

THE UNITED REPUBLIC OF TANZANIA



No. 31 OF 1965

I ASSENT,

Julius K. Nyerere
President

8TH JULY, 1965

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

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the College of Business Education Act, 1965, and shall come into operation on such date as the Minister shall, by notice in the *Gazette*, appoint.

Short title and commencement

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

Interpretation

“College” means the College of Business Education;

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

“Director” means the Director of the College appointed under section 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 11;

“Governing Body” means the Governing Body of the College established by section 4;

“Minister” means the Minister for the time being responsible for matters relating to commerce;

“member”, in relation to the Governing Body, includes the chairman.

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

PART II

ESTABLISHMENT OF GOVERNING BODY

Establishment and incorporation of Governing Body 4.—(1) There is hereby established a Body to be known as the Governing Body of the College of Business Education and the government and administration of the College shall be vested in the Governing Body.

(2) The Governing Body shall—

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

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

Functions of Governing Body 5.—(1) The functions of the Governing Body shall be to govern and administer the College and, in particular but without prejudice to the generality of the foregoing, to—

- (a) authorize appropriate and necessary expenditure within the funds available to the College;
- (b) appoint a Director and other persons to the staff of the College;
- (c) prescribe the fees to be paid by students of the College; and
- (d) grant scholarships, studentships and bursaries to students of the College, and revoke any such grants.

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

PART III

FINANCIAL PROVISIONS

Vesting of assets 6. On the coming into operation of this Act, there shall vest in the Governing Body by virtue of this section and without further assurance—

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

Management of assets 7. All the funds, assets and property, movable and immovable, of the College shall be managed and utilized by the Governing Body in accordance with the provisions of this Act in such manner and for such purposes as, in the opinion of the Governing Body, will promote the best interests of the College.

8. The funds of the College shall consist of—

Funds of
the College

- (a) such sums as may be granted by the Government or by any other body or organization for the purposes of the College;
- (b) all other sums which may in any manner become payable to or vested in the Governing Body in respect of any matter incidental to the carrying out of its functions.

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

Borrowing
powers

10. 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.

Investment

11.—(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:

Annual
estimates

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

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

- (a) the payment of all salaries, passages, pensions, gratuities and other retiring benefits and other charges in respect of the staff of the College;
- (b) the payment of all fees or expenses in respect of members of the Governing Body;
- (c) the construction, improvement, maintenance and replacement of the buildings, grounds and equipment of the College;
- (d) the creation of such reserve funds to meet future or contingent liabilities as the Governing Body may think fit.

(3) No expenditure shall be incurred for the purpose of the College except in accordance with the provisions of the annual estimates or any supplementary estimates, both of which shall be subject to the approval of the Minister.

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

Accounts
and audit

- (a) a statement of income and expenditure during the previous financial year; and
- (b) a statement of the assets and liabilities of the Governing Body on the last day of such year.

shall, as soon as practicable after the end of each financial year, be submitted to and audited by, such auditors as the Governing Body shall appoint.

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

PART IV

MISCELLANEOUS

Rules 13.—(1) The Governing Body may, subject to the provisions of this Act, make rules for the government, control and administration of the College.

Cap. 1 (2) Notwithstanding the provisions of section 7 of the Interpretation and General Clauses Ordinance, it shall not be necessary for rules made under this section to be published in the Gazette.

(3) The provisions of paragraph (b) of section 25 of the Interpretation and General Clauses Ordinance shall not apply in respect of rules made under this section.

Members of Governing Body not personally liable 14. 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.

(Section 4)

THE SCHEDULE

Composition of Governing Body 1. The Governing Body shall consist of a Chairman and ten other members appointed by the Minister as follows:—
 (a) four members, of whom not less than one shall be an officer in the public service;
 (b) one member nominated by a Chamber of Commerce not affiliated to the Tanganyika Association of Chambers of Commerce;
 (c) one member nominated by the Minister for the time being responsible for education;
 (d) one member nominated by the Tanganyika African National Union;
 (e) one member nominated by the National Union of Tanganyika Workers;
 (f) one member nominated by the Tanganyika Association of Chambers of Commerce;
 (g) one member nominated by the Co-operative Union of Tanganyika, and the Director of the College, or, in his absence, his representative, as an *ex officio* member.

Members' tenure of office 2. A member of the Governing Body other than the Director shall, unless previously he dies or retires, or his appointment is revoked, hold office for a period of three years and shall be eligible for re-appointment.

Quorum procedure and meetings 3.—(1) The Governing Body shall meet at such times as may be necessary or expedient for the transaction of business.

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

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

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

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

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

(7) All acts, matters and things authorized 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.

4. Subject to the provisions of paragraph 3 relating to a quorum, the Governing Body may act notwithstanding any vacancy in the membership thereof and no act or proceeding of the Governing Body shall be invalid by reason only of some defect in the appointment of a member or some person who purports to be a member. **Vacancies, etc. not to invalidate proceedings**

5. The members may, if the Governing Body so determine, be re-imbursed for all reasonable expenses incurred by them in the course of their duties. **Members to be reimbursed**

Passed in the National Assembly on the eleventh day of June, 1965.

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Hamidul Karim
Clerk of the National Assembly