

CHAPTER 315

THE COLLEGE OF BUSINESS EDUCATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 315

THE COLLEGE OF BUSINESS EDUCATION ACT

An Act to establish a Governing Body for the government of the College of Business Education and for purposes connected therewith.

[7th August, 1965]

[R.L. Cap. 589]

Acts Nos.

31 of 1965

17 of 1968

38 of 1974

PART I

PRELIMINARY PROVISIONS (ss 1-4)

[PCh315s1]1. Short title

This Act may be cited as the College of Business Education Act.

[PCh315s2]2. Interpretation

In this Act, unless the context requires otherwise—

"College" means the College of Business Education;

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

"Director" means the Director of the College appointed under section 6;

"financial year" means the period of twelve months commencing on the first day of July in any year unless the Governing Body determines any other period of twelve months under section 12;

"Governing Body" means the Governing Body of the College established by section 5;

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

"Minister" means the Minister responsible for commerce.

[PCh315s3]3. The College

The College shall be governed and administered in accordance with the provisions of this Act.

[PCh315s4]4. Functions of the College Act No. 38 of 1974

The functions of the College shall be—

- (a) to provide facilities for the study of, and for training in the principles, procedures and techniques of business administration;
- (b) to conduct training programmes leading to recognised professional and sub-professional qualifications in business administration relevant to middle-level managerial positions in trade and industry;
- (c) to engage in any other educational activity which, in the opinion of the Governing Body, is necessary, expedient or conducive for the promotion of business education in the United Republic.

PART II

ESTABLISHMENT OF GOVERNING BODY (ss 5-6)

[PCh315s5]5. Establishment and incorporation of Governing Body

(1) There is hereby established a Body to be known as the Governing Body of the College of Business Education and the government and administration of the College shall be vested in the Governing Body.

(2) The Governing Body shall—

- (a) be a body corporate 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 to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Governing Body.

[PCh315s6]6. Functions of Governing Body

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

(a) authorise appropriate and necessary expenditure within the funds available to the College;

(b) appoint a Director and other persons to the staff of the College;

(c) prescribe the fees to be paid by students of the College; and

(d) grant scholarships, studentships and bursaries to students of the College, and revoke any such grants.

(2) The governing Body may, subject to such conditions or restrictions as it may impose, delegate to the Director or to any other person or body of persons any of its functions other than the function of appointing a Director, but notwithstanding any such delegation shall be responsible for the proper performance of any of the duties imposed upon it by any of the provisions of this Act.

PART III

FINANCIAL PROVISIONS (ss 7-13)

[PCh315s7]7. 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 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.

[PCh315s8]8. 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 this Act in such manner and for such purposes as, in the opinion of the Governing Body, will promote the best interests of the College.

[PCh315s9]9. Funds of the College

The funds of the College shall consist of—

(a) such sums as may be granted by the Government or by any other body or organisation for the purposes of the College;

(b) all other sums which may in any manner become payable to or vested in the Governing Body in respect of any matter incidental to the carrying out of its functions.

[PCh315s10]10. Borrowing powers

The Governing Body may from time to time borrow sums required by it for meeting any of its obligations or for the purpose of carrying out any of its functions, and may charge all or any of its assets including movable and immovable property to secure such sums.

[PCh315s11]11. 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.

[PCh315s12]12. 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 to another, 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 purpose of the College except in accordance with the provisions of the annual estimates or any supplementary estimates, both of which shall be subject to the approval of the Minister.

[PCh315s13]13. Accounts and audit

(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 such auditors as the Governing Body shall appoint.

(2) The Director shall, as soon as is 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 Director, shall be submitted to the Governing Body.

PART IV

MISCELLANEOUS PROVISIONS (ss 14-15)

[PCh315s14]14. Rules

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

(2) Notwithstanding the provisions of section 26 of the Interpretation Act * it shall not be necessary for rules made under this section to be published in the Gazette.

(3) The provisions of paragraph (e) of section 32 of the Interpretation Act shall not apply in respect of rules made under this section.

[PCh315s15]15. 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.

SCHEDULE

(Section 5)

1. Composition of Governing Body Act No. 38 of 1974

The Governing Body shall consist of—

- (i) the Permanent Secretary to the Ministry responsible for commerce;
- (ii) the Director of the College;
- (iii) the officer in charge of training in the Ministry for the time being responsible for commerce;
- (iv) the Assistant Director of Technical Education in the Ministry responsible for education;
- (v) a member nominated by the Board of Internal trade;
- (vi) a member nominated by the National Board of Accountants and Auditors;

vi a member nominated by the Council of the Institute of Finance Management;

VIII a member nominated by the Governing Body of the Institute of Development Management;

ic a member nominated by the Faculty Board responsible for the Department of Management and Administration in the University of Dar-es-Salaam;

(x) not more than eight and not less than five other members appointed by the Minister.

2. Members' tenure of office

A member of the Governing Body shall continue to hold office—

(a) where he is such member by virtue of his holding any other office, for so long as he holds such other office;

(b) where he is such member by virtue of his having been nominated by any person, authority or organisation, until such time as his nomination is terminated and another member is nominated in his stead.

3. Termination of appointment of member

(1) Where any member absents himself without reasonable excuse from three consecutive meetings of the Governing Body, the Governing Body shall advise the Minister of the fact and the Minister may—

(a) if such member is a member by virtue of his holding any other office, after consultation with the Ministry or organisation in which such other office exists, terminate

the appointment of such member as member and appoint the holder of any other suitable office in the same Ministry or organisation to be a member in his stead;

(b) if such member is a member by virtue of his having been nominated by any person, authority or organisation, direct such person, authority or organisation to terminate the appointment of such member and nominate another member in his stead.

(2) Every direction given by the Minister under subparagraph (b) of paragraph (1) shall be complied with, without undue delay, by the person, authority or organisation to whom it is given.

(3) Save with the consent in writing of the Minister, no person whose appointment as member is terminated under this paragraph shall be eligible for re-appointment on the Governing Body for a period of two years from the date of such termination.

4. Quorum procedure and meetings Act No. 38 of 1974

(1) The Governing Body shall meet at such times as may be necessary or expedient for the transaction of business.

(2) At any meeting of the Governing Body four members thereof shall constitute a quorum.

(3) The Governing Body may elect any member thereof to be Vice-Chairman of the Body.

(4) At any meeting of the Governing Body the Chairman shall preside, or in the absence of the Chairman, the Vice-Chairman shall preside, or if no Vice-Chairman has been elected or if the Vice-Chairman is absent the members present at the meeting shall elect one of their number to be Chairman for that meeting.

(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 Director and witnessed by the Director and any one other member.

5. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph (4) 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 member or some 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.