

Statutory Instrument No. 96 of 1981

**EDUCATION ACT
(Cap. 58:01)**

**EDUCATION (BOARD OF GOVERNORS OF MOEDING COLLEGE)
ORDER, 1981**

(Published on 25th September, 1981)

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IN EXERCISE of the powers conferred on the Minister of Education by section 10 of the Education Act, the following Order is hereby made —

1. This Order may be cited as the Education (Board of Governors of Moeding College) Order, 1981. Citation

2. In this Order — Inter-pretation
"appointed member of the Board" means a member of the Board of Governors of Moeding College appointed under paragraph 5 (1) (a), (b), (c) or (d);
"Assembly Education Committee" means the Assembly Education Committee of the Assembly of the Church;
"Church" means the United Congregational Church of Southern Africa;
"Constitution" means the Constitution of the Board of Governors of Moeding College;
"Executive Committee" means the Executive Committee of the Board of Governors of Moeding College established by paragraph 8 (1);
"Official Trustees" means the Chairman, the Treasurer and the Secretary for the time being of the Church;
"Staff Meeting" means the meeting of Moeding College which every member of the College's teaching staff, every member of the College's

Establishment of board of governors for Moeding College
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boarding staff and the Bursar and Librarian of the College are entitled to attend, take part in the proceedings of and vote at; "Synod" means the Botswana Synod of the Church.

3. (1) A board of governors (hereinafter referred to as "the Board") is hereby established for Moeding College (hereinafter referred to as "the College").

(2) The name of the Board shall be the Board of Governors of Moeding College.

4. Subject to this Order and to the Constitution, the Board is hereby charged with the immediate duty of management of the College.

5. (1) The Board shall consist of the following members –

- (a) 8 members appointed by the Synod;
- (b) one member appointed by the Minister;
- (c) one member appointed by the Botswana Christian Council;
- (d) one member appointed by the Staff Meeting;
- (e) the Principal for the time being of the College; and
- (f) the Bursar for the time being of the College.

(2) Every appointed member of the Board shall hold office as such for one year but shall be eligible for re-appointment as a member of the Board at the expiry of his term of office:

Provided that an appointed member of the Board shall immediately cease to be a member thereof on –

- (i) the submission to the Board of his written resignation therefrom; or
- (ii) the revocation of his appointment as a member of the Board by the appointing authority.

(3) If any person is appointed a member of the Board to fill a vacancy in the membership thereof caused by an appointed member ceasing, by reason of death or otherwise, to be a member thereof before the expiry of his term of office as such, that person shall assume the term of the member he replaces.

(4) The Board may, from time to time and for such period as it shall in each case determine, co-opt any person whose advice or other assistance it requires; but no such person shall vote on any question before the Board nor shall such a person count for the purpose of constituting a quorum of the Board.

(5) An appointing authority under this paragraph may appoint a person to be a temporary member of the Board in the place of any substantive member he or it has appointed who is precluded by illness, absence from Botswana or other cause from exercising his functions as such and, when attending any meeting of the Board, such a temporary member shall be deemed, for all purposes, to have all the powers of the member whose place he is taking.

6. (1) At each annual meeting of the Board, the members of the Board present shall elect –

Chairman
and
Secretary
of Board

(a) an appointed member of the Board to be the Chairman of the Board; and

(b) any other member of the Board to be the Secretary of the Board.

(2) The Chairman and the Secretary of the Board shall each hold office as such until the election of a new Chairman or Secretary, as the case may be, at a subsequent annual meeting of the Board:

Provided that the office of the Chairman or Secretary of the Board shall immediately become vacant on –

(i) his ceasing, for any reason, to be a member of the Board;

(ii) the submission to the Board of his written resignation from the office; or

(iii) the passing at a special meeting of the Board, by the members of the Board present, of a resolution of no confidence in him.

(3) If the office of the Chairman or Secretary of the Board becomes vacant between annual meetings of the Board, the Executive Committee may, after consulting each member of the Board, appoint –

(a) an appointed member of the Board to be the Chairman of the Board; or

(b) any member of the Board to be the Secretary of the Board, as the circumstances require.

(4) Notwithstanding subparagraph (3), where the office of the Chairman or Secretary of the Board becomes vacant in consequence of a resolution of no confidence passed at a special meeting of the Board, by the members of the Board present, those members shall immediately proceed to elect –

(a) an appointed member of the Board to be the Chairman of the Board; or

(b) any member of the Board to be the Secretary of the Board, as the circumstances require.

(5) The functions of the Secretary of the Board shall include –

(a) issuing to members of the Board notices of meetings of the Board; and

(b) keeping minutes of meetings of the Board and distributing copies of such minutes to members of the Board.

7. (1) The Board shall hold an annual meeting, which shall normally be held during the second term of the academic year, following the annual meeting of the Synod.

Meetings
of Board

(2) No later than 20 days immediately before the date on which the annual meeting of the Board is to commence, the Secretary of the Board shall issue to every member of the Board written notice of the meeting.

(3) Where the Secretary of the Church, the Executive Committee or the Chairman of the Board so directs in writing, a special meeting of the Board shall be held for the purpose of transacting such business as the Secretary of the Church, the Executive Committee or the Chairman of the Board, as the case may be, shall specify:

Provided that the Chairman of the Board shall not direct the holding of a special meeting of the Board unless he has received a written request for such a meeting signed by at least 5 members of the Board setting out clearly the business which they wish the meeting to transact.

(4) No later than 14 days immediately before the date on which a special meeting of the Board is to commence, the Secretary of the Board shall issue to every member of the Board written notice of the meeting.

(5) The presence of 9 members of the Board shall constitute a quorum of the Board.

(6) The Chairman of the Board shall preside at every meeting of the Board:

Provided that, in the absence of the Chairman from a meeting of the Board, such other appointed member of the Board as is elected by the members of the Board present shall preside.

(7) At a meeting of the Board, each member of the Board present shall have one vote:

Provided that the Chairman of the Board, or the other appointed member of the Board presiding in the Chairman's absence, shall have both an original and a casting vote.

(8) At a meeting of the Board, voting shall be by show of hands:

Provided that the Chairman of the Board, or the other appointed member of the Board presiding in the Chairman's absence, may require voting on a particular question to be by secret ballot conducted by him.

(9) The Secretary of the Board shall distribute copies of the minutes of every meeting of the Board to the members of the Board, the Secretariat of the Church, the Permanent Secretary and the Botswana Christian Council.

(10) No meeting of the Board shall be held otherwise than in accordance with this paragraph.

Executive
Committee
of Board

8. (1) There is hereby established a committee of the Board, to be called the Executive Committee of the Board.

(2) The Executive Committee shall consist of the following members –

(a) the Chairman for the time being of the Board, who shall be the Chairman of the Executive Committee;

(b) the Secretary for the time being of the Board, who shall be the Secretary of the Executive Committee;

(c) the Principal for the time being of the College;

(d) the Bursar for the time being of the College; and

(e) 3 other members of the Board appointed by the Board.

(3) Of the members of the Executive Committee, not more than 2 shall have been appointed to the Board by the Minister, the Botswana Christian Council or the Staff Meeting.

(4) A member of the Executive Committee appointed by the Board under paragraph (2) (e), shall immediately cease to be a member thereof on his ceasing to be a member of the Board.

(5) The function of the Executive Committee shall be to carry out, on behalf of the Board, the functions of the Board between meetings of the Board.

(6) The Executive Committee may hold such number of meetings as it considers necessary or expedient for the proper discharge of its function:

Provided that it shall hold at least 3 meetings in every year and shall endeavour to hold at least one meeting in every term.

(7) The Secretary of the Executive Committee shall give to every member of the Executive Committee such written or oral notice of a meeting of the Committee as he considers reasonable in all the circumstances.

(8) The presence of 5 members of the Executive Committee shall constitute a quorum of the Committee.

(9) The Chairman of the Executive Committee shall preside at every meeting of the Executive Committee:

Provided that, in the absence of the Chairman from a meeting of the Executive Committee, such other member of the Executive Committee as is elected by the members of the Executive Committee present shall preside.

(10) At a meeting of the Executive Committee, each member of the Executive Committee present shall have one vote:

Provided that the Chairman of the Executive Committee, or the other member of the Committee presiding in the Chairman's absence, shall have both an original and a casting vote.

(11) At a meeting of the Executive Committee, voting shall be by show of hands:

Provided that the Chairman of the Executive Committee, or the other member of the Committee presiding in the Chairman's absence, may require voting on a particular question to be by secret ballot conducted by him.

(12) The Secretary of the Executive Committee shall distribute copies of the minutes of every meeting of the Executive Committee to the members of the Committee, the other members of the Board, the Secretariat of the Church, the Permanent Secretary and the Botswana Christian Council.

(13) Any decision of the Executive Committee may be reviewed by the Board, which shall thereupon confirm, rescind or vary the decision.

9. The Board shall be responsible for –

- (a) making such provision as will enable the pupils of the College to develop strong, stable characters and to maintain high moral standards based on sound Christian principles;
- (b) providing at the College a broad academic and practical education of the highest possible standard;
- (c) where such provision does not conflict with the responsibilities imposed by subparagraphs (a) and (b), providing facilities at the College for church, educational and community conferences and other meetings;
- (d) ensuring that the College is run on sound financial lines; and
- (e) making such other provision as it considers proper and desirable for an educational institution such as the College and reasonably practicable.

General
responsi-
bilities
of Board

10. (1) The Board may open and close bank accounts in the name of the College, invest the funds of the College and raise and disburse funds as necessary or expedient for the proper running of the College.

(2) The Board shall –

- (a) prepare annually a budget for the College in respect of the immediately following financial year of the College and cause it to be submitted to the appropriate committee of the Church;
- (b) subject to any written law applicable thereto, fix the rate of any tuition, maintenance or boarding fees payable in respect of pupils of the College;

Powers and
duties of
Board in
relation to
financial
affairs of
College

- (c) subject to any written law applicable thereto, fix the salaries of employees of the College;
 - (d) appoint a duly qualified and independent person to be the College's auditor; and
 - (e) consider the audited books and other records of account of the College together with the auditor's report thereon and, after approving the same, cause them to be submitted to the appropriate committee of the Church.
- Annual audit of College's books and other records of account
11. (1) Within 6 months immediately after the end of each financial year of the College, the College's auditor shall audit the books and other records of account of the College in respect of that financial year and submit to the Secretary of the Board his report thereon.
- (2) The auditor's report on the audited books and other records of account of the College shall state whether –
- (a) in the opinion of the College's auditor, proper books and other records of account have or have not been kept by the College;
 - (b) all information and explanations required for the due performance of the auditor's duties were or were not given to him and all supporting vouchers and other documents so required were or were not seen by him; and
 - (c) in the opinion of the College's auditor, the books and other records of account of the College give or do not give a true and fair view of the financial affairs of the College in respect of the financial year of the College to which they relate.
- Powers and duties of Board in relation to movable and immovable property of College
12. (1) The Board may –
- (a) recommend to the Assembly of the Church the erection or construction of new buildings for the College; and
 - (b) lease any part of the College for such period of time, at such rent and subject to such conditions as the Board shall in each case determine.
- (2) The Board shall not undertake the erection or construction of new buildings for the College except in compliance with a resolution of the Assembly of the Church.
- (3) The Board shall be responsible for –
- (a) the maintenance and for the improvement or other alteration and for the management of the buildings and equipment of the College;
 - (b) supervising the erection or construction of new building for the College; and
 - (c) collecting, receiving or recovering all rents and other moneys due and payable in respect of leases of any part of the College.
- Miscellaneous powers and duties of Board
13. (1) The Board may –
- (a) in accordance with the law, terminate the appointment of the Bursar, Boarding Master or Matron of the College;
 - (b) give directions to the Principal of the College in connexion with the day to day running of the College; and
 - (c) appoint persons to constitute committees or working parties for particular purposes, which persons shall not be required to be members of the Board.
- (2) The Board shall –
- (a) appoint the Bursar, Boarding Master and Matron of the College;

- (b) from time to time, make recommendations to the Minister in relation to the number of classes and forms the Board considers the College ought to have and to the type of education the Board considers the College ought to provide; and
- (c) cause to be prepared and submitted to the Assembly Education Committee and to the Synod an annual report on the affairs of the College.

14. (1) In the event of agreement by the Minister and the Board that the Principal of the College is to be employed by the Church, —

Appointment of Principal of College

- (a) the Board may make recommendations to the Assembly Education Committee in respect of the appointment of a suitable person to the post; and
- (b) the terms of service of every such Principal shall be set out in a written contract between the Principal and the Church.

(2) In the event of agreement by the Minister and the Board that the Principal of the College is to be in the Unified Teaching Service, the Board may make recommendations to the Director of the Unified Teaching Service in respect of the appointment of a suitable person to the post.

15. (1) Before exercising any power conferred on him by the Unified Teaching Service Act to appoint to a vacant teaching post at the College any person who is or is to be in the Unified Teaching Service or affecting a teacher in the Unified Teaching Service at the College, the Director of the Unified Teaching Service shall consult the Board and the Principal of the College and give full consideration to any recommendations or representations in respect thereof which the Board or the Principal of the College may make.

Provisions relating to Unified Teaching Service Cap. 62:01

(2) The Principal of the College may, at any time, make recommendations or representations to the Director of the Unified Teaching Service in respect of the transfer of any teacher in the Unified Teaching Service at the College or in respect of any other matter in relation to such a teacher for which the Director is responsible.

16. The provisions of this Order shall be without prejudice to the exercise of any power, the discharge of any responsibility or the performance of any duty conferred or imposed on the Board by the Constitution, the Assembly of the Church or its Executive Committee, the Assembly Education Committee or the Synod.

Saving as to other powers conferred and responsibilities and duties imposed on Board

17. In respect of any property vested in the Official Trustees in trust for or for the benefit of the College, nothing affecting the title to or the use or occupation of such property shall be done by the Official Trustees in their capacity as trustees except on the instructions of the Assembly of the Church or its Executive Committee given after consultation with the Board.

Official Trustees

MADE this 10th day of September, 1981.

K.P. MORAKE,
Minister of Education.