

**UNIVERSITY COLLEGE OF BOTSWANA (AMENDMENT)
ACT, 1979**

No. 3



of 1979

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the University College of Botswana Act, 1976

Date of Assent: 4.4.79

Date of Commencement: 6.4.79

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the University College of Botswana (Amendment) Act, 1979. Short title
2. Section 2 of the University College of Botswana Act, 1976, (hereinafter referred to as "the principal Act"), is amended — Amendment of section 2 of Act 18 of 1976
 - (a) by inserting therein, immediately before the definition of "Faculty", which appears therein, the new definition following —
"Deputy Rector" means the Deputy Rector appointed under section 10A;"; and
 - (b) by inserting therein, immediately before the definition of

“University of Botswana and Swaziland”, which appears therein, the new definitions following —

““student” means a person receiving regular instruction in the College;

“Student Body” means the students;”.

Amendment
of section 5 of
principal Act

3. Section 5 (1) of the principal Act is amended —

(a) by inserting therein, immediately after paragraph (a) thereof, the new paragraph following —

“(aA) the Chairman of the Council;”; and

(b) by inserting therein, immediately after paragraph (b) thereof, the new paragraph following —

“(bA) the Deputy Rector;”.

Amendment
of section 9 of
principal Act

4. Section 9 of the principal Act is amended —

(a) in subsection (1) thereof, by deleting the words “and Chairman of the Council”, which appear therein;

(b) by substituting for subsection (2) thereof the new subsection following —

“(2) The President shall appoint a person to be the Chairman of the Council from among those persons whom he considers to be suitable qualified therefor.”;

(c) in subsection (3) thereof, by deleting paragraph (a) thereof; and

(d) by adding thereto, immediately after subsection (3) thereof, the new subsection following —

“(4) Where he considers it to be in the public interest so to do, the President may, in writing, direct the Minister to assume the exercise of any power or the performance of any duty conferred or imposed on the Council or on the Rector by this Act or by the statutes, subject to such conditions, exceptions or qualifications as the President may specify, and thereupon, or from such date as may be specified by the President, the Minister shall exercise such power or perform such duty in place of the Council or of the Rector, as the case may be.”.

Amendment
of section 10
of principal Act

5. Section 10 of the principal Act is amended —

(a) in subsection (1) thereof, by deleting the words “and who shall exercise such powers and perform such duties as may be conferred on him by the statutes”, which appear therein;

(b) in subsection (2) thereof, by substituting for the words “by the Council in such manner and”, which appear therein, the words “by the President after consulting the Council”; and

(c) by adding thereto, immediately after subsection (2) thereof, the new subsections following —

“(3) The Rector shall be responsible to the Council for the general supervision of the College and for maintaining and promoting the reputation, efficiency and good order of the College, including the discipline of the Student Body, in

accordance with such directions as the Council may give him, and shall have all such powers as are necessary or expedient to enable him to perform these duties and, without prejudice to the generality of the foregoing, may, in performance of these duties, by order –

- (a) prohibit the admission as a student of any person to the College;
- (b) prohibit, for such period as he shall specify, any student from attending classes or a particular class;
- (c) prohibit any student from entering or remaining on such part or parts of the College or the precincts thereof as he shall specify; and
- (d) dismiss or suspend or rusticate, for such period as he shall specify, the Student Body or any student or group of students.

(4) The Rector shall give or cause to be given a detailed report of every order made under subsection (3) (b), (c) or (d) to the Council and to the Academic Board at their meetings next following the day on which the order is made.

(5) The Rector may appoint a discipline committee from among members of the College which shall assist him in enforcing such regulations as may be made for the discipline of the Student Body and the Rector may, in writing, delegate to the committee the exercise of any power or the performance of any duty conferred or imposed on him by this Act or by the statutes in connexion with the discipline of the Student Body, subject to such conditions, exceptions or qualifications as the Rector may direct.

(6) The Rector may exercise such powers and shall perform such duties, in addition to those conferred or imposed on him by this Act, as may be conferred or imposed on him by the statutes.

(7) In the exercise of any power or the performance of any duty conferred or imposed on him by this Act or by the statutes, the Rector shall not be required by any person or body other than the Council to give any reason for the exercise of the powers or for the manner in which he has performed the duty.”.

6. The principal Act is amended by inserting therein, immediately after section 10 thereof, the new section following –

“Deputy
Rector

10A. (1) There shall be a Deputy Rector of the College who shall assist the Rector in the carrying out of his functions and who may exercise such powers and shall perform such other duties as may be conferred or imposed on him by the statutes.

(2) The Deputy Rector shall be appointed by the Council from among the Professors of the College for

Insertion of
new section
10A in
principal Act

such period as may be provided in the statutes and, on the expiry of such period, shall be eligible for re-appointment.”.

Amendment
of section 11
of principal
Act

7. Section 11 (1) of the principal Act is amended by substituting for the words “the Senate”, which appear therein, the words “the Academic Board”.

Amendment
of section 12
of principal
Act

8. Section 12 of the principal Act is amended —

(a) by substituting for subsection (1) thereof the new subsection following —

“(1) There shall be a Council of the College which shall consist of —

(a) the Chairman;

(b) the Rector;

(c) the Deputy Rector;

(d) 3 persons appointed by the Minister;

(e) 4 persons, who shall not be public officers, appointed by the President;

(f) 2 persons elected by the Academic Board from among the Deans of the Faculties of the College;

(g) one person elected by the academic and senior administrative staff of the College, who are not members of the Academic Board, acting as an electoral college;

(h) one person elected by the Batswana graduates of the former University and the College; and

(i) one student elected by the Students' Representative Council of the College.”;

(b) in subsection (2) thereof, by substituting for the words “the President and the Rector”, which appear therein, the words “the Rector or the Deputy Rector”;

(c) in subsection (3) thereof, by adding thereto, immediately after paragraph (c) thereof, the new paragraph following —

“(d) if the person or body which originally appointed or elected the member declares, either on his or its own initiative or following the recommendation of the Council, that he or it is satisfied that the conduct of the member is calculated to bring the College into disrepute.”;

(d) by substituting for subsection (4) thereof the new subsection following —

“(4) Where the office of a member of the Council becomes vacant under subsection (3) (a), (b) or (c), the Registrar shall notify the vacancy to the person or body which originally appointed or elected the member and that person or body shall forthwith fill the vacancy by appointment and, where the office of a member of the Council becomes vacant under

- subsection (3) (d), the person or body which originally appointed or elected the member shall forthwith fill the vacancy by appointment.”; and
- (e) in subsection (5) thereof, by substituting for the words “the President or any person appointed to act in place of the President under section 9”, which appear therein, the words “the Chairman”.
9. Section 13 (2) of the principal Act is amended —
- (a) by deleting the words “after consultation with the Academic Board,”, which appear in paragraph (b) thereof;
- (b) by deleting the words “and after consideration of any report from the Academic Board,”, which appear in paragraph (c) thereof;
- (c) by inserting therein, immediately after paragraph (d) thereof, the new paragraph following —
“(dA) to receive on behalf of the College gifts, donations, grants and other moneys and to make disbursements therefrom;”;
- (d) by inserting, immediately before the words “all persons”, which appear in paragraph (g) thereof, the words “the Student Body and of”; and
- (e) by adding thereto, immediately after paragraph (n) thereof, the new paragraph following —
“(o) to suspend the academic and other activities of the College or any part thereof for such period as the Council may think necessary or expedient in the interests of the College.”.
10. Section 14 of the principal Act is amended —
- (a) in subsection (1) thereof —
- (i) by inserting therein, immediately after paragraph (a) thereof, the new paragraph following —
“(aA) the Deputy Rector;”;
- (ii) by substituting for paragraph (f) thereof the new paragraph following —
“(f) the Registrar;” and
- (iii) by deleting paragraph (g) thereof; and”.
- (b) in subsection (3) thereof, by deleting paragraph (b) thereof.
11. Section 15 (2) of the principal Act is amended by deleting paragraphs (b), (c), (j), (l) and (m) thereof.
12. Section 16 (1) of the principal Act is amended by inserting therein, immediately before the words “the Librarian”, which appear therein, the words “the Deputy Rector,”.
13. The principal Act is amended by substituting for sections 18 and 19 thereof the new sections following —
- “Students 18. (1) The Student Body shall enjoy such privileges

Amendment
of section 13
of principal
Act

Amendment
of section 14
of principal
Act

Amendment
of section 15
of principal
Act

Amendment
of section 16
of principal
Act

Substitution
of new
sections 18
and 19 of
principal Act

and facilities as may be prescribed by the statutes.

(2) Subject to section 19, the Student Body shall prepare a draft constitution to regulate the duties of the Student Body and submit the draft to the Council and may, from time to time, submit to the Council draft amendments to the constitution of the Student Body.

(3) The Council may adopt the draft constitution or any draft amendment to the constitution submitted to it under subsection (2), whereupon, or from such date as the Council may specify, the draft constitution or the draft amendment shall take effect as the constitution of the Student Body or as an amendment thereto, as the case may be:

Provided that the Council, before adopting the draft constitution or any draft amendment thereto, may modify or adapt it to such extent as it considers desirable, in which case it shall take effect as so modified or adapted.

Students' Representative Council
19. (1) There shall be a Students' Representative Council which shall act as the executive of the Student Body.

(2) The Council may, by statute, prescribe the constitution, functions and privileges of and other matters relating to the Students' Representative Council."

Insertion of new section 21A in principal Act
14. The principal Act is amended by inserting therein, immediately after section 21 thereof, the new section following —

"Reserve fund
21A. (1) There is hereby established a reserve fund (in this section referred to as "the fund") which shall be under the control of the Council.

(2) There shall be paid into the fund —

(a) moneys representing any gift, donation, legacy or endowment received by the College without direction as to the purpose for which the same shall be applied;

(b) subject to subsection (3), such moneys as may be appropriated from time to time by the Council for payment into the fund; and

(c) moneys accruing or realized from any investments or deposits made from moneys of the fund in accordance with subsection (4) or under subsection (5) or (6).

(3) The annual estimates of the College shall make provision for the expenditure of any moneys to be appropriated by the Council for payment into the fund and shall specify the purposes for which those moneys may be paid from the fund.

(4) Pending payment from the fund, moneys of the

fund, including moneys appropriated by the Council for payment into the fund and not immediately required for any purpose for which those moneys may be paid from the fund, shall, as far as practicable, be invested.

(5) Moneys of the fund which are not invested in accordance with subsection (4) may be deposited.

(6) Subject to subsection (4), investments of moneys of the fund may be realized at any time.

(7) Moneys may be paid from the fund for such purposes as the Council shall determine:

Provided that, where moneys have been paid into the fund in accordance with subsections (2) (b) and (3), those moneys shall not be paid from the fund for any purpose other than a purpose for which those moneys may be so paid by virtue of the annual estimates which made provision for their expenditure.”.

15. Section 22 (3) (b) of the principal Act is amended – Amendment of section 22 of principal Act
- (a) by substituting for the words “that of the preceding year”, which appear in subparagraph (i) thereof, the words “the requirements of the Council”; and
 - (b) by adding thereto, immediately after subparagraph (ii) thereof, the new subparagraph following –
 - “(iii) in the case of the balance sheet, gives a true and fair view of the College’s affairs at the end of the financial year.”.

16. Section 23 of the principal Act is amended by deleting subsection (2) thereof. Amendment of section 23 of principal Act

PASSED by the National Assembly this 29th day of March, 1979.

I.P. GONTSE,
Clerk of the National Assembly.