors

(1) A Dean or a Director shall be appointed by the Council upon the recommendation of the Vice-Chancellor, in accordance with this section.

(2) Where a vacancy occurs in any office of Dean or Director, the Vice-Chancellor shall, after consultation 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 nor less than two persons who, in his opinion, are qualified and suitable for appointment to the

office of Dean or, as the case may be, the office of Director; save that it shall not be necessary for the Vice-Chancellor to consult the Senate for the purposes of the appointment of the Deans and the Directors to be first appointed immediately after the commencement of this Act.

(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 this section shall, subject to this Act, hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

[PCh195s27]27. Appointment of academic staff

(1) The power of making appointments to all offices of academic staff other than the office of Deputy Vice-Chancellor, Dean is hereby vested in the Council.

(2) The Council may delegate its power under subsection (1) in relation to any office to the Appointments Committee, subject to section 33.

[PCh195s28]28. Administrative staff

The administrative staff of the University shall comprise of–

- (a) the Registrar;
- (b) the Bursar;
- (c) the Dean of Students;

(d) such other members of the staff of the University not engaged in teaching or research as the Council may, from time to time, determine.

[PCh195s29]29. Appointment of administrative staff

(1) The power of making appointments to the offices of administrative staff, other than the office of Registrar, are hereby vested in the Council.

(2) The Council may delegate its power under subsection (1) in relation to any office to the Appointments Committee, subject to section 33.

[PCh195s30]30. Performances of functions in absence of leading officers

(1) In the event of the incapacity of the Vice-Chancellor, the functions of the office of Vice-Chancellor shall be discharged by the Deputy Vice-Chancellor.

(2) In the event of the simultaneous incapacity of the Vice-Chancellor and the Deputy Vice-Chancellor, the functions of the office of Vice-Chancellor shall be discharged by the Registrar.

(3) In the event of the incapacity of the Deputy Vice-Chancellor, the Registrar, a Dean or a Director, the Vice-Chancellor may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in that office whose holder is incapacitated until such time as the incapacity ceases.

(4) In the event of the incapacity of the holder of any other senior office on the administrative staff, the Registrar may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in the office whose holder is incapacitated until such time as the incapacity ceases.

(5) A person who acts in the office whose holder is incapacitated may while he so acts, be paid an acting allowance at such rate as may be prescribed.

(6) In this section, "incapacity" means absence on leave or from the United Republic or inability to discharge the functions of the office concerned by reason of illness or other cause of any nature, and the term "incapacitated" shall be construed accordingly.

[PCh195s31]31. Termination of appointments and disciplinary action

The power of dismissing or terminating the appointment of any officer by way of disciplinary action or of punishing any member of staff otherwise than by dismissal or termination of his appointment for any disciplinary offence are hereby vested in the Council.

[PCh195s32]32. No dismissal without inquiry

Notwithstanding section 31, the power to dismiss an officer by way of a disciplinary action shall not be exercised unless—

- (a) a disciplinary charge is made against the officer; and
- (b) the officer is afforded a fair opportunity to answer the charge; and
- (c) an inquiry is held into the charge in accordance with regulations made by the Council in that behalf.

[PCh195s33]33. Delegation of functions

(1) The Council may, by regulations made under this Act, delegate all or any of the powers vested in it by sections 23, 27, 29 and 31 to the Appointments Committee, the Vice-Chancellor, the Deputy Vice-Chancellor, the Registrar or any other officer of the University, subject to such limitations as the Council may specify.

(2) Until such time as regulations are made by the Council delegating its functions of making appointments to offices in the service of the University, the provisions of the Second Schedule to this Act shall have effect.

(g) The Academic Staff Association (ss 34-35)

[PCh195s34]34. Establishment of association

(1) There is hereby established an association of the academic staff of the University which shall be known by such name as shall be agreed upon by its founder members and approved by the Chancellor by notice published in the Gazette.

(2) Every member of the academic staff of the University shall be deemed to have become a member of the association upon his appointment to an office in the academic service of the University, and his membership shall terminate upon the cessation of his employment in an office of academic staff.

(3) The affairs of the association shall be conducted in accordance with its constitution, which shall be approved by the Council, and subject to this Act.

[PCh195s35]35. Functions of the association

The functions of the association of academic staff shall be—

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

(b) to foster and promote the more effectual performance by the University of its academic functions;

(c) to initiate and promote discussion and seek action to be taken by the relevant authority on any matter relating to the general welfare of the academic staff of the University or of the welfare of any of them;

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

(e) to co-operate with other organs of the University in matters of general interests to the University community.

PART V

STUDENT DISCIPLINE (ss 36-46)

[PCh195s36]36. Interpretation

In this Part, unless the context requires otherwise—

"disciplinary authority" means the Registrar exercising the powers conferred upon him by section 38 and includes any person to whom such powers have been delegated in accordance with section 39;

"disciplinary offence" means the contravention of any by-laws made under section 37 where the contravention constitutes a disciplinary offence.

[PCh195s37]37. Power of council to make by-laws

(1) The Council may make by-laws designed to secure the maintenance of discipline amongst the students.

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

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

[PCh195s38]38. Registrar to be disciplinary authority

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 42 and upon being satisfied that the charge against the student has been proved.

[PCh195s39]39. Registrar may delegate powers of disciplinary authority

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 40 to the Dean of Students, a Dean or a Director.

[PCh195s40]40. Procedure in disciplinary proceedings

(1) Disciplinary proceedings 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 he be found guilty of it, 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 of it, 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 the commission of a neglected offence or, in the case of a continuance of injury or damage, within fifteen days next after its cessation.

[PCh195s41]41. Cases of formal proceedings

(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 he may consider necessary. The charge shall state briefly the nature of the offence which the accused is alleged to have committed, and shall set out in concise form the allegations made against the accused student.

(2) 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.

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

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

(5) The accused student shall have a 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.

(6) The accused student shall have a right to—

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

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

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

(7) 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.

(8) 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.

(9) A report under subsection (8) shall state—

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

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

(c) 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;

(d) 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.

(10) 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, in his opinion, 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 his reasons for the finding.

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

[PCh195s42]42. Cases of summary proceedings

(1) Where the disciplinary authority decides to institute summary proceedings against an accused student, he shall cause a statement giving particulars of the charge or 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 it.

(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 a right to appear at the investigation and make his defence; but failure or refusal by him to attend the investigation shall not vitiate 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 41.

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

[PCh195s43]43. Disciplinary Appeals Committee

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

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

- (a) a Chairman, who shall be appointed by the Minister;
- (b) four members elected by the Council from amongst its members, one of whom shall be a member elected to the Council by the Students' Organisation;
- (c) a legally qualified person holding office in the Attorney-General's Chambers nominated in that behalf by the Attorney-General.

(3) The quorum for 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 First Schedule to this Act shall apply mutatis mutandis in relation to the tenure of office of the members of the Disciplinary Appeals Committee, their retirement, the right to terminate their appointment, and 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.

[PCh195s44]44. Appeals

(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 who 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 a 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 imposed; 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 42, the Disciplinary Appeals Committee shall not enhance the punishment to dismissal or rustication from the University.

[PCh195s45]45. Disciplinary offences not criminal offences

For the purposes of section 48 of the Interpretation Act *, disciplinary offences under this Act shall be deemed not to be offences created by or under any written law.

[PCh195s46]46. Decisions not subject to review

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

PART VI

CONSTITUENT COLLEGES (s 47)

[PCh195s47]47. President may establish constituent colleges

(1) The President may, after consultation with the Council, by order published in the Gazette—

- (a) establish any college as a constituent college of the University;
- (b) declare any institution of learning, higher education or training established by or under any written law, or owned by the Government or a parastatal organisation, to be a constituent college of the University or a Faculty or Institute, of the University.

(2) Where the President establishes, or declares any institution to be, a constituent college, he may, either as Chancellor or after consultation with the Chancellor, appoint a Principal of that constituent college.

(3) Where the President declares any institution to be a constituent college, Faculty or Institute, of the University, he may upon the advice of the Council—

- (a) by the same or subsequent order make such provision for the administration of the constituent college, Faculty or Institute, as he may consider appropriate, modify any of the provisions of this Act so as to provide for the representation of that college, Faculty or Institute, on the Council, the Senate or a Board;
- (b) by the same or subsequent order—
 - (i) transfer the assets and liabilities of that institution to the University;

(ii) transfer any person who is an employee of that institution to the service of the University.

(4) Where the President declares any institution to be a constituent college, Faculty or Institute of the University in pursuance of subsection (1), he may, by the same or subsequent order repeal or amend, as he may deem necessary, the written law, if any, by or under which that institution was established, and every such order repealing or amending such written law shall have the same effect as if the repeal or amendment, as the case may be, were effected by this Act.

(5) Where the President vests any asset or liability of an institution in the University in pursuance of this section, the asset or liability to which the order relates shall, by virtue of that order and without further assurance, vest in the University.

(6) Where in pursuance of this section the President may transfer any employee of an institution to the service of the University—

(a) the employee shall, as from the date of the transfer, be deemed to be an employee of the University;

(b) the terms and conditions of service applicable to the employee after the transfer shall be in accordance with this Act and the regulations, but shall not be less favourable than those he was entitled to before the transfer;

(c) for the purpose of determining any right to gratuity or any other superannuation benefit, the service of the employee with the University shall be regarded as continuous with his service immediately preceding the transfer; and

(d) the employment of that employee immediately before his transfer and his employment by the University shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act *, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 9.

(7) Where in pursuance of this section the President vests any asset or liability of an institution in the University, he may make provision in respect of the transfer of the rights and liabilities of the institution to the University under any contract, guarantee, agreement, bond, authority, mortgage, charge, bill of exchange, promissory note, bank draft, bank cheque, letter of credit or any other security or instrument of any kind and he may provide for the substitution of the University as the party to it.

(8) Where in the exercise of the power vested in him by this section the President declares any institution to be a Faculty or an Institute of the University, the Faculty or Institute, shall be deemed to have been established by section 19.

(9) For the purpose of this section, "parastatal organisation" means—

- (a) a local government authority;
- (b) any body corporate established by or under any written law other than a company registered under the Companies Act *;
- (c) Chama cha Mapinduzi, any organ of Chama cha Mapinduzi or any body of persons, whether corporate or unincorporate, which is affiliated to or established by Chama cha Mapinduzi;

(d) any company registered under the Companies Act fifty-one percent or more of whose share capital is owned by the Government or by a parastatal organisation.

(10) The President may, in any order made under this section, make such supplementary, transitional or consequential provisions as he may deem necessary or expedient to give effect to it.

(11) Every order made under subsection (1) shall be subject to approval by resolution of the National Assembly at its meeting next following the making of that order.

PART VII

THE CONVOCATION (ss 48-52)

[PCh195s48]48. The Convocation of the University

(1) There is hereby established a Convocation of the University of Agriculture Morogoro, which shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) all members of the academic staff;
- (d) subject to subsection (2), all persons who are graduates from the Faculty of Agriculture of Makerere College associated with the University of London, or East Africa;
- (e) subject to subsection (2), all persons who are graduates from the Faculty of Agriculture or Forestry and Veterinary Science of the University of Dar es Salaam established by the University of Dar es Salaam Act *, and all persons who become graduates of the University of Agricultural Sciences;

(f) such persons as the Chancellor may, upon recommendation by the Council, appoint to be members of the Convocation.

(2) No graduate referred to in subsection (1)(d) and (e) shall become a member of the Convocation unless he is ordinarily resident in the United Republic.

(3) 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.

[PCh195s49]49. Functions of the Convocation

The Convocation may 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 and the Minister, or to the Council or to the Senate, as the Convocation may consider appropriate.

[PCh195s50]50. President of Convocation

(1) The Convocation shall at its first elect from amongst its members a 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 sooner dies or resigns, hold office for a period of three years and shall be eligible for re-election.

[PCh195s51]51. Meetings of the Convocation

(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 meeting.

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

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

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

(7) A decision of the majority of the members present and voting at a meeting of the Convocation shall be deemed to be a decision of the Convocation.

(8) In the event of an equality of votes, the President 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 the fact that a person who is entitled to be a member of the Convocation has not been registered in the Convocation Roll.

[PCh195s52]52. The Registrar to report to Council and Chancellor

(1) The Registrar shall report to the Council the activities of the Convocation and shall transmit to the Chancellor and 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 of the Convocation to the Chancellor and the Minister.

PART VIII

FINANCIAL PROVISIONS (ss 53-60)

[PCh195s53]53. Council to be responsible for management of assets, etc.

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 interests of the University.

[PCh195s54]54. Funds of University

The funds and resources of the University shall consist of—

(a) such sums as may be provided for the purposes of the 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.

[PCh195s55]55. Power to invest

The Council shall have power to invest the funds of the University in such investment, and subject to such conditions, as are prescribed by the Trustee Investments Act * in relation to investment of funds by a trustee.

[PCh195s56]56. Council may alter financial year

Notwithstanding the period specified in the definition "financial year" in section 2, 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 or more or less than twelve months, shall be regarded as if it were a financial year.

[PCh195s57]57. Annual estimates

(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 it may consider appropriate the estimates prepared in accordance with subsection (1).

(3) The annual estimates shall contain provision 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-Chancellor, the Registrar;

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

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

(d) for the 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;

(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 purpose of the University except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council.

(5) A copy of the annual estimates and of every supplementary estimates, if any, shall immediately upon the approval of such annual estimates or, as the case may be, the supplementary estimates, by the Council, be forwarded to the Chancellor and the Minister.

[PCh195s58]58. Accounts and audit

(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 established by the Tanzania Audit Corporation Act *, in accordance with the procedure prescribed by the provisions of that Act.

(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 and the Minister.

[PCh195s59]59. Vice-Chancellor's report

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 and to the Minister.

[PCh195s60]60. Annual statement of accounts and Vice-Chancellor's report to be laid before National Assembly

The Minister shall lay before the National Assembly, as soon as may be practicable after he has received them—

- (a) copies of the statement referred to in subsection (1) of section 58;
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Vice-Chancellor's report.

PART IX

THE LIBRARY (ss 61-63)

(Act No. 21 of 1991)

[PCh195s61]61. Establishment, location and status of the library

(1) There is hereby established an agricultural library which shall be known as the Sokoine National Agricultural Library.

(2) The Library shall be within the University and shall be an Institute of the University.

(3) The Library shall be both the library of the University as well as a national agricultural library for the United Republic.

[PCh195s62]62. The national agricultural library system

(1) The Minister shall make appropriate provision for the establishment, maintenance and operation of a national agricultural library system for the United Republic.

(2) The Library shall be an agricultural library within the national agricultural library system, and shall be developed as the centre of the national agricultural library network.

[PCh195s63]63. Functions of the library

(1) The primary object of the library shall be the development and maintenance at the University of a system of reference, lending and other library services in agricultural sciences and related disciplines for the benefit of the University Community, the needs of agricultural scientists and of the people of Tanzania generally.

(2) In particular and without prejudice to the generality of subsection (1), subject to any special or general directions of the Minister or the Council, the Library shall have power to—

(a) serve the library and information needs of agricultural researchers, teachers, students, extension workers, farmers and peasants as well as any other group in need of such information;

(b) supervise, coordinate, advise and offer consultancy and liaison services to all cooperating agricultural libraries in the United Republic for the purpose of improving the services they provide;

(c) provide services such as reference, bibliography and library loans in the field of agriculture and related subjects;

(d) undertake centralised technical services such as the selecting, ordering and cataloguing of books and allied materials for the national agricultural library system;

(e) act as national bibliographic and documentation centre involved in being a repository of published and unpublished materials on agriculture and related fields, legal deposit right, indexing, abstracting and compilation of national agricultural bibliography;

(f) establish and maintain Union catalogue for easy location of the material available in the system;

(g) establish, maintain and promote co-operation with similar libraries and information centres at national and international levels for the purposes of maintaining a ready means of acquiring relevant literature;

(h) collect and maintain records of agricultural research and development projects in progress or completed, so as for the library to serve as a national clearing house for all agricultural materials;

(i) finance, organise and conduct or facilitate the conduct of in-service and professional training of its staff in order for the library to render efficient and effective service;

(j) provide a national scientific literature service for current awareness and delivery of documents;

(k) do anything or enter into any transaction which in the opinion of the Board is calculated to facilitate the proper and efficient carrying on of the activities of the library and the proper exercise of its functions under this Act.

PART X

ADMINISTRATIVE AND FINANCIAL PROVISIONS RELATING TO LIBRARY (ss 64-67)

[PCh195s64]64. Vesting of management

(1) The government, control and administration of the business of the Library is hereby vested in the Board, which shall be answerable to the Council through the Senate for the discharge of its functions.

(2) The Library shall, for the purposes of conducting its business within the University, be deemed to be an Institute of the University.

[PCh195s65]65. The Library Board

(1) There is hereby established a Board for the Library which shall be known as the Library Board.

(2) The Board shall consist of—

(a) the Director who shall be Chairman of the Board; and

(b) not more than fifteen nor less than ten other members appointed by the respective Ministries, Institutions or Institutes as follows:

(i) one member representing the Ministry responsible for Agriculture, Livestock Development and Co-operatives;

(ii) one member representing the Ministry responsible for Natural Resources;

(iii) one member representing the Tanzania Library Services;

(iv) one member of Parliament;

(v) one member representing the University of Dar es Salaam Library;

(vi) one member representing each of the faculties of Sokoine University of Agriculture;

(vii) one member representing each of the faculties of Sokoine University of Agriculture;

(viii) one member representing the Development Studies Institute of Sokoine University of Agriculture;

(ix) one member representing the Development Studies Institute at Sokoine University of Agriculture;

(x) one member representing the Basic Science Unit at Sokoine University of Agriculture;

(xi) the Bookshop Manager of Sokoine University of Agriculture;

(xii) two members representing the Library;

(xiii) one member representing the Computer Unit at Sokoine University of Agriculture;

(c) such other members not more than three as the Board may wish to co-opt from time to time.

[PCh195s66]66. Financial resources of the Library

The funds and resources of the shall consist of—

(a) such sums as may be provided for Library the purposes of the Library by the University;

(b) such sums as the Board may from time to time, raise from clients of the Library;

(c) such sums as may be realised from donations, gifts, grants and bequests made to the library or to the University for the purposes of the Library.

[PCh195s67]67. Deposit of books

For the purposes of section 3 of the Publications (Compulsory Deposit) Act *, the Library shall be a place to which there shall be delivered for deposit a copy of every book printed in the United Republic.

PART XI

MISCELLANEOUS PROVISIONS (ss 68-74)

[PCh195s68]68. Regulations Act No. 21 of 1991

(1) The Minister may, upon advice by the Council, make appropriate regulations for the purposes of establishing, maintaining, operating or in any way promoting the development of the national agricultural library system.

(2) Subject to subsection (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—

(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 certificate or other award may be granted;

(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 constituent college, faculty or institute established by or under this Act;

(e) prescribing the manner in which by-laws made by the Senate under section 17 shall be submitted to the Council for its approval;

(f) regulating the conducting of examinations;

(g) prescribing fees for admission to the University, a Constituent College, Faculty or Institute established by or under this Act;

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

(i) providing for and 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;

(l) 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 University.

(3) Regulations made under this Act shall be published in the Gazette.

[PCh195s69]69. By-laws

(1) The Board may make by-laws for all or any of the following purposes—

- (a) providing for the powers, duties and functions of the librarian;
- (b) fixing the hours during which the Library shall be open to the public;
- (c) regulating admission to the Library or to any of the facilities provided in it;
- (d) regulating the lending and borrowing of any of the books in the Library;
- (e) requiring a guarantee or security to be given by any person borrowing books from the Library;
- (f) prescribing fees, charges and penalties to be paid by any person in respect of books borrowed from the Library;
- (g) regulating the conduct of persons in the Library;
- (h) protecting the Library and the fittings, furniture, books and any other things in it from damage;
- (i) the assessment of the amount to be paid in respect of the repair or replacement of any book which has been lost, damaged or destroyed or by way of

compensation for the loss or damage sustained by the University by reason of the fact that any book has been lost, damaged or destroyed and the recovery of any such amount;

(j) enabling any person to be refused the use of the Library or any of the facilities provided in the Library and the removal from it of any person;

(k) the terms on which articles may be deposited in the Library for safekeeping while any person is in the Library.

(2) By-laws made under paragraph (1) of subsection (1) may provide that, in a case where one of the books forming a set of books in the Library has been lost, damaged or destroyed, the amount to be paid in respect of the book may be assessed by reference to the cost of replacing all the books in the set and may authorise the recovery, in addition to the amount to be paid in respect of the replacement of any book, of a surcharge not exceeding twenty percent of such amount.

(3) By-laws made under this section may provide that contravention of any of the provisions of those by-laws shall constitute an offence and may prescribe penalties for them not exceeding in each case a fine of one hundred thousand shillings.

(4) All by-laws made by the Board under this section shall be subject to prior approval of the Senate, and shall be published in the Gazette.

(5) By-laws made under this section may be applied to all or to any of the libraries within the national agricultural library system.

[PCh195s70]70. Fees and allowances

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.

[PCh195s71]71. Chancellor may give directions

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

[PCh195s72]72. Protection of members of Council, Senate, Convocation and Boards

No matter or thing done by any member or officer of the Council, the Senate, the Convocation or a Board shall, if done bone fide in execution or 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.

[PCh195s73]73. Proceedings of Senate or Board not to be invalid by reason of irregularity

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

[PCh195s74]74. Transitional provisions

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

FIRST SCHEDULE

PROVISIONS RELATING TO THE COUNCIL

(Sections 13(2) and 43(4))

1. Tenure of office of Chairman

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

2. Tenure of office members

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 member shall be three years and all such members shall retire on the last day of June, 1987 and on the last day of June in every third year thereafter, and 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 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. Appointing authority may terminate appointment

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. Absent from three consecutive meetings

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. Where member ceases to be member

(1) Where any member of the Council ceases to be a member by resignation or death or by virtue of the operation of the proviso to paragraph 2 or is unable to perform his functions as such by reason of his absence from the United Republic or by reason of any infirmity of 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 a 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. Registrar entitled to attend meetings

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

7. Vice-Chairman

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-Chairman for a term of one year from the date of his election and shall be eligible to be re-elected.

8. Powers of Chairman and Vice-Chairman

(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 an equality of votes, shall have a casting vote in addition to his deliberative vote.

9. Meeting and procedure of Council

(1) Subject to any general or specific direction by the Chancellor, the Council shall meet not less than 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 as 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 request being made to him in writing.

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

10. Quorum

(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 any one member 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 date of adjournment.

11. Decisions of Council

Subject to 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. Decision by circulation of papers

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. Seal

(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 accordance with section 5, and the person or persons present shall sign over or underneath the seal in witness thereof.

14. Execution of contracts, etc.

Subject to paragraph 13, all conveyances, transfers, contracts, guarantees, agreements, bonds, authorities, mortgages, 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; or
- (b) the Registrar; or
- (c) such other officer of the University as the Vice-Chancellor may appoint in that behalf.

15. Council may regulate its proceedings

Subject to the provisions of this Schedule the Council may regulate its own proceedings.

SECOND SCHEDULE

PROVISIONS RELATING TO APPOINTMENT OF STAFF

(Section 33(2))

1. (1) Where a vacancy occurs in the post of the Dean of Students, the Bursar or any Senior Administrative Officer, and the Registrar is of the opinion that the vacancy should be filled by promotion from amongst the officers of the University, he shall, after consultation with the Vice-Chancellor, propose to the Appointments Committee the name or names of the officer or officers who in his opinion is or are suitable for the promotion.

(2) Where the Registrar is of the opinion that the vacancy be filled by an appointment otherwise than on promotion, he shall cause the vacancy to be advertised in such manner as he may consider fit and 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.

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

Provided that an appointment to the post of the Dean of Students or the Bursar shall be subject to the approval of the Council.

(4) For the purpose 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 thirty thousand shillings per annum.

2. (1) Appointment to any post on the administrative staff the salary or the maximum of the salary scale of which exceeds fifteen thousand shillings per annum but does exceed thirty thousand shillings per annum may be made by the Vice-Chancellor after consultation with the Registrar and subject to the approval of the Appointments Committee.

(2) Appointment to any post on the administrative staff the salary or the maximum of the salary scale of which exceeds nine thousand shillings per annum but does not exceed fifteen thousand shillings per annum may be made by the Vice-Chancellor after consultation with the Registrar.

(3) Appointment to any post on the administrative staff, the salary or the maximum of the salary scale of which does not exceed nine thousand shillings per annum may be made by the Registrar.

(4) The Registrar may delegate the power of making appointments conferred upon him by subparagraph (3)–

(a) in relation to any post the salary or the maximum of the salary scale of which exceeds six thousand shillings per annum, to a senior administrative officer;

(b) in relation to any post, the salary or the maximum of the salary scale of which does not exceed six thousand shillings per annum, to any officer who is in receipt of a salary of fifteen thousand shillings or more per annum.

THIRD SCHEDULE

CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

(Section 74(1))

1. Interpretation

In this Schedule, unless the context otherwise requires—

"effective date" means the first day of July, 1984;

"former Council" means the Council of the University of Dar es Salaam;

"former faculty" means the Faculty of Agriculture, Forestry and Veterinary Science;

"former officer" means any person employed on the academic staff or the administrative staff of the former university or the former institutes immediately preceding the effective date and includes the persons so employed as the Dean of the former university or as the Director of a former institute;

"former university" means the University of Dar es Salaam.

2. Vesting of assets and liabilities

All the assets and liabilities of the former University, with respect to the former faculty subsisting upon the effective date shall, by virtue of this Act and without further assurance, vest in the University, and the former Council, the former faculty or any former institute, as the case may be, shall, as from the effective date, be discharged from its obligation in respect of every such liability.

3. University to continue functions of former university at Morogoro

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

4. Staff

(1) Subject to the provisions of paragraph 5, 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 in 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 in the 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:

Provided that—

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

(b) his employment immediately prior to the effective date and his employment by the University shall be deemed to be continuous employment by one employer within the meaning of section 9 of the Severance Allowance Act, and that Act shall apply to the parties in the same manner as it applies to the cases set out in subsection (1) of the said section 9.

5. Dean

(1) The Dean of the Faculty of the former University shall cease, with effect from the effective date, to hold the office of Dean:

Provided that the Vice-Chancellor may, after consultation with the Chancellor appoint any such former Dean as Dean of a Faculty of the University, and where any former Dean is so appointed he shall be deemed to have been appointed in accordance with the provisions of this Act.

(2) Where a former Dean is not appointed as Dean of a Faculty of the University in accordance with the proviso to subparagraph (1), he shall be deemed to have been employed on the academic staff of the University in a post of a rank not lower than the rank he held in the former university prior to his appointment as Dean or in such other post as the President may determine.

(3) Subject to subparagraph (2), a former officer shall not, notwithstanding any provision of the terms and conditions applicable to his employment immediately, preceding the effective date or any provision of any contract regulating his employment immediately preceding the effective date, be entitled to claim from the former Council or the University any damages or other payment of any kind for any loss suffered by him by reason of the operation of the provisions of this Schedule.

6. Disciplinary Regulations of the former university

Rules or regulations made by or under the authority of the former Council for the purposes of regulating discipline amongst the students of the former university 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.

7. Certain decrees of the University of Dar es Salaam to continue in force until replaced

The provisions of the Decrees and other subsidiary legislation made under the University of Dar es Salaam Act *, which relate to—

- (a) the degrees which the University of Dar es Salaam may confer;
- (b) the certificates, diplomas and other awards of the said University;
- (c) the manner in which such degrees, diplomas, certificates and other other awards may be conferred,

shall continue in force and apply mutatis mutandis in relation to the degrees, diplomas, certificates other awards of the University established by this Act as if such provisions were contained in regulations made under section 57 until such time as regulations are made under this Act providing for degrees, diplomas, certificates and other awards of the University.

8. Operation of contract, etc.

(1) The instruments to which this paragraph applies are instruments (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 Council or the former faculty or a former institute is a party;

(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 or the former faculty or a former institute; or

(c) under which any money is or may become payable or any other property is to be or may become liable to be transferred, conveyed or assigned by the former Council or the former faculty or a former institute, which are subsisting at the effective date, other than any contract or agreement between or may become liable to be transferred, conveyed or assigned by the former Council, the former faculty or a former institute 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 faculty or for the former institute, as the case may be, as a party thereto;

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

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