

BOTSWANA COLLEGE OF AGRICULTURE ACT, 1991

No. 9



of 1991

ARRANGEMENT OF SECTIONS

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An Act to provide for the establishment of the Botswana College of Agriculture.

Date of Assent: 16th May, 1991.

Date of Commencement: 31st May, 1991.

ENACTED by the Parliament of Botswana

1. This Act may be cited as the Botswana College of Agriculture Act, 1991. Short title

2. (1) There is hereby established the Botswana College of Agriculture, hereinafter referred to as "the College", which shall be a body corporate, with perpetual succession and a common seal, capable of suing and being sued in its corporate name. Establishment of College

(2) The College shall have power, for any purpose which the Governing Council considers is necessary or expedient for or in connexion with the exercise of its functions or the achievement of its objectives under this Act, to purchase or otherwise acquire any movable or immovable property, to sell, lease, mortgage or otherwise alienate or dispose of any such property, or to enter into contracts or other transactions and do and perform any other things or acts for or in connexion with the proper performance of its duties.

Functions
and
objectives of
College

3. (1) The objectives of the College shall be to provide education and training in the science and practice of agriculture, and such other allied and related subjects as the Governing Council may, from time to time, and subject to the provisions of section 7, decide.

(2) For the purpose of achieving its objectives the College may, subject to the provisions of section 7, —

- (a)** establish such halls of residence, faculties, institutes, schools, departments or other academic units, whether in Gaborone or elsewhere, as the Governing Council may, from time to time, consider necessary or desirable;
- (b)** establish professorships, lectureships and other posts, whether academic or administrative, and grant fellowships, bursaries, exhibitions, scholarships, prizes and certificates as the Governing Council may, from time to time, consider necessary or desirable;
- (c)** conduct research on its own or in collaboration with other national or international organizations in the field of agriculture or related sciences;
- (d)** arrange symposia, workshops, seminars, conferences or similar activities in the field of agriculture or related sciences, and take whatever steps the Governing Council considers appropriate to stimulate and promote interest in agricultural and rural development;
- (e)** provide advisory, consultancy and other services for the benefit of government departments, organizations and individuals in the field of agriculture and related sciences;
- (f)** perform such other functions as are conferred on the College by or under this Act or any other written law.

(3) Notwithstanding the provisions of subsections (1) and (2) and any other provision of this Act, the award of degrees and diplomas of the College shall be the responsibility of, and shall be made by, the University of Botswana.

Governing
Council

4. (1) There shall be a Governing Council for the College, which shall consist of the following persons —

- (a)** the Permanent Secretary, Ministry of Agriculture, who shall be the chairman;
- (b)** the Vice-Chancellor of the University of Botswana;
- (c)** one person nominated by the Minister of Education;
- (d)** one person nominated by the Minister of Finance and Development Planning;
- (e)** the Dean of the Faculty of Science at the University of Botswana;
- (f)** four persons appointed by the Minister of Agriculture from among persons who are not public servants but who are active in the agricultural sector;
- (g)** one person representing the University of Botswana Council;

- (h) one person representing the University of Botswana Senate;
- (i) two persons elected by the teaching staff of the College from amongst themselves;
- (j) one dean elected from amongst themselves by all the deans of the faculties of the College;
- (k) one student representing the student body of the College; and
- (l) the Principal of the College.

(2) The conduct of proceedings of the Governing Council, the frequency of meetings, the election of an acting Chairman in the absence of the appointed Chairman, the voting rights of the Chairman and the various members of the Council, and the number of members to constitute a quorum at meetings of the Council, shall be as provided in Statutes enacted by the Council.

(3) The Governing Council shall have overall power of control over and superintendence of the College, and without prejudice to the generality of the foregoing shall have power to —

- (a) administer the properties of the College, both movable and immovable;
- (b) administer the funds and assets of the College;
- (c) signify the acts of the College by use of its official seal;
- (d) on behalf of the College, receive fees, grants, gifts and any other monies, and make disbursements to other persons or bodies of persons;
- (e) subject to the provisions of this Act, appoint, on such terms and conditions as it may determine, such academic staff and employees of the College as it considers necessary or expedient for the proper performance of the functions of the College;
- (f) subject to the provisions of section 7, formulate the academic policy of the College and devise courses of instruction, study and research leading to the granting of academic awards; and
- (g) subject to the provisions of section 7, do all such acts or things as may be provided for by or under this Act, or which in its opinion are necessary or expedient for the proper functioning of the College.

5. (1) The Minister shall, after consultation with the Governing Council, appoint the Principal of the College, who shall, subject to the general control of the Governing Council on matters of policy, be the academic and administrative head and chief disciplinary officer of the College, the Vice-Principal, who shall act as Principal when the post of Principal is vacant or the Principal is absent or unable to act, and other senior officers of the College, on such terms as the Governing Council may determine.

Appointment
of Principal,
and other
officers of
the College

(2) The Governing Council shall, from amongst the academic staff of the College, appoint deans for the various faculties and heads of the various academic departments into which the College is divided.

**Boards of
faculties and
departments**

6. The Governing Council may establish boards for each faculty and each academic department of the College, and determine the composition, powers and functions of such boards.

**Association
with
University**

7. (1) The College shall be an associate institution of the University of Botswana, and in respect of degrees, diplomas or other awards to be granted by the University, the University Senate shall be entirely responsible for regulating the conduct of examinations, the marking of papers and the granting of such degrees, diplomas or awards.

(2) In respect of any matters concerning degrees, diplomas or other awards to be granted by the University, decisions of the Governing Council in the exercise of any of its powers under section 3, section 4 (3), section 5(2), section 6 or the enactment of statutes under section 10 shall be subject to the prior approval of the University.

(3) Notwithstanding the provisions of sections 4, 5 and 6 and of any other provision of this Act, the Governing Council of the College shall obtain the approval of the University in respect of —

(a) the appointment of academic staff and of deans and heads of departments who teach courses, or are responsible for programmes leading to the award of degrees or diplomas; and

(b) the establishment of boards for each faculty or department which is responsible for programmes leading to the award of degrees or diplomas.

**Accounts of
College**

8. (1) The Governing Council shall cause to be kept proper books of accounts and records of the College with respect to the assets and liabilities, the income and expenditure and other financial transactions of the College, and shall cause to be prepared for each financial year a balance sheet showing such details.

(2) Not later than six months after the close of each financial year the accounts and balance sheet in respect of that year shall be audited by an auditor appointed by the Governing Council.

(3) As soon as the accounts and balance sheet have been audited, and in any case not later than six months after the audit, the Governing Council shall submit to the Minister of Agriculture a copy of such audited accounts together with the auditors report.

**Annual
report**

9. The Governing Council shall, within six months after the end of each financial year, submit to the Minister of Agriculture a report on the conduct of the business of the College for that year.

Statutes

10. (1) The Governing Council may enact statutes for the better carrying out of the purposes and provisions of this Act, and without prejudice to the generality of the foregoing may make provision for —

(a) regulating the appointment, conditions of service, termination of appointment and retirement benefits of the staff of the College;

(b) determining the persons authorized to sign contracts, cheques and other documents on behalf of the College, and otherwise regulating procedure in relation to transactions entered into by the College;

(c) determining the academic year of the College; and

- (d) securing that the seal of the College is kept in proper custody and is used only by authority of the Governing Council.
- (2) A statute shall be taken to be enacted if, but only if —
 - (a) a draft of the statute has been circulated to the members of the Governing Council at least 14 days before the meeting at which it is to be considered;
 - (b) after consideration by the meeting, the draft has been provisionally approved either without amendment or with amendments of which notice in writing was circulated to the members at least 3 days before the meeting;
 - (c) the statute as provisionally approved has been circulated to the members of the Governing Council, and, where in the opinion of the Council it affects academic matters, to the members of the University of Botswana Senate, at least 14 days before the meeting at which it is proposed to confirm the statute; and
 - (d) the statute is, at the meeting of the Governing Council, confirmed without amendment, or only with such amendments as give effect to a resolution of the Senate in respect of the statute as provisionally approved and —
 - (i) notice in writing of any such amendment has been circulated to the members of the Council at least three days before the meeting; and
 - (ii) the meeting is held not less than one month or more than six months after the meeting at which the statute was provisionally approved.

11. (1) The Botswana Agricultural College existing before the commencement of this Act is abolished.

Transitional
and
saving

(2) Subject to the provisions of this Act, on the commencement of this Act —

- (a) all assets and facilities of the Botswana Agricultural College existing before the commencement of this Act shall be transferred to the Botswana College of Agriculture established by this Act;
- (b) all students currently at such College shall become students at the College established by this Act;
- (c) the budget for such College as approved under a Ministry of Agriculture appropriation and any supplementary budget shall be transferred to the College established by this Act;
- (d) all staff of such College shall be seconded to the College established by this Act on the same terms and conditions, for one year, within which period they will be required to decide whether to remain as public servants or to transfer permanently to the College;
- (e) the Ministry of Agriculture shall provide such services at Content Farm for the benefit of the College as were available to the College existing at the commencement of this Act, until such time as the College has established its own facilities.

(3) Diplomas granted by the University of Botswana prior to the enactment of this Act shall be as valid as if granted under this Act.

PASSED by the National Assembly this 3rd day of April, 1991.

C.G. MOKOBI,
Clerk of the National Assembly.