

TANGANYIKA



No. 2 OF 1964

I ASSENT,

Julius K. Nyerere.
.....
President

5TH MARCH, 1964

An Act to provide for the Dissolution of St. Michael's and St. George's Schools, to vest the assets and liabilities in the Republic, to repeal the St. Michael's and St. George's Schools (Establishment) Ordinance and for matters connected therewith and incidental thereto

ENACTED by the Parliament of Tanganyika.

[6TH MARCH, 1964] ^{GN.} 667 of 1964

1. This Act may be cited as the St. Michael's and St. George's Schools Short title (Dissolution) Act, 1964.

2. In this Act, unless the context otherwise requires—

Interpreta-
tion

“Board” means the Board of Trustees established under section 4 of the Ordinance;

“Minister” means the Minister for Education;

“Ordinance” means the St. Michael's and St. George's Schools Cap. 380 (Establishment) Ordinance;

“Schools” means the St. Michael's and St. George's Schools;

“vesting date” means the date appointed by the Minister under section 3.

3.—(1) The Minister may, by order, appoint a date after the Vesting date commencement of this Act to be the vesting date for the purposes of this Act.

(2) An order under this section shall be published in the *Gazette*.

4.—(1) Subject to the provisions of this Act, all property, rights, liabilities and obligations which immediately before the vesting date were property, rights, liabilities or obligations of the Board, shall on the vesting date vest by virtue of this Act and without further assurance in the Republic.

Vesting of
assets and
liabilities of
St. Michael's
and St.
George's
Schools in
the Republic

(2) Subject to the provisions of this Act, every deed, bond, agreement (including an agreement for personal services) to which the Board was a party immediately before the vesting date, whether in writing or not and whether or not of such a nature that rights and obligations thereunder could be assigned by the Board, shall, unless its terms or subject matter make it impossible that it should have effect as modified in manner provided by this subsection, have effect from the vesting date as if—

- (a) the Republic had been a party thereto;
- (b) for any reference (however worded and whether expressed or implied) to the Board there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the Republic.

(3) Without prejudice to the generality of the foregoing provisions of this section, the Republic shall have all such powers necessary to take possession and recover any property, to ascertain payment and enforce any right and to discharge any liability or obligation vested in the Republic by this section, and to deal therewith, as would have been enforced by the Board had the same remained vested in the Board and had the Board not been dissolved.

Effecting vesting

5.—(1) Upon the vesting date the Board shall deliver possession of the immovable and the movable property vested by virtue of this Act in the Republic to such persons as the Minister shall appoint and the Board shall do all such things as are necessary or desirable for the more effective vesting in accordance with the provisions of this Act of the property, rights, liabilities and obligations vested in the Board immediately before the vesting date.

(2) The Minister may, by order, provide for any matter which appears to him to be necessary or expedient for the purposes of securing the effective vesting in accordance with the provisions of this Act, of the property, rights, liabilities and obligations vested in the Board immediately before the vesting date, and, without prejudice to the generality of the foregoing, may appoint a person to do any act or sign any document relating to the property and rights vested in the Board immediately before the vesting date whereby the provisions of this Act may be more effectually achieved; and every act done or document signed by a person in accordance with the provisions of such an order for such purposes shall be effectual as if it had been done or made by the Board had the Board not been dissolved.

Republic to give effect to donor's instructions

6.—(1) Notwithstanding the provisions of this Act, where the Republic on or after the vesting date is vested with property, whether movable or immovable, which had been given or bequeathed to the Board by way of gift or testamentary disposition and to which a donor has attached any conditions (which were not inconsistent with the provisions of the St. Michael's and St. George's Schools Ordinance which is hereby repealed) to such gift or legacy as to its use as a memorial scholarship, bursary fund or its application for the construction of buildings, the provision of specified amenities and facilities incidental to a secondary

school or for other purposes incidental to the foregoing and whether such conditions are attached to either school or to both, the Republic shall give effect to such conditions as if the Ordinance had not been repealed.

(2) If at any time it appears to the Minister to be impracticable to give effect to any conditions attached to any gift or legacy, the Minister may after consulting the donor or his legal representative (if it is reasonably possible so to consult the donor or his legal representative) vary such conditions in such manner as may appear to him best calculated to give practical effect to the intentions of the donor.

7.—(1) Any legal proceedings pending immediately before the vesting date to which the Board is a party in so far as they relate to any property, right, liability or obligation vested in the Republic by virtue of this Act or to any deed, bond or agreement or other document which has effect in accordance with subsection (2) of section 4, shall be continued by or against the Attorney-General on behalf of the Republic (or such other officer of the Government as may be appointed in that behalf under the Government Suits Ordinance) in lieu of the Board. ^{Legal proceedings} Cap. 5

(2) Where any proceedings are instituted by or against the Republic after the vesting date in respect of any right, liability or obligation vested in or incurred by the Board, the Republic and every other party to the proceedings may take all such objections and exceptions as might have been taken in proceedings by or against the Board including, without prejudice to the generality of the foregoing, any objection and exception under the law relating to limitation of actions, and such proceedings may be instituted notwithstanding any restrictions contained in section 3 of the Government Suits Ordinance or otherwise limiting the nature of suits which may be brought against the Republic as such.

8.—(1) The Board shall, within a period of three months of the vesting date, close the accounts and arrange for them to be audited and a final report made thereon by the Board's auditors. ^{Closing of accounts and audits}

(2) The Board shall on receipt of the final report forthwith submit to the Minister a copy of the statement of accounts together with a copy of the final report made by the Board's auditors on the statement or on the accounts.

9. When the Minister is satisfied that the assets and liabilities of the Board have been transferred to the Republic in accordance with this Act and the provisions of section 8 as regards the audit of accounts have been complied with, he shall, by order in the *Gazette*, dissolve the Board. ^{Dissolution of Board}

10. For avoidance of doubts, it is hereby declared that the Board shall not be liable for any breach of trust resulting, whether directly or indirectly, from any act or omission, by or on behalf of the Republic, in taking over any property, rights, liabilities or obligations of the Board before the vesting date. ^{Board not to be liable for breach of trust}

Power to
make order
for purposes
of Act

11. The Minister may by order provide for any incidental or supplementary matters for which it appears to him necessary to provide for the carrying out of the purposes of this Act.

Cap. 380
repealed

12. The St. Michael's and St. George's Schools (Establishment) Ordinance is hereby repealed.

Passed in the National Assembly on the eighteenth day of February, 1964.


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Clerk of the National Assembly