

Tanzania

## Muhimbili University College of Health Sciences Act Chapter 321

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Muhimbili University College of Health Sciences Act  
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## Tanzania

# Muhimbili University College of Health Sciences Act Chapter 321

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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.]*

*[G.N. No. 98 of 1991; Acts Nos. 9 of 1991; 8 of 2000]*

**An Act to establish the Muhimbili University College of Health Sciences as a constituent college of the University of Dar es Salaam and to provide for related matters.**

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

#### 1. Short title

This Act may be cited as the Muhimbili University College of Health Sciences Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Academic Board**" means the Academic Board of the Muhimbili University College of Health Sciences established under section 10 of this Act;

"**academic staff**" means the academic staff as defined in section 16(1) of this Act;

"**administrative staff**" means the administrative staff as defined in section 16(2) of this Act;

"**appointment**", in relation to the staff of the College, means an appointment of a person to the academic staff or the administrative staff of the College 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 14 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 15;

"**Board**" means the Governing Board of the College established by section 6;

"**Chairman**" means the Chairman of the Academic Board;

"**College**" means the Muhimbili University College of Health Sciences established by section 3 as a constituent college of the University of Dar es Salaam;

"**College Term**" means each period in each college year during which the college is in session;

"**Council**" means the Council of the University of Dar es Salaam established under section 11 of the University of Dar es Salaam Act <sup>1</sup>;

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

"**Dean of Students**" means the Dean of Students of the College;

"**effective date**" means the date on which this Act comes into operation;

"**financial year**" means the financial year of the College as determined in accordance with section 30;

"**former faculty**", means the faculty of Medicine of the University of Dar es Salaam;

"**former officer**" means any person employed on the academic staff or the administrative staff of the former faculty;

"**instrument**" includes contracts guarantees, agreements, bonds, authorities, mortgages, charges, bills of exchange, promissory notes, bank drafts, bank cheques, letters of credit and securities;

"**Minister**" means the Minister responsible for higher education;

"**Principal**" means the Principal of the College appointed under section 8;

"**Registrar**" means the Registrar of the College appointed under section 9;

"**Regulations**" means regulations made by the Academic Board under section 31;

"**Rules**" means rules made by the Academic Board;

"**Secretary**" means the Secretary to the Academic Board;

"**Student**" means any person admitted to the college as a candidate for a degree, diploma, certificate or other award of the University or of the college;

"**Students' Organisation**" means an organisation approved by the Visitor being an organisation representative of the students of the College;

"**University**" means the University of Dar es Salaam established by the University of Dar es Salaam Act <sup>2</sup>;

"**Visitor**" means the visitor to the College as provided under section 5.

## Part II – The Muhimbili University College (ss. 3-4)

### 3. Establishment of the College

- (1) There is hereby established a College to be known as the Muhimbili University College of Health Sciences which shall be governed and administered in accordance with the provisions of this Act.
- (2) The College shall be a constituent college of the University of Dar es Salaam.
- (3) The College shall be a body corporate and shall—
  - (a) have perpetual succession and an official 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;
  - (d) have power to borrow such sums as it may require for its purposes.

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- (4) The functions of the college shall be—
- (a) to provide in Tanzania a place of learning, education, research in health sciences and through these to provide service of a quality required and expected of a University institution of the highest standard and to maintain in that respect for scholarship and for academic freedom which such an institution requires;
  - (b) to prepare students through regular and professional courses in the fields of health and allied sciences for degrees, diplomas, certificates and other awards of the University of Dar es Salaam and for any diplomas, certificates and other awards offered at the College;
  - (c) to contribute to the intellectual life, to act as a focal point for cultural development and to be a centre for studies, service and research particularly in matters pertaining to the interests of the people of Tanzania.

#### 4. Membership of the College

Membership of the College shall be open to all persons qualified under the College or University regulations, without distinction of race, ethnic origin, sex or religion.

### Part III – Administration of the University College (ss. 5-16)

#### 5. Visitor

- (1) The Chancellor of the University of Dar es Salaam shall be the Visitor to the College.
- (2) The Visitor may from time to time direct a visitation to the College to inspect its buildings, laboratories, equipment, teaching and other activities.

#### 6. Governing Board of the College

- (1) There shall be a Governing Board of the College which shall be answerable to the University Council.
- (2) The provisions of the First Schedule to this Act shall have effect to the composition of the Board, the tenure of office of its members, termination of their appointment, the proceedings of the Board and other matters in relation to the Board and its members.
- (3) The Minister may by order in the *Gazette* amend, vary or replace all or any of the provisions of the First Schedule to this Act.

[s. 5A]

#### 7. Powers and duties of the Board

- (1) Subject to the provisions of this Act, the governance and control of the College shall be vested in the Board.
- (2) In particular, and without prejudice to the generality of subsection (1), the Board shall have power—
  - (a) to administer the properties of the College, both movable and immovable;
  - (b) to administer the funds, investments and other assets of the College;
  - (c) to signify the acts of the College by use of the common seal;
  - (d) on behalf of the College, to receive gifts, donations, grants or other moneys and to make disbursements therefrom to colleges, schools, faculties, institutes, the Library and other libraries, centres or directorates, units or to other persons or bodies;

- (e) subject to the provisions of the Act, to appoint, settle the terms and conditions of service or terminate the appointment of officers and other employees of the College as it may deem necessary, provided that for the purpose of this provision, "officers" shall include the Principal, the Registrar of the College and the Dean of Students;
  - (f) to establish or appoint boards and committees for the proper and better carrying out of its functions;
  - (g) to define the rights, obligations and privileges of the members of the College;
  - (h) subject to the provisions of the Act, to establish schools, faculties, institutes, libraries, centres or directorates, etc., and to disestablish any one or more of these;
  - (i) to do all such other acts and things as are provided for in the Act or as may be prescribed.
- (3) The Board may, as it deems fit, delegate any one or more of the powers and functions granted to it under the Act or any other written law to the Academic Board of the College, subject to any limitations or conditions the Board may prescribe.

[s. 5B]

## 8. Principal of the College

- (1) There shall be a Principal of the College who shall be appointed by the Chancellor of the University of Dar es Salaam after consultation with the Council of the University of Dar es Salaam.
- (2) The Principal shall hold office for such period and on such terms and conditions as the Chancellor of the University of Dar es Salaam may determine or as may be specified in the instrument of his appointment.
- (3) The Principal shall be the Chief Administrative and Academic Officer of the College and shall have a general responsibility for promoting and maintaining the efficiency and good order of the College.

[s. 6]

## 9. Registrar

- (1) There shall be a Registrar of the College who shall be appointed by the Board.
- (2) The Registrar shall hold office for such period and on such terms and conditions as the Board may determine.
- (3) The Registrar shall be responsible for the general administration of the College and shall perform any other functions conferred upon him by or under the provisions of this Act.

[s. 7]

## 10. Academic Board

- (1) There shall be an Academic Board of the College which shall consist of—
  - (a) the Principal of the College who shall be the Chairman;
  - (b) the Vice-Chairman who shall be elected from amongst the Deans of Faculties or Directors of Institutes;
  - (c) the deans of faculties and directors of Institutes;
  - (d) a representative of the ministry responsible for education;
  - (e) a representative of the ministry responsible for health;
  - (f) the Dean of Students;

- (g) three members one each from post-graduate, undergraduate and Allied health sciences students;
  - (h) fifty *per centum* of all the Heads of the Academic Departments;
  - (i) two members elected from amongst full professors in the Centre who are not Heads of Departments or Deans of Faculties;
  - (j) the Medical Librarian;
  - (k) the Registrar who shall be the Secretary of the Academic Board;
  - (l) a representative of the Ministry responsible for higher education;
  - (m) a representative of the ministry responsible for health in the Revolutionary Government of Zanzibar;
  - (n) a representative of the Ministry responsible for education in the Revolutionary Government of Zanzibar.
- (2) The members of the Academic Board shall hold powers conferred upon it by this Act for a period of three years.
- (3) The Vice-Chairman of the Board in the absence of the Chairman shall act as Chairman of the Academic Board during such period of absence and shall have powers as may be prescribed by a resolution of the Academic Board:
- Provided that in the absence of both the Chairman and the Vice-Chairman the Board shall nominate one senior member to act as Chairman for the purpose of that meeting.

[s. 8]

## 11. Functions and powers of the Academic Board

The Academic Board—

- (a) shall direct and regulate the instruction and teaching within the College and shall co-operate with the University of Dar es Salaam in the examination of candidates for degrees and other awards of the University of Dar es Salaam;
- (b) shall authorise the award of diplomas, certificates and other distinctions of the College to persons who have satisfied the conditions for the award thereof as prescribed by regulations to conduct examinations for any such diplomas, certificates or other distinctions;
- (c) shall promote research and require reports from time to time on such research;
- (d) shall report to the Board on all regulations made subsequent to these regulations and on all rules and on proposed changes in either the regulations or the rules of the College;
- (e) shall report to the Board on any matter referred to it by the Board;
- (f) may discuss and declare an opinion on any matter whatsoever related to the College;
- (g) shall report to the Board on the establishment of the faculties, departments, institutes or Committees and make recommendations as to their organisation, constitution and functions and the modification or revision thereof;
- (h) may review, refer back or disallow any decision of any faculty board, institute or other like body:  
Provided that no decision shall be reviewed or disallowed without first having been referred back to the appropriate body;
- (i) shall perform and prescribe the time and conditions of completion for fellowships, scholarships, studentship, exhibitions and examine for and award the same or delegate to any faculty board,

department, Institute or delegacy or other board concerned, power to examine for and award the same;

- (j) shall seek approval of the Senate of the University of Dar es Salaam on regulations governing admissions of persons to courses of study in the College that are preparatory for examinations for a degree, diploma, certificate or other award of the University of Dar es Salaam;

- (k) shall prescribe the subjects which shall belong to each faculty, institute and directorate:

Provided that any one subject may be prescribed to belong to more than one Faculty, Institute and Directorate.

[s. 9]

## 12. Faculties, Institutes and Directorates

- (1) There shall be established the following faculties—

- (a) the Faculty of Dentistry;
- (b) the Faculty of Medicine;
- (c) the Faculty of Nursing; and
- (d) the Faculty of Pharmacy.

- (2) There shall be established the following Institutes—

- (a) the Institute of Allied Health Sciences;
- (b) the Institute of Primary Health Care and Continuing Education;
- (c) the Institute of Traditional Medicine;
- (d) the Institute of Development Studies; and
- (e) the Institute of Public Health.

- (3) The Academic Board with the approval of the Council may establish faculties, institutes and directorates either in addition to or in substitution for the faculties and institutes established under subsection (1) and (2) of this section.

- (4) (a) There shall be established in respect of each faculty, institute, directorate, a faculty board, an institute board and a directorate board as the case may be.

- (b) Every faculty board, institute board and directorate board shall consist of—

- (i) the Dean of Faculty or the Director of Institute or Directorate who shall be the Chairman;
- (ii) all heads of academic departments;
- (iii) such other persons as Academic Board may from time to time determine.

- (5) A faculty board, an institute board and a directorate board shall have the right to discuss any matter pertaining or, referred to it respectively by the Academic Board and to convey its views thereon to the Academic Board.

- (6) The Dean of each faculty, the director of each Institute or Directorate shall be elected from amongst the professors, associate professors and senior lecturers of the faculty, institute or directorate by the Academic Board on the recommendations of the Faculty Board Institute Board or Directorate Board as the case may be for a three year term of office which may be renewed another term of three years.

- (7) Every Faculty Board, Institute Board or Directorate Boards may—
- (a) subject to the provisions of this Act and subject to the authority of the Academic Board, regulate the teaching and study of the subjects in the faculties, institutes or directorates;
  - (b) monitor the attendance, progress and conduct of students in the faculty, institute, directorate and report to the Academic Board in respect thereof;
  - (c) make recommendations to the Academic Board on the syllabuses, courses of study and examinations for degrees, diplomas, certificate and other distinctions in the faculty, institute or directorate or on any other matter relating to the work of the faculty, institute or directorate;
  - (d) make recommendations to the Academic Board for the award of degrees (other than honorary degrees), diplomas, certificates and other distinctions in the faculty, institute or directorate;
  - (e) consider any matter relating to the faculty, institute or directorate and report to the Academic Board and deal with any matter referred or delegated to it by the Academic Board.
- (8) The Courses of study to be conducted in faculties, institutes or directorate, shall be determined by the Academic Board with the approval of the Senate of the University of Dar es Salaam.

[s. 10]

### 13. Committees

The Academic Board and each Board of a Faculty, Institute and Directorate may establish committees and delegate thereto such of its respective powers and functions as it may determine.

[s. 11]

### 14. Appointments Committee for Academic Staff

- (1) There shall be an Appointments Committee for Academic Staff which shall be composed of—
- (a) the Director-General of the Centre, who shall be the Chairman;
  - (b) the Principal, who shall be the Vice-Chairman;
  - (c) the Director of Administration and Hospital Services;
  - (d) one member appointed by the principal;
  - (e) two members appointed by the Chairman of the Board of Trustees from amongst the members of the Board of Trustees;
  - (f) two members appointed by the Academic Board from amongst its members;
  - (g) the Principal Nursing Officer;
  - (h) one member appointed by the Council of the University of Dar es Salaam; and
  - (i) the Registrar who shall be the Secretary.
- (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 such a department;

- (c) where the appointment is to be made to an Institute, the Director of the Institute;
  - (d) two members appointed by the Principal from amongst person who, in the opinion of the Principal, are adequately qualified or have enough experience in academic matters.
- (3) The Appointments Committee shall have such functions as may be conferred upon it by or under this Act or as may be delegated to it by the Academic Board.
- (4) The members of the Appointments Committee shall hold office for a period of three years.
- (5) All academic appointments shall be referred to the Board for approval:

Provided that in the case of professorial and Associate professorship appointments the Board shall seek approval of the University of Dar es Salaam Council.

[s. 12]

### 15. Appointments Committee for Administrative Staff

- (1) There shall be an Appointments Committee for Administrative Staff which shall be composed of—
- (a) the Principal of the College who shall be the Chairman;
  - (b) two members of the Board not being members of the Academic Board;
  - (c) the Dean of Students;
  - (d) heads of all service Departments;
  - (e) the Registrar of the College;
  - (f) a Workers' Union representative.
- (2) Where the Appointments Committee meet to make or approve any appointment, in addition to the persons specified in subsection (1), the Dean of the Faculty, the Director of the Institute and the Head of the Department concerned shall be entitled to sit in the Committee as a temporary member.
- (3) The members of the Appointments Committee shall hold office for a period of three years.
- (4) All Senior Administrative appointments shall be referred to the Board for approval.
- (5) The Appointments Committee shall have such functions as may be conferred upon it by or under this Act or as may be delegated to it by the Board.

[s. 13]

### 16. Academic and administrative staff

- (1) The academic staff of the College shall comprise of—
- (a) the Principal of the College;
  - (b) the deans of the faculties;
  - (c) the directors of the institutes;
  - (d) the professors;
  - (e) the lecturers;
  - (f) the assistant lecturers; and such other members of staff as the Academic Appointments Committee may determine;
  - (g) the medical librarian.

- (2) The administrative staff shall comprise of—
  - (a) the Registrar;
  - (b) the Dean of Students; and
  - (c) all other officers of the College who are not members of the academic staff.
- (3) The terms and conditions of employment for the academic staff and the administrative staff shall be in accordance with an approved scheme.
- (4) The Board may from time to time amend or replace the provisions of the Schedule to this Act in whole or in part.
- (5) The Board may make regulations governing discipline and disciplinary proceedings against the academic and administrative staff of the College.
- (6) The powers of dismissal or termination of appointment of any member of the academic or administrative staff of the College by way of disciplinary action otherwise than by dismissal or termination of appointment for any disciplinary offence are hereby vested in the Board.

[s. 14]

#### **Part IV – Student discipline (ss. 17-27)**

##### **17. Interpretation relating to Part IV**

In this Part, unless the context otherwise requires—

"**disciplinary authority**" means the Registrar exercising the powers conferred upon him by section 19 and includes any person to whom such powers have been delegated in accordance with section 20;

"**disciplinary offence**" means the contravention of any by-laws made under section 18.

[s. 15]

##### **18. Power of Academic Board to make by-laws**

- (1) The Academic Board may make by-laws designed to secure the maintenance of discipline amongst the students.
- (2) By-laws made under subsection (1) may provide that the contravention of any of the by-laws shall constitute a disciplinary offence and may further provide for the punishment that may be imposed for such a 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 Academic Board may determine.

[s. 16]

##### **19. Registrar to be disciplinary authority**

Every charge of a disciplinary offence against a student shall be investigated by the Registrar who shall impose such punishment as he may consider appropriate after inquiring into the offence in accordance with the procedure prescribed by section 23 and upon being satisfied that the charge against the student has been proved.

[s. 17]

## 20. Delegation of powers of Registrar

The Registrar may, by writing under his hand, delegate, subject to such limitations as he may prescribe, all or any of the powers vested in him by section 21 to the Dean of Students, a Dean or a Director.

[s. 18]

## 21. Procedure in disciplinary proceedings

- (1) Disciplinary proceedings under this Part may be either formal or summary.
- (2) Formal proceedings shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which the student is alleged to have committed is of such gravity that should he be found guilty, it may warrant his dismissal or rustication from the College.
- (3) Summary proceedings may be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which the student is alleged to have committed is of such gravity that should he be found guilty of it, it may not warrant his dismissal or justification from the College.
- (4) Notwithstanding the nature of the procedure intended to be adopted by the disciplinary authority, no disciplinary proceedings shall be instituted against any student after the expiration of thirty days from the date of the commission of an offence or, in the case of a continuing injury or damage, within fifteen days next after its cessation:

Provided that under exceptional circumstances the above mentioned period need not be considered.

[s. 19]

## 22. Cases of formal proceedings

- (1) No formal proceedings for a disciplinary offence shall be instituted against a student unless he is previously served with a copy of the charge setting out the nature of the offence which he is alleged to have committed; and the charge shall be prepared by the disciplinary authority after carrying out such preliminary investigations as he may consider necessary and the charge shall state briefly the nature of the offence which the student is alleged to have committed and shall set out in concise form the allegations made against the accused student.
- (2) The charge as drawn up shall then be served on the student, together with a notice addressed to him, requiring him to make a representation to in writing, within such period as may be specified in the notice, the grounds upon which he relies to exculpate himself.
- (3) Where the accused student fails or refuses to make any representation in writing giving grounds upon which he relies to exculpate himself within the period prescribed in the notice, or makes representations which in the opinion of the disciplinary authority do not amount to a complete defence of the offence charged, the disciplinary authority shall appoint an inquiry officer, to hold an inquiry into the charge.
- (4) The Inquiry Officer shall notify the accused student of the day, date, time and place fixed for the holding of the inquiry.
- (5) The student shall have a right to appear before the Inquiry Officer, examine witnesses and be heard in his own defence; save that failure by the accused student to appear at the Inquiry shall not vitiate the proceedings.
- (6) The accused student shall have a right—
  - (a) to cross-examine any witness examined by the Inquiry Officer or by the disciplinary authority or his representative;
  - (b) to examine and make copies of any document produced as evidence against him;

- (c) to call witnesses of his own behalf and produce any document relevant to the inquiry.
- (7) The Inquiry Officer may take into consideration any evidence which he considers relevant to the subject of the inquiry before him, notwithstanding that such evidence would not be admissible under the law relating to evidence; and shall record the gist of the evidence adduced before him.
- (8) Upon the conclusion of the inquiry, the Inquiry Officer shall forward the record of proceedings, together with his report on the proceedings to the disciplinary authority.
- (9) A report under subsection (8) shall—
- (a) state whether in the opinion of the Inquiry Officer the charge against the accused student has been proved;
  - (b) state the reason or reasons for holding that opinion;
  - (c) state any fact which, in the opinion of the Inquiry Officer, aggravates or mitigates the gravity of the act or admission, and the form or nature of the punishment to be awarded.
- (10) Upon receipt of the record of proceedings and the report, the disciplinary authority shall, after considering the evidence and the report of the Inquiry Officer, make and recommend a finding whether or not, in its opinion, the student is guilty of the disciplinary offence with which he was charged.
- (11) Where the findings of the disciplinary authority is contrary to the opinion which the Inquiry Officer has expressed in his report, the disciplinary authority shall record its reasons for the finding.
- (12) Where the disciplinary authority finds the student guilty, it shall proceed to award the punishment prescribed by the by-laws in respect of the disciplinary offence or such lesser punishment as it may deem appropriate.
- (13) The inquiry proceedings shall not be open to the public.

[s. 20]

### 23. Cases of summary proceedings

- (1) Where the disciplinary authority decides to institute summary proceedings against the student. The disciplinary authority shall cause a statement giving particulars of the charge or charges to be prepared and served upon the student.
- (2) The disciplinary authority shall appoint the day, the date, time and place for the investigation of the charge or charges and shall give the student notice of the same.
- (3) The investigation of the charge or charges shall be carried out in such manner as the disciplinary authority may determine and the student shall have a right to appear at the investigation and make his defence; but failure or refusal by him to attend the investigation shall not vitiate proceedings.
- (4) Where at any stage of the proceedings before a finding is made, it appears to the disciplinary authority from the nature of the facts and the circumstances disclosed that it is necessary or desirable that the matter be dealt with by way of formal proceedings, the disciplinary authority may terminate the summary proceedings and institute formal proceedings in accordance with section 22.
- (5) Upon the conclusion of the investigation the disciplinary authority shall make a finding whether or not, in its opinion, the student is guilty of the disciplinary offence or offences with which he is charged, and if it finds the accused student guilty, the disciplinary authority shall proceed to award such punishment as it may consider appropriate; save that under no circumstances shall, on investigation under this section, the student be punished by dismissal or rustication from the College.

[s. 21]

## 24. Disciplinary Appeals Committee

- (1) There is hereby established a Committee to be known as the Disciplinary Appeals Committee of the College.
- (2) The Disciplinary Appeals committee shall be composed of—
  - (a) a Chairman who shall be appointed by the Vice-Chancellor of the University preferably from outside the College;
  - (b) five members elected by the Academic Board from amongst its members, two of whom shall be members elected to the Academic Board by the Student Organisation;
  - (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 meetings of the Disciplinary Appeals Committee shall be the Chairman and three other members.

[s. 22]

## 25. Appeals

- (1) Where a student has been punished for any disciplinary offence and he wishes to appeal, he may, while carrying out the punishment, appeal to the Disciplinary Appeals Committee within thirty days of the decision of the disciplinary authority.
- (2) Where a student wishes to appeal pursuant to subsection (1), he shall, within thirty days of the decision of the disciplinary authority, give a written notice of his intention to appeal to the disciplinary authority who shall forthwith submit it to the Chairman of the Disciplinary Appeals Committee.
- (3) On every appeal under this section the student appealing and the disciplinary authority shall both have a right to appear before and be heard by the Disciplinary Appeals Committee.
- (4) On an appeal under this section, the Disciplinary Appeals Committee may—
  - (a) set aside the findings made against the student and the punishment imposed upon him;
  - (b) uphold the finding and the punishment imposed; or
  - (c) uphold the finding and reduce or enhance the punishment imposed upon the student.
- (5) Notwithstanding subsection (4)(c), where the investigation of the offence by the disciplinary authority was conducted in accordance with the summary procedure prescribed by section 23, the Disciplinary Appeals Committee shall either enhance the punishment to dismissal or rustication from the College.

[s. 23]

## 26. Disciplinary offences not criminal offences

For the purposes of section 48 of the Interpretation Act <sup>3</sup>, disciplinary offences under this Act, shall be deemed not to be offences created by or under any written law.

[s. 24]

## 27. Decisions not subject to review

Subject to the provision of section 25 relating to appeals to Disciplinary Appeals Committee, no decision of any Inquiry Officer, the Disciplinary Committee shall be subject to review by any court.

[s. 25]

## Part V – Financial provisions (ss. 28-30)

### 28. Property vested in Board

The Management and control of all funds, assets and property movable and immovable of the College shall be vested in the Board in accordance with the provisions of this Act, in such manner and for such purposes as, in the opinion of the Board, would promote the best interests of the College.

[s. 26]

### 29. Board may invest funds

The Board may invest any of the funds of the College in such securities as it may think fit, or may place the funds on deposit at such banks as it may determine:

Provided that such investments shall be restricted to Tanzania securities and such funds shall be deposited in the banks registered and carrying on business in Tanzania.

[s. 27]

### 30. Annual estimates

- (1) The Board may determine which period of twelve consecutive months shall constitute the financial year of the College and shall cause to be prepared annual estimates of the revenue and expenditure of the College for the ensuing financial year and such estimates shall be approved by the Board before the commencement of such year:

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

- (2) In any annual estimates the Board shall make provision for all the estimated expenditure during the financial year, and in particular—
  - (a) for the payment of all salaries, passages and other charges in respect of the staff of the College;
  - (b) for the payment of all pensions, gratuities and other charges in respect of the accounts of the Board;
  - (c) for the proper maintenance and replacement of the equipment of the College;
  - (d) for the proper maintenance of the buildings and grounds of the College; and
  - (e) for the creation of such reserve funds within the revenue account to meet future liabilities in respect of retiring benefits, insurance, replacement of buildings or equipment or such other contingencies as the Board may think fit.
- (3) Unless the Board otherwise determines, no expenditure shall be incurred for the purposes of the College save in accordance with the provisions of such annual estimates.

[s. 28]

## Part VI – Miscellaneous and transitional provisions (ss. 31-39)

### 31. Academic Board may make regulations

- (1) The Academic Board shall make regulations providing for any matter or thing which in the opinion of the council of the University of Dar es Salaam is necessary to provide for the furtherance of the functions of the College.
- (2) Regulations made under this section shall be published in the *Gazette*.

[s. 29]

### 32. Vice-Chancellor may give directions

The Vice-Chancellor of the University of Dar es Salaam may give directions of a general or specific character to the Academic Board with regard to academic affairs and the Academic Board shall give effect to every such direction.

[s. 30]

### 33. \*\*\*

[Omitted]

[s. 31]

### 34. Vesting of assets and liabilities

All the assets and liabilities of the College subsisting upon the effective date shall by virtue of this section and without further assurance, vest in the Board.

[s. 32]

### 35. College to continue functions of former faculty

The College shall carry out and continue the functions of the former faculty in accordance with the provisions of this Act and all the students who immediately before the effective date were the students of the former faculty, shall as from the effective date, become students of the College.

[s. 33]

### 36. Staff

Subject to the provisions of section 35, every former officer shall, as from the effective date, be deemed to be an employee of the College.

[s. 34]

### 37. Dean of the former faculty

The Dean of the former faculty shall cease to hold office from the date on which this Act comes into operation.

[s. 35]

### 38. Disciplinary regulations of the former faculty

Rules or regulations made by or applied by the former faculty for the purposes of regulating discipline among the students of the former faculty shall, until such time as regulations are made under this Act, continue in force and have effect as if such rules or regulations were regulations made under this Act.

[s. 36]

### 39. Operation of contracts, etc.

- (1) The instruments to which this section applies are instruments—
  - (a) to which the former faculty 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 faculty; or
  - (c) under which any money is or may become payable or any other property is or may become liable to be transferred, conveyed or assigned by the former faculty,which are subsisting on coming into operation of this Act other than any contract or agreement, or which may become liable to be transferred, conveyed or assigned by the former faculty and any former officer.
- (2) An instrument to which this section applies shall, by virtue of this section, continue in full force and effect, and the College shall, by this Act—
  - (a) be substituted for the former faculty as a party thereto;
  - (b) be entitled to receive and enforce payment of any money payable thereunder;
  - (c) be liable to transfer, convey or assign any property which is to be transferred, conveyed or assigned thereunder, as the case may be.

[s. 37]

## First Schedule (Section 6)

### 1. The Board

- (1) There shall be a Governing Board of the College whose members shall be not less than seven and not more than nine who shall be drawn from both outside the College and from among members of the College.
- (2) The membership of the Board shall include—
  - (a) the Vice-Chancellor who shall be the Chairman;
  - (b) the Principal of the College who shall be the Secretary;
  - (c) the Executive Director of the Muhimbili National Hospital;
  - (d) Director of Higher Education - Ministry of Science, Technology and Higher Education.
  - (e) Director of Human Resources for Health - Ministry of Health;
  - (f) one member who shall be appointed by the Minister for the time being responsible for Higher Education;
  - (g) the Treasury Registrar;
  - (h) one legally qualified person holding office in the Attorney-Generals' Chambers.

- (3) The proceedings of the Board and other matters relating to the Board and its members shall be governed by regulations.
  - (4) The tenure of office of the members of the Board shall be during the transition period subject to a member's eligibility for reappointment for a further term.
  - (5) The Board shall be the principal policy making body of the College.
  - (6) The quorum for meeting of the Board and of the boards and committees of the Board shall be provided for by regulations.
2. **Powers and functions of the Board**
- Subject to the provisions of the Act, the governance and control of the College shall be vested in the Board.
3. **Validation of proceedings of the Board**
- No act or proceedings of the Board shall be invalid by reasons only of the required number of the members not being complete or the quorum for the proceedings not being realised at the time of such act or proceedings or of any defect in the appointment of any member of the Board or the fact that any member of the Board was at the time in question disqualified or disentitled to act as such.

## **Second Schedule (Section 16(4))**

### **Provisions relating to appointment of staff**

1. (1) Where a vacancy occurs in the post of the Dean of Student, or any senior Administrative officer, the Registrar shall cause the vacancy to be advertised in such manner as 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 Principal, 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 Registrar recommends that the vacancy should be filled by promotion, he shall also after consultation with the Principal, 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 Registrar recommends that the vacancy be filled by an appointment otherwise than on promotion, he shall, after consultation with the Principal, 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 Registrar, make an appointment:
 

Provided that an appointment to the post of the Dean of Students shall be subject to the approval of the Board.
  - (5) For the purposes of this Schedule, "Senior Administrative Officer" means a member of the administrative staff holding a post in the salary scale PGS.7 and above.
2. (1) Appointment to any post on the administrative staff in the salary scale PGS.1 to PGS.4 may be made by the Principal after consultation with the Registrar and subject to the approval of the Appointments Committee.
  - (2) Appointment to any post on the administrative staff in the salary scale PGS. 5 and above may be made by the appointments committee for the administrative staff after consultation with the Principal.

3. Where a vacancy occurs in any post on the administrative staff in the salary scale PGS.7 and above or where the holder of such a 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 Principal of the College may, if in his opinion it is necessary or desirable to do so, appoint an officer to act in such 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.
4. Where an officer is appointed to act in any post under the provisions of paragraphs 3 he shall be entitled, to be paid an acting allowance at such rate as may be prescribed.