

Tanzania

## Co-operative College Act Chapter 83

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## Tanzania

# Co-operative College Act Chapter 83

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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.]*

*[Acts Nos. 32 of 1964; 1 of 1968; 13 of 1972]*

**An Act to establish a Governing Body for the government of the Co-operative College at Moshi and for purposes connected therewith.**

### Part I – Preliminary provisions (ss 1-3)

#### 1. Short title

This Act may be cited as the Co-operative College Act.

#### 2. Interpretation

In this Act, unless the context requires otherwise—

"**College**" means the Co-operative College at Moshi;

"**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, unless the Governing Body determines any other period of twelve months under [section 15](#);

"**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 for the time being responsible for matters relating to co-operative development;

"**Principal**" means the Principal of the College appointed under [section 6](#).

#### 3. The College

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

## Part II – Establishment of Governing Body (ss 4-5)

### 4. Establishment and incorporation of Governing Body

- (1) There is hereby established a body to be known as the Governing Body of the Co-operative College and the government 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 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 the Act shall have effect as to the constitution and proceedings of, and otherwise in relation to the Governing Body.

### 5. 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, 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) 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; and
    - (ii) the grant of scholarships and studentships, and the revocation of any such grant.
- (2) The Governing Body may—
  - (a) appoint to the College a Patron;
  - (b) affiliate the College to, or associate it with, any body or organisation, whether in Tanzania or elsewhere, which is concerned with higher education.

## Part III – Staff (ss 6-9)

### 6. Appointment of Principal and Deputy Principal

- (1) Subject to the provisions of subsection (2), the Governing Body may appoint a Principal of the College who shall be the chief administrative and academic officer of the College and who shall be responsible to the Governing Body for—
  - (a) the administration of the College in accordance with the policy of the Governing Body;
  - (b) the academic management of the College in accordance with the policy of the Governing Body;

- (c) the proper enforcement of decrees; and
  - (d) the discipline of the students of the College.
- (2) The appointment of the Principal and his terms and conditions of service shall be subject to the approval of the Minister.
- (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.

## 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.

## 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.

## 9. Delegation of powers of appointment

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

# Part IV – Financial provisions (ss 10-16)

## 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 funds, assets and property vested or held in the name of the College immediately before such coming into operation; and
- (b) all rights and liabilities of the College then subsisting under any valid and enforceable contract entered into by it or on its behalf.

## 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 this Act in such manner and for such purposes as, in the opinion of the Governing Body, will promote the best interest of the College.

## 12. 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 or property 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.

## 13. 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.

## 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.

## 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 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; and
  - (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 which shall be subject to the approval of the Minister.

## 16. 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 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 17-18)**

### **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 26 of the Interpretation Act <sup>1</sup>, it shall not be necessary for rules or orders made under this section to be published in the *Gazette*.
- (4) The provisions of paragraph (e) of section 32 of the Interpretation Act shall not apply in respect of rules or orders made under this section.

### **18. Liability of members of Governing Body**

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 4(3))**

### **Constitution and proceedings of Governing Body**

#### **1. Constitution**

The Governing Body shall consist of a Chairman and six members as follows:

- (a) two members appointed by the Minister, one of whom shall be nominated by the Minister to be the Chairman;
- (b) the Commissioner for Co-operative Development who shall be an *ex officio* member;
- (c) three members nominated by the Co-operative Union of Tanganyika;
- (d) one member nominated by the Vice-Chancellor of the University of Dar es Salaam;
- (e) the Chairman of the Unified Co-operative Service.

#### **2. Minister may amend paragraph 1**

The Minister may, by order published in the *Gazette*, vary, amend or replace the provisions of paragraph 1.

#### **3. Members duration of office**

A nominated member of the Governing Body shall, unless he otherwise ceases to be a member, hold office for a period of three years and shall be eligible for reappointment.

#### **4. Quorum, procedure and meetings**

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

<sup>1</sup>

- (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 Chairman, Vice-Chairman or temporary Chairman and witnessed by two members thereof.

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 proceedings of the Governing Body shall be invalid by reason only of some defect in the appointment of 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.