

Tanzania

## University of Dar-es-Salaam Act Chapter 346

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# Tanzania

## University of Dar-es-Salaam Act Chapter 346

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*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[s. 1; Acts Nos. 12 of 1970; 23 of 1978; 5 of 1991; 8 of 1993]*

**An Act to establish the University of Dar-es-Salaam and to provide for matters connected therewith and incidental thereto.**

### Part I – Preliminary provisions (ss. 1-2)

#### 1. Short title

This Act may be cited as the University of Dar-es-Salaam Act.

#### 2. Interpretation

In this Act, unless the context requires otherwise—

"**academic staff**" shall have the meaning assigned to that term by section [22](#);

"**administrative staff**" shall have the meaning assigned to that term by section [26](#);

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

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

"**Appointments Committee**" means, in relation to an appointment to the academic staff or any matter relating to a member of the academic staff the Committee established by section [16](#), 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 [17](#);

"**Board**" means a Board or a Committee established under and in accordance with the provisions of section [18](#) and includes an Appointments Committee, a Faculty Board, the Appeals Committee established by section [38](#) and the University Grants Committees established by section [56](#);

"**Chairman**" means the Chairman of the Council;

"**Chancellor**" means the Chancellor of the University;

"**Chief Academic Officer**" means the Chief Academic Officer appointed under section [9](#);

"**Chief Administrative Officer**" means the Chief Administrative Officer appointed under section [10](#);

"**constituent college**" means a college established under section [55](#);

"**Convocation**" means the Convocation established by section 42;

"**Council**" means the Council of the University of Dar-es-Salaam established by section 11;

"**Dean**" means the Dean of a Faculty;

"**Director**" means a Director of an institute;

"**Faculty**" means a Faculty of the University established by or in accordance with the provisions of section 21;

"**Faculty Board**" means a Faculty Board established in accordance with section 15;

"**financial year**" means, subject to the provisions of section 50, the period of twelve months commencing on 1st July in any year and expiring on 30th June in the following year;

"**institute**" means an institute established by or under section 21;

"**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 Higher Education;

"**officer**" means any person in the employment of the University but does not include the Vice-Chancellor, the Chief Academic Officer or the Chief Administrative Officer;

"**regulations**" means regulations made under section 57;

"**salary**" includes any overseas pay addition but does not include any allowance or other monetary benefit;

"**Secretary**" means the officer appointed by the Council to be the Secretary of the Council;

"**Senate**" means the Senate of the University established by section 19;

"**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 representative of the students of the University;

"**University**" means the University of Dar-es-Salaam established by section 3;

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

## Part II – The University of Dar-es-Salaam (ss. 3-4)

### 3. Establishment of University

- (1) There is hereby established a University to be known as the University of Dar-es-Salaam.
- (2) The University shall be a body corporate and shall—
  - (a) have perpetual succession and common seal;
  - (b) in its corporate name, be capable of suing and being sued;
  - (c) be capable of purchasing and otherwise acquiring, and of alienating, any movable or immovable property; and

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

#### 4. Objects and functions of University

The objects and functions of the University shall be to—

- (a) preserve, transmit and enhance knowledge for the benefit of the people of Tanzania in accordance with the principles accepted by the people of Tanzania;
- (b) create a sense of public responsibility in the educated and to promote respect for learning and pursuit of truth;
- (c) prepare students to work with the people of Tanzania for the benefit of the nation;
- (d) assume responsibility for University education within the United Republic and to make provision for places and centres of learning, education, training and research;
- (e) co-operate with the Government of the United Republic and the people of Tanzania in the planned and orderly development of education in the United Republic;
- (f) stimulate and promote intellectual and cultural development of the United Republic for the benefit of the people of Tanzania; and
- (g) conduct examinations for; and to grant degrees, diplomas, certificates and other awards of the University.

### Part III – Awards of degrees, diplomas, etc. (ss. 5-6)

#### 5. Degrees, diplomas, certificates and other awards

It shall be lawful for the University to—

- (a) confer the degrees of Bachelor, Master, Doctor and any other degrees which may be prescribed; or
- (b) grant diplomas or certificates or other awards to persons—
  - (i) in respect of courses of study provided by the University and approved by the Senate; or
  - (ii) who, in the opinion of the Senate, are entitled to receive such diplomas, certificates or other awards.

#### 6. Honour degrees

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

### Part IV – Administration (ss. 7-33)

#### (a) – The Chancellor and other senior officers (ss. 7-10)

#### 7. 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) Any 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) of this section.
- (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 of the University in such manner as may be appropriate or prescribed; and
  - (d) provide any advice and guidance to the Council which he may consider necessary or desirable for the betterment of the University.
- (4) The Chancellor shall have any other functions which 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 that absence or inability.

## **8. Vice-Chancellor**

- (1) There shall be a Vice-Chancellor of the University who shall be appointed by the President.
- (2) The Vice-Chancellor shall hold office for such period and on the terms and conditions which the President may determine.
- (3) The Vice-Chancellor shall be the principal executive officer of the University and shall be responsible to the Council for the implementation of the decisions of the Council.
- (4) The Vice-Chancellor shall have such other functions as are conferred upon him by this Act or as may be prescribed.

## **9. Chief Academic Officer**

- (1) There shall be a Chief Academic Officer of the University who shall be appointed by the President after consultation with the Vice-Chancellor.
- (2) The Chief Academic Officer shall hold office for such period and on the terms and conditions which the President may determine.
- (3) The Chief Academic Officer shall be responsible to the Vice-Chancellor in relation to all matters pertaining to the academic activities of the University.
- (4) The Chief Academic Officer shall have any other functions which are conferred upon him by this Act or as may be prescribed.

## **10. Chief Administrative Officer**

- (1) There shall be a Chief Administrative Officer of the University who shall be appointed by the President after consultation with the Vice-Chancellor.
- (2) The Chief Administrative Officer shall hold office for such period and on the terms and conditions which the President may determine.
- (3) The Chief Administrative Officer shall be responsible to the Vice-Chancellor in respect of all administrative matters pertaining to the University.

- (4) The Chief Administrative Officer shall have any other functions as are conferred upon him by this Act or as may be prescribed.

### **(b) – The Council (ss. 11-14)**

#### **11. University Council**

- (1) There shall be a Council of the University of Dar-es-Salaam which shall be composed of—
- (a) a Chairman who shall be appointed by the President;
  - (b) the Vice-Chancellor who shall be an *ex officio* member;
  - (c) seven members who shall be appointed by the Chancellor, two of whom shall be appointed after consultation with the Vice-Chancellor;
  - (d) three members who shall be appointed by the Minister responsible for Higher Education;
  - (e) one member who shall be appointed by the Minister responsible for Finance;
  - (f) one member who shall be appointed by the Minister responsible for Economic Affairs and Development Planning;
  - (g) one member who shall be appointed by the Executive Council of the Trade Unions established by the Trade Unions Act<sup>1</sup>;
  - (h) two members who shall be appointed by the Halmashauri Kuu (the General Committee) of the Co-operative Union of Tanganyika Limited;
  - (i) three members who shall be elected by the National Assembly from amongst the members of the National Assembly;
  - (j) three members who shall be elected by the Senate;
  - (k) one member who shall be elected by the Convocation; and
  - (l) five members who shall be elected by the Students' Organisation.
- (2) The provisions of the First Schedule to 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 as provided for in the said Schedule.

#### **12. Powers and duties of Council**

- (1) Subject to the provisions of this Act, the government and control of the University shall be 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 properties of the University, both movable and immovable;
  - (b) to administer the funds and other assets of the University;
  - (c) to signify the acts of the University by use of the common seal;
  - (d) on behalf of the University to receive gifts, donations, grants or other moneys and to make disbursements to the Faculties, institutes, constituent colleges or to other persons or bodies;

<sup>1</sup>

- (e) subject to the provisions of this Act, to appoint officers of the University whom it may deem necessary;
- (f) to do all other acts and things which may be provided for in this Act or as may be prescribed.

### **13. Secretary**

- (1) The Council shall appoint a suitable person to be the Secretary to the Council and may appoint any number of officers to assist him whom the Council may consider necessary.
- (2) Where the Secretary is not a member of the Council, he shall have no power to vote at any meeting of the Council.
- (3) Subject to the provisions of this section the Secretary shall have any functions which may be conferred upon him by the Council.

### **14. Proceedings not to be invalid by reason of irregularity**

No act or proceeding of the Council shall be invalid by reason only of the number of the members not being complete at the time of such act or proceeding or of any defect in the appointment of any member 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) – Boards and Committees (ss. 15-18)**

### **15. Faculty Boards**

- (1) There shall be established in respect of each Faculty, a Faculty Board.
- (2) Every Faculty Board established for a Faculty shall be composed of—
  - (a) the Dean of that Faculty who shall be Chairman;
  - (b) not more than fifteen members appointed by the Chief Academic Officer from amongst the academic staff assigned to that Faculty;
  - (c) not more than three other members appointed by the Senate; and
  - (d) five members elected to the Faculty Board by the students in the Faculty for which the Board is established.
- (3) Every Faculty Board shall, subject to the general or specific direction of the Senate, have the power to—
  - (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; and
  - (c) do any other act or thing which it may be empowered to do by the Senate or by or under any provision of this Act.
- (4) A Faculty Board—
  - (a) may, subject to any direction of the Senate, meet at such intervals as it considers necessary;
  - (b) shall act in accordance with the directions of the Senate and shall report on its functions and actions to the Senate in such manner and at the intervals which the Senate may direct; and
  - (c) subject to the directions of the Senate, may regulate its own proceedings and fix a quorum for its meetings.

## 16. Appointments Committee for academic staff

- (1) There shall be an Appointments Committee for the academic staff which shall be composed of—
  - (a) the Vice-Chancellor, who shall be the Chairman;
  - (b) the Chief Academic Officer, who shall be the Vice-Chairman;
  - (c) the Chief Administrative Officer;
  - (d) one member appointed by the Vice-Chancellor;
  - (e) two members appointed by the Chairman of the Council from amongst the members of the Council; and
  - (f) 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 the persons specified in subsection (1), the following persons shall be entitled to sit on the Committee as temporary members—
  - (a) the Dean, if any, of the Faculty to which the appointment is to be made;
  - (b) where the appointment is to be made to a Department of a Faculty, the Head of that Department;
  - (c) where the appointment is to be made to an institute, the Director of the institute; and
  - (d) two members appointed by the Vice-Chancellor from amongst persons who, in the opinion of the Vice-Chancellor, are adequately qualified or have enough experience in academic matters to enable them to assist in making a suitable appointment.
- (3) The Appointments Committee shall have any functions which 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 office of the members of the Appointments Committee appointed under paragraphs (d), (e) and (f) of subsection (1), their retirement, the right to terminate their appointment, and appointment of a new member to fill any vacancy, and also in relation to the election of a temporary chairman, the quorum, proceedings and meetings of the Committee.

## 17. Appointments Committee for administrative staff

- (1) There shall be an Appointments Committee for the administrative staff which shall be composed of—
  - (a) the Vice-Chancellor, who shall be the Chairman;
  - (b) the Chief Administrative Officer, who shall be the Vice-Chairman;
  - (c) two members appointed by the Vice-Chairman; and
  - (d) two members appointed by the Chairman of the Council from amongst the members of the Council.
- (2) The Appointments Committee shall have any functions which 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 of the Appointments Committee appointed under paragraph (c) and (d) of subsection (1), their retirement, the right to terminate their appointment, and appointment of a new member to fill any vacancy and also in relation to the election of a temporary Chairman, the quorum, proceedings and meetings of the Committee.

## 18. Council may establish other Boards and Committees

- (1) The Council may, from time to time, appoint any other Boards and Committees which it may consider necessary and, subject to the provisions of this Act and any directions given by the Chancellor in that behalf, delegate to that other 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 those members shall be appointed by the Council:  
Provided that at least one-third of the total number of members appointed to that Board or Committee shall be appointed from amongst the members of the Council.
- (3) The quorum necessary for the conduct of any 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) Where at any meeting of a Board or Committee established under this section the Chairman is absent, the members present may elect one of their number to be the Chairman for that meeting.
- (6) Subject to the provisions of this Act and any regulations made under it in that behalf, and subject to any directions given by the Council in that behalf, a Board or Committee established under this section may regulate its own proceedings.
- (7) For the purposes of this section the Chief Academic Officer, the Chief Administrative Officer and the Secretary shall be deemed to be members of the Council.

### (d) – The Senate (ss. 19-20)

## 19. Senate

- (1) There shall be a Senate of the University of Dar-es-Salaam which shall be composed of—
  - (a) the Vice-Chancellor, who shall be the chairman;
  - (b) the Chief Academic Officer, who shall be the Vice-Chairman;
  - (c) the Chief Administrative Officer;
  - (d) the Deans of the Faculties of the University;
  - (e) two members appointed by the Chairman of the Council from amongst the members of the Council;
  - (f) the Directors of the institutes;
  - (g) six members appointed by the Vice-Chancellor at least three of whom shall be appointed from amongst the members of the academic staff;
  - (h) the Heads of the departments of the Faculties; and
  - (i) three members elected by the Student's Organisation from amongst the students.
- (2) The provisions of the First Schedule to this Act shall apply *mutatis mutandis* in relation to the tenure of office of members elected under paragraphs (g) and (h) of subsection (1), their retirement, the right to terminate their appointment and the appointment of a new member to fill any vacancy, and also in relation to the election of temporary chairman, quorum, proceedings and meetings of the Senate.

## 20. Functions of 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 in addition, shall 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 college of the University in respect of a degree, diploma, certificate or other award of the University and to report its findings to the Council;
  - (b) with the consent of the Council to make by-laws—
    - (i) regarding the eligibility of persons for admission to courses for a degree, diploma, certificate or other award of the University, and for the obtaining of any degree, diploma, certificate or other award of the University;
    - (ii) with regard to the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award of the University;
  - (c) to decide whether any candidate for a degree, diploma, certificate or other award of the University has attained the standards of proficiency prescribed in the by-laws made under paragraph (b) and is otherwise fit for the grant of that degree, diploma, certificate or other award of the University;
  - (d) to consider recommendations made to it by a Faculty Board and to take any action which it may consider appropriate;
  - (e) to make proposals to the Council on matters relating to the conduct of the University generally;
  - (f) to perform any other functions as may be conferred upon it by regulations made under it or by the Council.
- (2) In respect of any matter in relation to which the Senate is required to report to the Council or to make by-law in accordance with the provisions of paragraphs (a) and (b) of subsection (1), the Council shall not initiate any action in respect to it until that report has been received from the Senate or, as the case may be, the by-laws have been made by the Senate, and shall not reject any report or by-laws without further reference to the Senate.

### (e) – Faculties, departments and institutes (s. 21)

## 21. Faculties, departments and institutes

- (1) There shall be established the following Faculties of the University—
  - (a) the Faculty of Law;
  - (b) the Faculty of Arts and Social Sciences;
  - (c) the Faculty of Science; and
  - (d) the Faculty of Engineering.
- (2) The Faculty Board of a Faculty may, with the approval of the Senate, establish any number of departments within the Faculty which the Board may consider necessary.
- (3) There shall be established the following institutes of the University—
  - (a) the Institute of Adult Education;
  - (b) the Institute of Education; and

- (c) the Institute of Kiswahili Research.
- (4) The Council may, from time to time, after consultation with the Senate and with the approval of the Chancellor, by order published in the *Gazette*, establish Faculties and institutes either in addition to, or in substitution of, the Faculties and institutes established by or under this Act and may disestablish any Faculty or institute.
- (5) The course of study to be conducted in any Faculty, department or institute, shall be determined by the Senate.

### (f) – The Staff of the University (ss. 22-33)

#### 22. Academic staff

The academic staff of the University shall be comprised of—

- (a) the Chief Academic Officer;
- (b) the Deans of the Faculties;
- (c) the Directors of the institutes;
- (d) the Professors;
- (e) the Lecturers; and
- (f) the Assistant Lecturers,

and any other members of the staff of the University who are engaged wholly or partly in teaching in any Faculty or institute.

#### 23. Deans and Directors

- (1) The Dean of a Faculty or a Director of an institute shall be appointed by the Council with the approval of the Chancellor in accordance with the provisions of this section.
- (2) Where a vacancy occurs in the office of the Dean of a Faculty or a Director of an institute, the Chief Academic Officer 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 and not less than two persons who, in his opinion, are qualified and suitable for appointment as the Dean of that Faculty or, as the case may be, as the Director of that institute:

Provided that for the purposes of the appointment of the Deans and the Directors to be first appointed after the coming into operation of this Act, it shall not be necessary for the Chief Academic Officer to consult the Senate before submitting the names to the Council.

- (3) Where names are submitted to the Council in accordance with the provisions of subsection (2) the Council shall proceed to elect a Dean or as the case may be, a Director from amongst the persons whose names are submitted to it.
- (4) Where the Council has elected a Dean or, as the case may be, a Director, it shall submit the name of the person who is so elected, together with the names of other persons submitted to it by the Chief Academic Officer, to the Chancellor and the Chancellor may approve or disapprove of the appointment of the person elected by the Council.
- (5) Where the Chancellor disapproved the appointment of the person elected by the Council, he shall notify the Council of his decision, and the procedure prescribed by this section for the appointment of a Dean or a Director shall commence de novo:

Provided that the Chief Academic Officer shall not re-submit to the Council for election the name of the person whose appointment as a Dean or, as the case may be, a Director, has been disapproved by the Chancellor.

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

#### **24. Appointments of members of academic staff other than Deans**

- (1) The Appointments Committee shall have power to make appointments to all offices of the academic staff other than the offices of the Chief Academic Officer, the Deans and the Directors.
- (2) The Appointments Committee may delegate its powers under subsection (1) in relation to any office to the Vice-Chancellor, the Chief Academic officer, a Dean or a Director.

#### **25. Vice-Chancellor may make acting appointments**

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

#### **26. Administrative staff**

The administrative staff shall be comprised of—

- (a) the Chief Administrative Officer;
- (b) the Registrar;
- (c) the Bursar;
- (d) the Dean of Students; and
- (e) all other officers of the University who are not members of the academic staff.

#### **27. Constitution and abolition of offices**

The powers of constituting and abolishing offices in the service of the University are vested in the Council: Provided that nothing in this section shall apply to any office constituted by or provided for in this Act.

#### **28. Appointments of administrative staff**

The powers of making appointments to the offices of the administrative staff, other than the office of the Chief Administrative Officer, are vested in the Council.

#### **29. Termination of appointment and disciplinary action**

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

### 30. Delegation of functions

The Council may, by regulations made under section 57, delegate all or any of the powers vested in it by section 27, section 28 and section 29 to the Appointments Committee, the Vice-Chancellor, the Chief Academic Officer, the Chief Administrative Officer or any other officer of the University, subject to the limitations which the Council may specify.

### 31. Provisions of Second Schedule to have effect until regulations made

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

### 32. No officer to be dismissed without inquiry

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

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

### 33. Terms and conditions of employment

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

## Part V – Discipline (ss. 34-41)

### 34. Interpretation

In this Part, unless the context requires otherwise—

"disciplinary authority" means the Chief Administrative Officer exercising the powers conferred upon him by section 36 and includes any person to whom those powers have been delegated in accordance with section 37;

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

### 35. Council may make by-laws

- (1) The Council may make by-laws to ensure discipline amongst the students.
- (2) By-laws made under subsection (1) may provide that the contravention of any by-law shall constitute a disciplinary offence and may further provide the punishment that may be imposed for that 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.

### 36. Chief Administrative Officer to be disciplinary authority

Every charge of a disciplinary offence against a student shall be investigated by the Chief Administrative Officer who shall impose any punishment which he may consider appropriate upon being satisfied that the charge against the student has been proved.

### 37. Chief Administrative officer may delegate his powers as disciplinary authority

The Chief Administrative Officer may, by writing under hand, delegate, subject to any limitations which he may prescribe, all or any of the powers vested in him by section 36 to the Registrar, the Dean of Students or a Dean of a Faculty.

### 38. Appeals Committee

- (1) The Council shall establish a Committee to be known as the Appeals Committee.
- (2) The Appeals Committee shall be composed of—
  - (a) a Chairman, who shall be appointed by the Minister responsible for national higher education;
  - (b) four members elected by members of the Council from amongst themselves, one of whom shall be a member elected to the Council by the Students' Organisation; and
  - (c) a legally qualified person holding office in the Attorney-General's Chambers, nominated in that behalf by the Attorney-General.
- (3) The quorum for the meeting of the Appeals Committee shall be the Chairman or the Vice-Chairman and four other members.
- (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 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.

### 39. Appeals

- (1) Where a student has been punished for any disciplinary offence he may appeal to the Appeals Committee within thirty days of the decision of the disciplinary authority.
- (2) Every appeal under this section shall be by way of a memorandum submitted to the Appeals Committee.
- (3) On every appeal under this section the student appealing and the disciplinary authority shall have a right to appear before and be heard by the Appeals Committee.
- (4) On an appeal under this section the Appeals Committee may—
  - (a) set aside the finding made against the student and the punishment imposed upon 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.

### 40. Decisions not subject to review

Subject to the provisions relating to appeals to the Appeals Committee, no decision of a disciplinary authority or of the Appeals Committee under this Part shall be subject to review by any court.

**41. Section 72 of [Cap. 1](#) not to apply**

For the purposes of section 72 of the Interpretation of Laws Act, disciplinary offences shall be deemed not to be offences created by or under any written law.

**Part VI – Convocation (ss. 42-46)****42. Convocation of University**

- (1) There shall be a Convocation of the University of Dar-es-Salaam which shall consist of—
  - (a) the Vice-Chancellor;
  - (b) the Chief Academic Officer;
  - (c) all members of the academic staff;
  - (d) all persons who are graduates of the University of East Africa established by the University of East Africa Act<sup>2</sup>, and all persons who become graduates of the University of Dar-es-Salaam:  
Provided that no graduate shall become a member of the Convocation unless he is ordinarily resident in the United Republic; and
  - (e) any persons which the Chancellor may appoint as members of the Convocation.
- (2) The Chief Administrative Officer shall cause to be compiled and maintained a Convocation Roll in which he shall enter the names of all the persons who are, for the time being, members of the Convocation.

**43. Functions of Convocation**

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

**44. President of Convocation**

- (1) The Convocation shall at its first meeting elect from amongst its number a President.
- (2) The President 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.

**45. Meetings of Convocation**

- (1) The Chief Administrative Officer shall be the Secretary of the Convocation.
- (2) The Convocation shall meet at the times which may be necessary or expedient for the transaction of its business.
- (3) The Secretary shall give to every member of the Convocation at least twenty-one days' notice of the date, time and place of the meeting.
- (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 that meeting.

- (6) Fifteen members shall constitute a quorum for a meeting of the 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 any defect in the appointment of any member of the Convocation or by reason only of the fact that a person who is entitled to be a member of the Convocation has not been registered in the Convocation Roll.

#### **46. Chief Administrative Officer to report to Council and Chancellor**

- (1) The Chief Administrative Officer shall report to the Council the activities of the Convocation and shall transmit to the Chancellor, the Council or the Senate, as the case may be, any resolution passed by the Convocation.
- (2) The Chief Administrative Officer shall send a copy of the minutes of every meeting of the Convocation to the Chancellor.

### **Part VII – Financial provisions (ss. 47-54)**

#### **47. 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 the purposes which in the opinion of the Council would promote the best interests of the University.

#### **48. Funds of University**

The funds and resources of the University shall consist of—

- (a) any sums which may be provided for the purposes of the University by Parliament, either by way of grant or loan;
- (b) any sums which the Council may, borrow for the purposes of the University; and
- (c) any sums which 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.

#### **49. Power to invest**

The Council shall have power to invest the funds of the University in any investments, and subject to any conditions, which are prescribed by the Trustee Investments Act<sup>3</sup>, in relation to investment of funds by a trustee.

#### **50. 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 of more or less than twelve months, shall be regarded as if it were a financial year.

## 51. 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 any modifications and amendments which 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 Chief Academic Officer and the Chief Administrative Officer;
  - (b) for the payment of allowances, fees and expenses in respect of the members of the Council, the Senate, the Convocation and other Boards and Committees;
  - (c) for the payment of all pensions, gratuities and other charges in respect of retiring benefits which are payable out 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 any reserve funds to meet future contingent liabilities which the Council may think fit.
- (4) No expenditure shall be incurred for the purposes of the University except in accordance with the provisions of the annual estimates or in accordance with the provisions of any supplementary estimates approved by the Council.
- (5) A copy of the annual estimates and of every supplementary estimate, if any, shall, immediately upon the approval of the annual estimates or, as the case may be, the supplementary estimates, by the Council, be forwarded to the Chancellor.

## 52. 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 the accounts relating to that financial year together with—
  - (a) a statement of income and expenditure during that financial year; and
  - (b) a statement of the assets and liabilities of the University on the last day of the financial year, to be submitted to and audited by the Tanzania Audit Corporation established by the Tanzania Audit Corporation Act<sup>4</sup>.
- (2) Copies of the statements referred to in subsection (1) and a copy of the auditor's report, if any, shall be forwarded to the Chancellor.

**53. 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.

**54. Annual statement of accounts and Vice-Chancellor's report to be laid before National Assembly**

The Chancellor shall cause to be laid before the National Assembly, as soon as may be practicable after he has received them—

- (a) copies of the statements referred to in subsection (1) of section 52;
- (b) a copy of the auditor's report, if any;
- (c) a copy of the Vice-Chancellor's report.

**Part VIII – Constituent colleges (s. 55)****55. 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, by an order under subsection (1) establishes a constituent college or declares any institution to be a constituent college, he may, appoint a Principal of that constituent college.
- (3) Where the President, by an order under subsection (1) declares any institution to be a constituent college, Faculty or institute of the University, he may—
  - (a) by the same or subsequent order make any provision for the administration of the constituent college, Faculty or institute which he may consider appropriate and may 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 by an order under subsection (1) declares any institution to be a constituent college, Faculty or institute of the University, 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 order repealing or amending that written law shall have the same effect as if such repeal or an amendment, as the case may be, were effected by this Act.
- (5) Where by an order made under this section, the President vests any asset or liability of an institution in the University, 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, by an order made under this section, the President transfers any employee of an institution to the service of the University—
- (a) that 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 that employee after the transfer shall be in accordance with this Act and the regulations:  
  
Provided that this paragraph shall not be construed so as to permit any reduction in the salary to which such employee was entitled immediately before his transfer;
  - (c) for the purposes of determining any right to gratuity or any other superannuation benefit, the service of that employee with the University shall be regarded as continuous with his service immediately preceding the transfer; and
  - (d) the employment of that employee immediately prior to 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<sup>5</sup> 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, by an order made under 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 notes, bank draft, bank cheque, letters of credit or any other security or instrument and he may provide for the substitution of the University as the party to it.
- (8) Where in the exercise of the powers vested in him by this section the President declares any institution to be a Faculty or an institute of the University, that Faculty or institute shall be deemed to have been established by section 21.
- (9) For the purposes of this section "parastatal organisation" means—
- (a) a local authority;
  - (b) any body corporate established by or under any written law other than a company registered under the Companies Act<sup>6</sup>;
  - (c) the Trade Unions, any organ of the Trade Unions or any body of persons, whether corporate or unincorporated, which is affiliated to the Trade Unions;
  - (d) any company registered under the Companies Act the whole of the issued share capital of which is owned by the Government or a parastatal organisation or, in the event of the company being a company limited by guarantee, it has no member other than the Government or a parastatal organisation, and references in this paragraph to a parastatal organisation include references to that company.
- (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 that order.

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[Cap. 386](#)

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[Cap. 212](#)

## Part IX – Miscellaneous provisions (ss. 56-62)

### 56. University Grants Committee

- (1) There shall be established a committee which shall be known as the University Grants Committee.
- (2) The University Grants Committee shall be composed of a chairman and not more than fifteen, and not less than five, members.
- (3) The chairman and the members of the University Grants Committee shall be appointed by the Chancellor.
- (4) The functions of the University Grants Committee shall be—
  - (a) to advise the Government on all financial matters relating to the University;
  - (b) to advise the Council on matters relating to expenditure of the funds of the University and investment of such funds;
  - (c) to perform such other functions as may be conferred upon by the Chancellor.
- (5) The provisions of the First Schedule to this act shall apply *mutatis mutandis* in relation to the tenure of office of the chairman and members of the University Grants Committee, their retirement, the right to terminate their appointment, the appointment of a new member to fill any vacancy, and also in relation to the appointment of a temporary chairman, the quorum, proceedings and meetings of the University Grants Committee.

### 57. Regulations

- (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 20 shall be submitted to the Council for its approval;
  - (f) regulating the conduct 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;

- (1) providing for any matter or thing which, in the opinion of the Council, is necessary to provide for the furtherance of the functions and objects of the University.
- (2) Regulations made under this section shall be published in the *Gazette*.

#### **58. 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.

#### **59. 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.

#### **60. Protection of member 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 *bona fide* in the execution or purported execution of the functions of that Council, Senate, Convocation or Board, as the case may be, render the member or officer personally liable for that matter or thing.

#### **61. 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 its membership, 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.

#### **62. 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.
- (2) *[Spent]*

### **First Schedule (Section 11(2))**

#### **Provisions relating to the Council**

##### **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 of 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, 1973 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 reappointed or, as the case may be, re-elected for another term 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 that member is required to retire from office under paragraph 2.
4. **Absence 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 a member 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 that 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. **Chief Academic Officer and Chief Administrative Officer entitled to attend meetings**
- The Chief Academic Officer and the Chief Administrative Officer 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, 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 the request being made to him in writing.

- (2) The Secretary of the Council shall give to each member not less than fourteen days' notice of the time and place of 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 them, or 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 that 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 the shape, size and from which the Council may determine.
- (2) The seal shall be affixed in the presence of—
  - (a) the Vice-Chancellor; or
  - (b) the Chief Administrative Officer; or
  - (c) any person or persons appointed in writing by the Vice-Chancellor in that behalf,and the person or persons present shall sign over or underneath the seal in witness.

**14. Execution of contracts, etc.**

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

- (a) the Vice-Chancellor; or
- (b) the Chief Administrative Officer; or
- (c) any other officer of the University whom 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 (Section 31)

### Provisions relating to appointment of staff

1. (1) Where a vacancy occurs in the post of Registrar, the Dean of Students, the Bursar or any Senior Administrative Officer, the Chief Administrative Officer shall cause the vacancy to be advertised in any manner which he may consider fit and shall submit to the Appointments Committee the names of all persons who have applied for the post and shall, after consultation with the Vice-Chancellor, make recommendations to the Appointments Committee as to—
  - (a) whether the vacancy should be filled by promotion from amongst the officers of the University;
  - (b) whether the vacancy should be filled by making an appointment from amongst the applicants.
- (2) Where the Chief Administrative Officer recommends that the vacancy should be filled by promotion, he shall also, after consultation with the Vice-Chancellor, submit to the Appointments Committee the name or names of the officer or officers who, in his opinion, is or are suitable for promotion.
- (3) Where the Chief Administrative Officer recommends that the vacancy be filled by an appointment otherwise than on promotion he shall, after consultation with the Vice-Chancellor, propose to the Appointments Committee the name of the candidate who, in his opinion, is most suitable for appointment to the post.
- (4) The Appointments Committee shall, after considering the applications and the recommendations of the Chief Administrative Officer, make an appointment:

Provided that an appointment to the post of the Registrar, the Dean of Students or the Bursar shall be subject to the approval of the Council.
- (5) For the purposes of this Schedule, "Senior Administrative Officer" means a member of the administrative staff holding a post the salary or the maximum of the salary scale of which exceeds 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 not exceed thirty thousand shillings per annum, may be made by the Vice-Chancellor after consultation with the Chief Administrative Officer 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 Chief Administrative Officer.
- (3) Appointment to any post on the administrative staff, the salary or the maximum of the salary or the maximum of the salary scale of which does not exceed nine thousand shillings per annum may be made by the Chief Administrative Officer.
- (4) The Chief Administrative Officer 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.

3. Where a vacancy occurs in any post on the administrative staff the salary or the maximum of the salary scale of which exceeds thirty thousand shillings per annum or where the holder of such post is on leave or is absent from the United Republic or is temporarily unable to perform the functions of his office by reason of illness or other cause whatsoever, the Vice-Chancellor may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in that post until the time when the vacancy is filled in accordance with the provisions of this Act or, as the case may be, the substantive holder of the post resumes duty.
4. Where an officer is appointed to act in any post under the provision of paragraph 3 he shall be entitled, unless the Vice-Chancellor otherwise directs, to be paid an acting allowance at any rate which may be prescribed.

### Third Schedule (Section 62)

#### Consequential and transitional provisions

##### 1. Interpretation

In this Schedule, unless the context requires otherwise—

"**effective date**" means the first day of July, 1970;

"**former college**" means the University College, Dar-es-Salaam established by the repealed Act;

"**former Council**" means the Council of the University College, Dar-es-Salaam, established by the repealed Act;

"**former institute**" means the Institute of Adult Education established by the Institute of Adult Education Decrees, 1965, the Institute of Education established by the Institute of Education Decrees, 1964 and the Institute of Swahili Research established by the Institute of Swahili Research Decrees, 1965;

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

"**the repealed Act**" means the University College, Dar-es-Salaam Act.

##### 2. Vesting of assets and liabilities

All the assets and liabilities of the former Council, the former college and the former institutes 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 college or any former institute, as the case may be, shall, as from the effective date, be discharged from its obligations in respect of every such liability.

##### 3. University to continue functions of former college and institutes

- (1) The University shall carry out and continue the functions of the former college in accordance with the provisions of this Act and all the students who immediately before the effective date were the students of the former college shall, as from the effective date, become students of the University.
- (2) The institutes established by section 21 of this Act shall, subject to the provisions of this Act, carry out and continue the functions of the former institutes.
- (3) The Decree establishing the former institutes and as in force immediately before the coming into operation of this Act, shall, notwithstanding the repeal of the repealed Act, continue in force and apply, in so far as they may be applicable, and with any modifications which may be necessary, as if the said Decrees were regulations made under section 57 of this Act until such time as they are replaced by regulations.

#### 4. Staff

- (1) Subject to the provisions of paragraph 5 and paragraph 6, every former officer shall, as from the effective date, be deemed to be an employee of the University.
- (2) Where a former officer becomes employed by the University by virtue of subparagraph (1), the terms and conditions of service of his employment in the service of the University shall be in accordance with the provisions of this Act and any regulations made under it:

Provided that this subparagraph shall not apply so as to permit any reduction in the salary to which the 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 service 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<sup>7</sup>, 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. Certain employees not to continue in employment

- (1) Nothing in paragraph 4 shall apply to the Principal of the former college and the Registrar of the former college:

Provided that in the case of any of the former officers, as aforesaid, the Vice-Chancellor may after consultation with the Chancellor, direct that such officer be employed by the University in an office in the University corresponding to the office held by him immediately preceding to the effective date or in such other office at the Vice-Chancellor may determine, and where that officer is so employed within thirty days of the effective date, the provisions of paragraph 4 shall apply to him.

- (2) Where any former officer to whom subparagraph (1) applies is not employed by the University in accordance with the proviso to that subparagraph, the Chancellor may, in his absolute discretion, direct the Council to pay that officer such gratuity or other payment as he may consider fit, and the Council shall give effect to that direction.
- (3) Subject to the provisions of 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 for any loss suffered by him by reason of the operation of the provisions of this Schedule.

#### 6. Deans

- (1) The Dean of Faculties of the former college shall cease, with effect from the effective date, to hold the offices of Deans:

Provided that the Vice-Chancellor may, after consultation with the Chancellor, appoint any 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 college prior to his appointment as Dean or in any other post as the Chancellor may determine.
- (3) The provisions of subparagraph (3) of paragraph 5 shall *mutatis mutandis* in respect of the Deans of the former college who are not appointed as Deans of the University in accordance with the proviso to subparagraph (1) of this paragraph.

**7. Disciplinary regulations of the former college to have effect as by-laws until replaced**

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

**8. Certain Decrees of the University of East Africa to continue in force until replaced**

The provisions of the Decrees and other subsidiary legislations made under the University of East Africa Act<sup>8</sup> which relate to—

- (a) the degrees which the University of East Africa may confer;
- (b) the certificates, diplomas and other awards of the said University;
- (c) the manner in which the degrees, diplomas, certificates and 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 those provisions were contained in regulations made under section 57 until such time as regulations were made under this Act providing for degrees, diplomas, certificates and other awards of the University.

**9. 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 college 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 college 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 college or a former institute,

which are subsisting at the effective date, other than any contract or agreement between the former Council, the former college 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 Council or for the former college or for the former institute, as the case may be, as a party to it;
  - (b) be entitled to receive and enforce payment of any money payable under it;

<sup>8</sup>

EACSO Act [No. 66 of 1962](#)

- (c) be entitled to obtain a transfer, conveyance or assignment of, and enforce possession of, any property which is to be transferred, conveyed or assigned under it;
- (d) be liable to make payment of any money payable under it; or
- (e) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned under it,

as the case may be.