

THE UNITED REPUBLIC OF TANZANIA



No. 60 OF 1964

I ASSENT,

*Julius K. Nyerere*

President

10<sup>TH</sup> DECEMBER, 1964

**An Act to establish a Governing Council for the government of the Agricultural College at Morogoro 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 Agriculture Act, 1964, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires-  
"College" means the College of Agriculture at Morogoro;  
"College year" means such period of twelve months as the Governing Council may determine;

Interpretation

"decrees" means decrees made by the Governing Council under section 5;  
"financial year" in s the period of twelve months commencing on the first day of July of each year unless the Governing Council determines any other period of twelve months under section 15;

"Governing Council" means the Governing Council of the College;  
"member" in relation to the Governing Council includes the Chairman;  
"Minister" means the Minister for the time being responsible for matters relating to agriculture;

"Principal" means the Principal appointed under section 6.

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

The College

**PART II**

## ESTABLISHMENT OF GOVERNING COUNCIL

Establishment and incorporation of Governing Council

**4.-(1)** There is hereby established a Council to be known as the Governing Council of the College of Agriculture and the government and administration Council of the College of Agriculture and the government and in accordance with the provisions of this Act.

(2) The Governing Council shall-

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

(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 Council.

Functions of Governing Council

**5.-(1)** The functions of the Governing Council shall be to govern and administer the College and, in particular but without prejudice to the generality of the foregoing, shall include-

- (a) the authorization 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) subject to the provisions of this Act, the making of rules relating to-
  - (i) the fixing of fees and boarding charges;
  - (ii) the terms and conditions of service, including the appointment, dismissal, salary and retiring benefits of the College staff;
- (e) 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 award of certificates, diplomas and degrees to students of the College;
  - (ii) the grant of scholarships and studentships and the revocation of any such grant.

(2) The Governing Council may-

- (a) appoint to the College a Patron;
- (b) affiliate the College to, or associate it with, any body or organization, whether in the United Republic or elsewhere, which is concerned with higher education;
- (c) establish and control a central agricultural library; and
- (d) engage in research and College Extension activities in conjunction with the Ministry of Agriculture, Forests and Wildlife.

**PART III**

## STAFF

**6.-**(1) Subject to the provisions of subsection (2), the Governing Council may appoint a Principal of the College who shall be the chief and administrative and academic officer of the College and he shall be responsible to the Governing Council-

Appointment  
of Principal  
and Deputy  
Principal

- (a) for the proper administration of the College in accordance with the policy of the Governing Council;
- (b) for the academic management of the College in accordance with the policy of the Governing Council;
- (c) for the proper enforcement of decrees; and
- (d) for 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 Council 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 Council.

**7.** The academic members of the staff of the College shall, subject to the provisions of section 9, be appointed by the Governing Council either-

Academic  
staff

- (a) on such terms and conditions of service as may be determined by the Governing Council; 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 organization, on such terms and conditions of service as may be agreed between the Governing Council and the seconding body.

**8.** The administrative staff of the College shall, subject to the provisions of section 9, be appointed by the Governing Council either-

Administra-  
tive staff

- (a) on such terms and conditions of service as may be determined by the Governing Council; 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 organization, on such terms and conditions of service as may be agreed between the Governing Council and the seconding body.

**9.** The Governing Council 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 except the Principal or the Deputy Principal.

Delegation  
of power of  
appointment

**PART IV**

## FINANCIAL PROVISIONS

**10.** On the coming into operation of this Act, there shall vest in the Governing Council by virtue of this section and without further assurance all funds, assets and property vested or held for the purposes of the College immediately before such coming into operation,

Vesting of  
assets

Management of assets	<b>11.</b> All funds, assets and property, movable and immovable, of the College shall be managed and utilized by the Governing Council in accordance with the provisions of this Act in such manner and for such purposes as, in the opinion of the Governing Council, will promote the best interest of the College.
Funds of the College	<b>12.</b> The funds of the College shall consist of- <ol style="list-style-type: none"> <li>(a) such sums as may be granted by the Government or by any other body or organization for the purposes of the College;</li> <li>(b) all other sums or property which may in any manner become payable to or vested in the Governing Council in respect of any matter incidental to the carrying out of its functions.</li> </ol>
Borrowing powers	<b>13.</b> The Governing Council may from time to time borrow sums required by it, whether by way of mortgage or otherwise, for meeting any of its obligations or for the purpose of carrying out any of its functions.
Investment powers	<b>14.</b> The Governing Council may invest such part of the funds of the College as are not required for the carrying out of the functions of the Governing Council.
Annual estimates	<p><b>15.</b>-(1) The Governing Council 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 expenditures of the College for, the ensuing financial year, and such estimates shall be approved by the Governing Council before the commencement of such year:</p> <p>Provided that in the event of any change in a 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.</p> <p>(2) In such annual, estimates, the Governing Council shall make provision for all the estimated expenditures during the financial year and in particular for-</p> <ol style="list-style-type: none"> <li>(a) the payment of all salaries, passages, pensions, gratuities and other retiring benefits and other charges in respect of the staff of the College;</li> <li>(b) the payment of all fees or expenses in respect of members of the Governing Council;</li> <li>(c) the construction, improvement, maintenance and replacement of the buildings, grounds and equipment of the College; and</li> <li>(d) the creation of such reserve funds to meet future or contingent liabilities as the Governing Council may think fit.</li> </ol> <p>(3) No expenditure shall be incurred for the College except in accordance with the provisions of the annual estimates, unless the Minister consents thereto.</p>
Accounts and audit	<b>16.</b> -(1) The Governing Council 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 Council 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 Council shall appoint.

(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 Council.

## PART V

### MISCELLANEOUS

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

Rules and orders

(2) The Principal may make orders for the better carrying into effect of the powers and duties conferred or imposed on him under the provisions of this Act.

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

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

18. No member of the Governing Council 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.

Member of Governing Council not personally liable

19.-(1) The provisions of the East African Income Tax (Management) Act, 1958, as regards income chargeable to tax, shall not apply to any grants made or fees paid to the Governing Council and any such grants and fees shall be exempt from tax.

Exemption from income tax and import duties  
E.A.C.S.O  
No 10 of 1958  
Cap 346.

(2) The provisions of the Customs Tariff Ordinance as regards the levy, collection and payment of import duties, shall not apply to equipment and stores imported by the Governing Council for the official use of the College, and any such stores and equipment shall be exempt from import duties and suspended duties.

### SCHEDULE

(Section 4 (3))

I.-(1) The Governing Council shall consist of thirteen members twelve of whom shall be appointed by the Minister, of whom-

Constitution

- (a) six shall be representative of agricultural producers in the United Republic;
- (b) three shall represent the Ministry of Agriculture, Forests and Wildlife;
- (c) one shall represent the Ministry of Education;
- (d) One shall represent the Ministry of Commerce and Co-operatives;

	(e) one shall represent the Faculty of Agriculture, Makerere University College; and the Principal, University College, Dar es Salaam shall be ex officio a member.
	(2) One of the members appointed by the Minister shall be appointed by him to be Chairman.
Duration of office	2-(1) An appointed member of the Governing Council shall, except as indicated in sub-paragraph (2), unless he otherwise ceases to be a member, hold office for four years, and shall be eligible for reappointment. (2) Of the initial twelve appointed members, six determined by lot, shall serve for two years, but shall be eligible for reappointment.
	(3) Any appointed member of the Governing Council may at any time resign by giving notice in writing to the Chairman of the Governing Council, and from the date specified in the notice, or if no date is specified in the notice, from the date of receipt of the notice by the Chairman, he shall cease to be a member of the Governing Council.
	(4) If any appointed member of the Governing Council is, without permission of the Governing Council, absent from more than four consecutive meetings of the Governing Council, he shall cease to be a member of the Governing Council.
Casual vacancies	3. Where any appointed member of the Governing Council ceases to be a member before the normal expiration of his term of office, the Minister may appoint another person in his stead to hold office 'until such first-named person's term of office would have expired had he not ceased to be a member as aforesaid.
Quorum, procedure and meetings	4-(1) The Governing Council shall meet at least two times in any financial year and at such other times as may be necessary or expedient for the transaction of business. (2) At any meeting of the Governing Council, eight members thereof shall constitute a quorum. (3) The Governing Council may elect any member thereof to be Vice-Chairman of the Body. (4) At any meeting of the Governing Council, the Chairman shall preside, or in the absence of the Chairman, if a Vice-Chairman has been elected, 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 of that meeting. (5) In the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote. (6) Minutes in proper form of each meeting of the Governing Council shall be kept and shall be confirmed by the Governing Council at the next meeting and signed by the Chairman of that meeting. (7) All acts, matters and things authorized to be done by the Governing Council shall be decided by resolution at a meeting of the Governing Council at which a quorum is present. (8) A decision of the majority of the members present and voting at a meeting of the Governing Council shall be deemed to be a decision of the Governing Council. (9) The seal of the Governing Council shall be affixed by the Chairman, Vice-Chairman or temporary Chairman and witnessed by two members thereof.
Acts not to be invalidated by defective appointment	5. Subject to the provisions of paragraph 4 relating to a quorum, the Governing Council may act notwithstanding any vacancy in the membership thereof and no act of the Governing Council shall be invalid by reason only of some defect in the appointment of a member who purports to be a member.
Expenses	6. The members may, if the Governing Council so determines, be reimbursed for all reasonable expenses incurred by them in the course of their duties.

Passed in the National Assembly on the first day of December, 1964.

  
Clerk of the National Assembly