

CHAPTER 209

THE COLLEGE OF WILDLIFE MANAGEMENT ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.
3. Establishment of the College and functions.

PART II

ESTABLISHMENT OF GOVERNING BODY

4. Establishment and incorporation of Governing Body.
5. Functions of Governing Body.

PART III

STAFF

6. Appointment of Principal and Deputy Principal.
7. Academic staff.

8. Administrative staff.
9. Delegation of powers of appointment.

PART IV

FINANCIAL PROVISIONS

10. Vesting of assets.
11. Management of assets.
12. Funds of the College.
13. Borrowing powers.
14. Investment.
15. Annual estimates.
16. Accounts and audit.

PART V

MISCELLANEOUS PROVISIONS

17. Rules and orders.
18. Members of Governing Body not personally liable.
19. Minister may give directions.
20. Minister to have access to accounts, etc.
21. Factors to be taken into account in making appointments of members.

SCHEDULE

CHAPTER 209

THE COLLEGE OF WILDLIFE MANAGEMENT ACT

An Act to establish the College of Wildlife Management.

[1st July, 1964]

Acts Nos.

8 of 1964

[R.L. Cap. 549]

1 of 1968

41 of 1969

39 of 1974

32 of 1994

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh209s1]1. Short title

This Act may be cited as the College of Wildlife Management Act.

[PCh209s2]2. Interpretation

In this Act, unless the context otherwise requires—

"College" means the College of Wildlife Management;

"college year" means such period of twelve months as the Governing Body may determine;

"decrees" means decrees made by the Governing Body under section 5;

"financial year" means the period of twelve months commencing on the first day of July in any year;

"Governing Body" means the Governing Body of the College established by section 4;

"member" in relation to the Governing Body includes the Chairman;

"Minister" means the Minister responsible for matters relating to wildlife;

"Principal" means the Principal of the College appointed under section 6.

[PCh209s3]3. Establishment of the College and functions Act No. 32 of 1994 Sch.

(1) There is hereby established a College to be known as the College of Wildlife Management.

(2) The functions of the College shall be—

(a) to provide technical and professional training in Wildlife Management at the levels of short courses, certificates, Diploma or Post Graduate;

(b) to provide research and consultancy services in applied wildlife management to individuals and organisations concerned with conservation and management of wildlife and hence enhancing the primary teaching role.

PART II

ESTABLISHMENT OF GOVERNING BODY (ss 4-5)

[PCh209s4]4. Establishment and incorporation of Governing Body

(1) There is hereby established a body to be known as the Governing Body of the College of Wildlife Management and the government, control and administration of the College shall be vested in the governing body in accordance with the provisions of this Act.

(2) The Governing Body shall—

- (a) be a body corporate in the name of the Governing Body of the College of Wildlife Management with perpetual succession and a common seal;
- (b) in its corporate name be capable of suing and being sued; and
- (c) for and in connection with the purposes of this Act, be capable of holding, purchasing and otherwise acquiring and disposing of any movable or immovable property.

(3) The provisions of the Schedule shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Governing Body.

[PCh209s5]5. Functions of Governing Body Act No. 32 of 1994 Sch.

(1) The functions of the Governing Body shall be to govern, control and administer the College and, in particular but without prejudice to the generality of the foregoing, shall include—

- (a) the authorisation of appropriate and necessary expenditure within the funds available to the College;
- (b) the preparation of the annual estimates and of such annual statements as are required by this Act;
- (c) the appointment of the members of the staff of the College;

- (d) subject to the provisions of this Act, the making of decrees relating to—
 - (i) the fixing of fees and boarding charges;
 - (ii) the terms and conditions of service, including the appointment, dismissal, salary and retiring benefits of members of the staff of the College;
- (e) the making of decrees relating generally to the academic management of the College and in particular to—
 - (i) the qualifications necessary for entrance to the College, the courses of instruction to be provided at the College, the duration and number of College terms and the award of certificates and diplomas to students of the College;
 - (ii) the grant of scholarships and studentships, and the revocation of any such grant;
- (f) to solicit and receive for the purposes of the functions of the College grants, aids, gifts, donations, fees subscriptions and other sums required for the implementation of the College programmes.

(2) The Governing Body may—

- (a) appoint to the College a Patron and not more than two Vice-Patrons;
- (b) affiliate the College to, or associate it with, any body or organisation, whether in Tanzania or elsewhere, which is concerned with higher education.

(3) In the carrying out of functions, the Governing Body may so far as practicable, consult and cooperate with any body, organisation or association in or outside the United Republic of Tanzania having relevance to the functions prescribed by this Act.

PART III

STAFF (ss 6-9)

[PCh209s6]6. Appointment of Principal and Deputy Principal Act No. 32 of 1994 Sch.

(1) Subject to the provisions of subsection (2) the principal of the College shall be the chief executive officer of the college and shall be responsible to the Governing Body.

(2) The Governing Body, with the prior consent of the Minister, shall appoint the Principal and determine his terms and conditions of service.

(3) The Governing Body may appoint, on such terms and conditions of service as it may determine, a Deputy Principal of the College.

(4) The Principal or, in his absence, the Deputy Principal, shall be entitled to be present and to speak but not to vote at any meeting of the Governing Body.

[PCh209s7]7. Academic staff

The academic members of the staff of the College shall, subject to the provisions of section 9, be appointed by the Governing Body either—

(a) on such terms and conditions of service as may be determined by the Governing Body; or

(b) in the case of a person seconded to the staff of the College from the service of the Government or of any other body or organisation, on such terms and conditions of service as may be agreed between the Governing Body and the seconding body.

[PCh209s8]8. Administrative staff

The administrative staff of the College shall, subject to the provisions of section 9, be appointed by the Governing Body either—

(a) on such terms and conditions of service as may be determined by the Governing Body; or

(b) in the case of a person seconded to the staff of the College from the service of the Government or of any other body or organisation, on such terms and conditions of service as may be agreed between the Governing Body and the seconding body.

[PCh209s9]9. Delegation of powers of appointment

The Governing Body may, subject to such conditions or restrictions as it may impose, delegate to any person or body of persons the power of appointment of any member of the staff of the College.

PART IV

FINANCIAL PROVISIONS (ss 10-16)

[PCh209s10]10. Vesting of assets

On the coming into operation of this Act there shall vest in the Governing Body by virtue of this section and without further assurance—

(a) all the funds, assets and property vested or held in the name of the College immediately before such coming into operation;

(b) all rights and liabilities of the College then subsisting under any valid and enforceable contract entered into by it or on its behalf.

[PCh209s11]11. Management of assets

All the funds, assets and property, movable and immovable, of the College shall be managed and utilised by the Governing Body in accordance with the provisions of the Act in such manner and for such purposes as, in the opinion of the Governing Body, would promote the best interests of the College.

[PCh209s12]12. Funds of the College Act No. 32 of 1994 Sch.

The funds of the College shall consist of–

- (a) such funds or assets as may vest in or accrue to the college from other sources by way of grants, fees or gifts;
- (b) any sum which the Governing Body may, subject to the provisions of section 13, borrow for the purpose of the college;
- (c) any property which may in any manner become vested in the college;
- (d) revenue from student fees.

[PCh209s13]13. Borrowing powers

(1) The Governing Body may borrow sums required by it for meeting any of its obligations or for the purpose of carrying out any of its functions.

(2) A person lending money to the Governing Body shall not be bound to inquire whether the borrowing of that money is within the power of the Governing Body.

[PCh209s14]14. Investment

The Governing Body may invest such part of the funds of the College as are not required for the carrying out of the functions of the Governing Body.

[PCh209s15]15. Annual estimates

(1) The Governing Body may determine which period of twelve months shall constitute the financial year of the College and shall cause to be prepared annually estimates of the revenue and expenditure of the College for the ensuing financial year, and such estimates shall be approved by the Governing Body before the commencement of such year:

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

(2) In such annual estimates the Governing body shall make provision for all the estimated expenditure during the financial year, and in particular for—

(a) the payment of all salaries, passages, pensions, gratuities, and other retiring benefits and other charges in respect of the staff of the College;

(b) the payment of all fees or expenses in respect of members of the Governing Body;

(c) the construction, improvement, maintenance and replacement of the buildings, grounds and equipment of the College;

(d) the creation of such reserve funds to meet future or contingent liabilities as the Governing Body may think fit.

(3) No expenditure shall be incurred for the purposes of the College except in accordance with the provisions of the annual estimates.

(1) The Governing Body shall keep or cause to be kept proper accounts and such accounts together with—

(a) a statement of income and expenditure during the previous financial year; and

(b) a statement of the assets and liabilities of the Governing Body on the last day of such year,

shall, as soon as practicable after the end of each financial year, be submitted to and audited by the Tanzania Audit Corporation.

(2) The Principal shall, as soon as practicable after the end of each College year, cause to be prepared a report on the working of the College during such year, and such report, signed by the Principal, shall be submitted to the Governing Body.

PART V

MISCELLANEOUS PROVISIONS (ss 17-21)

[PCh209s17]17. Rules and orders

(1) The Governing Body may, subject to the provisions of this Act, make rules for the government, control and administration of the College.

(2) The Principal may make orders for the better carrying into effect of the powers and duties conferred or imposed upon him under the provisions of this Act.

(3) Notwithstanding the provisions of section 37 of the Interpretation of Laws Act *, it shall not be necessary for rules or orders made under this section to be published in the Gazette.

(4) The provisions of subsection (4) of section 36 of the Interpretation of Laws Act shall not apply in respect of rules or orders made under this section.

[PCh209s18]18. Members of Governing Body not personally liable

No member of the Governing Body shall be personally liable for any act or thing done or omitted to be done by him as such in good faith and without negligence for the purposes of the College.

[PCh209s19]19. Minister may give directions Acts Nos. 39 of 1974 s. 2; 32 of 1994 Sch.

The Minister may give to the Governing Body directions of a general nature as to the exercise and performance of its functions in relation to matters appearing to the Minister to affect national and regional interest and the Governing Body shall give effect to every such direction.

[PCh209s20]20. Minister to have access to accounts, etc. Act. No. 39 of 1974 s. 2

The Governing body shall afford to the Minister facilities for obtaining information with respect to the property and activities of the College and shall furnish him with returns, accounts, and other information and afford to him facilities for the verification of information furnished, in such manner and at such times as the Minister may require.

[PCh209s21]21. Factors to be taken into account in making appointments of members Acts Nos. 39 of 1974 s. 2; 32 of 1994 Sch.

In appointing members of the Governing Body the Minister shall have regard to the regional nature of the college and the desirability of fostering and maintaining friendly relations with other countries interested in the management of African fauna and flora.

SCHEDULE

CONSTITUTION AND PROCEEDINGS OF GOVERNING BODY

(Section 4(3))

1. Construction Acts Nos. 41 of 1969 Sch.; 39 of 1974 s. 3

In this Schedule unless the context otherwise requires—

"appointing authority" means, in relation to the Chairman of the Governing Body, the President and in relation to any other member, the Minister;

"member" includes the Chairman.

2. Composition of the Governing Body Act No. 32 of 1994 Sch.

(1) The Governing Body shall consist of—

- (a) a Chairman, who shall be appointed by the President; and
- (b) not less than ten and not more than fifteen members who shall be appointed

by the Minister.

(2) In appointing the members, the Minister shall have regard to the following composition of the Governing Body—

- (i) Director of Wildlife in the Ministry;
- (ii) Permanent Secretary in the Ministry;
- (iii) Director-General-Tanzania National Parks;
- (iv) not more than three student representatives from foreign countries in the

institute;

(v) not more than three representatives from donor community supporting the college.

(3) Every member of the Governing Body shall continue to hold office for a period not exceeding three years after which the member may be eligible for reappointment by the appointing authority.

(4) Any member of the Governing Body may, at any time, resign from the Governing Body by giving one month notice in writing to the respective appointing authority and that notice shall take effect from the date of acknowledgement by the authority.

(5) Any member of the Governing Body who is absent, without the permission of the chairman, for three consecutive meetings of the Governing Body will cease to be a member of the Governing Body.

(6) If any vacancy occurs in the membership of the Governing Body by reason of death, resignation, ceasure of membership or permanent incapacitation of any member, the appointing authority may appoint another person to fill that vacancy, and the person appointed shall hold office for the unexpired residue of period of office.

(7) The Principal shall be the Secretary of the Governing Body or in his absence the Deputy Principal.

3.

Where any member absents himself from three consecutive meetings of the Governing Body without reasonable excuse the Governing Body shall advise the

appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.

4. Quorum, procedure and meeting Act No. 32 of 1994 Sch.

(1) The Governing Body shall ordinarily meet for the transaction of its business at the times and places determined by it, but may hold extra-ordinary meetings as may be deemed necessary.

(2) The quorum at any meeting of the Governing Body shall be five members.

(3) The Chairman or with his consent, the secretary, may invite any person who is not a member to participate in the deliberations at any meeting of the Governing Body, but any person so invited shall not be entitled to vote.

(4) At its first meeting the Governing Body shall elect any member to be Vice-Chairman of the Body.

(5) In the event of an equality of votes, the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(6) Minutes in proper form of each meeting of the Governing Body shall be kept and shall be confirmed by the Governing Body at the next meeting and signed by the Chairman of the meeting.

(7) All acts, matters and things authorised or required to be done by the Governing Body shall be decided by resolution at a meeting of the Governing Body at which a quorum is present.

(8) A decision of the majority of members present and voting at a meeting of the Governing Body shall be deemed to be a decision of the Governing Body.

(9) The Seal of the Governing Body shall be affixed by the Chairman, Vice-Chairman or temporary chairman and witnessed by two members.

5. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 3 relating to a quorum, the Governing Body may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Governing Body shall be invalid by reason only of some defect in the appointment of a person who purports to be a member.

6. Members to be reimbursed

The members may, if the Governing Body so determines, be reimbursed for all reasonable expenses incurred by them in the course of their duties.