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Act

No. 12 of 1997

I assent

BAKILI MULUZI

PRESIDENT

9th May, 1997

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An Act provide for the establishment of the Mzuzu University and for the conduct and management thereof; for the establishment and incorporation

of the Council of the Mzuzu University as a body corporate and as a governing body of the University; for the establishment of a Senate therefore; and for the matters incidental to and connected with the foregoing.

ENACTED by the Parliament of Malawi as follows-

1. This Act may be cited as the Mzuzu University Act, 1997 and shall come into operation on a date appointed by the Minister by notice in the Gazette. Citation and commencement
2. In this Act and in the Statutes, unless the context otherwise requires Interpretation

“Centre” means a Centre within the University instituted under section 25;

“Chairman” means the Chairman of the Council appointed pursuant to section 11;

“Chancellor” means the person who is the Chancellor of the University under section 14;

“Committee” includes sub-Committee;

“Council” means the Council of the University established and incorporated in section 8;

“Dean” means the Dean of the Faculty elected by a Faculty pursuant to section 26;

“Director of Investments” means the Director of Investments appointed pursuant to section 19;

“Director of Research” means the Director of Research appointed pursuant to section 20;

“Faculty” means a Faculty within the University instituted under section 25;

“Financial year” means the period commencing on the date of commencement and ending on the 31st December, next following such date and thereafter the period of twelve months ending on the 31st December, in each year’

“Institute” means an Institute within the University created under section 25;

“Librarian” means the Librarian appointed pursuant to section 18;

“Minister” means the Minister responsible for University education;

“Organization” means any company, association or body of persons, corporate or unincorporate wherever established or incorporated, but does not include any such such association or body established or incorporated under this Act;

“President” means the President of the Republic of Malawi;

“Property of the University” means any property, real or personal, of every description vested in or held by the Council under any right of ownership or possession; and any property held by the Council in trust for the furtherance of any of the objects of the University;

“Registrar” means the Registrar of the University appointed pursuant to section 17;

“Senate” means the Senate of the Regulations made under section 21;

“Senate Regulations” means Senate Regulations made under section 36;

“Statutes” means the Statutes made under section 35;

“University” means the Mzuzu University established under section 3;

“Vice-Chancellor” means the Vice-Chancellor of the University appointed pursuant to section 16.

PART II – ESTABLISHMENT OF THE UNIVERSITY

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| Establishment of
the Mzuzu University | 3. | There is hereby established a University by the name and style of the Mzuzu University. |
| Membership of the
University | 4. | (1) The University shall consist of the following members- <ul style="list-style-type: none"> (a) the Chancellor; (b) the Vice-Chancellor ; (c) the Deputy Vice-Chancellor ; (d) the Registrar ; (e) the Librarian ; (f) the Director of Investments; (g) the Director of Research; (h) members of the Council ; (i) members of the Senate; (j) all graduates of the University; |

- (k) all holders of Honorary Degrees from the University;
- (l) all Deans of Faculties of the University;
- (m) all Directors of Centres and Institutes;
- (n) all professors, lecturers and assistant lecturers of the University;
- (o) all other members of the academic, administrative, and research staff of the University;
- (p) all persons for the time being registered as students of the University;
- (q) such other persons as the Council may by name or office declare to be members of the University.

(2) Any person who is a member of the University solely by virtue of being possessed of any qualification shall continue to be a member so long as he possesses such qualification.

(3) The Registrar shall keep and maintain a Register of Members of the University, which shall be available for scrutiny by the general public at all reasonable times.

5. The objects of the University shall be to advance knowledge and to promote wisdom and understanding by engaging in teaching, research, and training by making provision for the dissemination, promotion and preservation of learning; by engaging in such university education, research, and training as is responsive to the needs of Malawi, Africa and the whole world; by offering an education of a high university standard; and by providing complimentary services to meet the technological, social and economic needs of individuals and communities in Malawi.

Objects of
the University

6. The functions of the University shall be-

- (a) to encourage the advancement and dissemination of learning and research;
- (b) to engage in such university education, research, and training as is responsive to the needs of Malawi, Africa and the whole world;
- (c) to provide facilities for higher education, for research, for training, and for the advancement of knowledge in such branches of learning and study and for such persons, whether members of the University or not, as the Council may from time to time determine;

Functions
of the
University

- (c) subject to this Act and the Statutes, to award and confer Degrees and Diplomas, and other academic distinctions, including Honorary Degrees and distinctions.

7. The University may as determined by the Council from time to time, provide specialist training in such subjects as may be deemed desirable.

Establishment
and incorporation
of the Council

8. There is hereby established the Council of the University, which, under that name, shall be a body corporate with perpetual succession and a common seal and shall be capable by that name of-

- (a) suing and being sued in all courts;
- (b) acquiring by purchase, gift, devise, bequest, operation of law, or otherwise, real or personal property wherever situate, or any right or interest therein, and holding the same in any capacity including that of trustee;
- (c) granting, selling, mortgaging, hypothecating, alienating, assigning, leasing or letting real personal property; and
- (d) subject this Act, doing and performing all such acts and things as a body corporate may by law do or perform or such as are incidental or appertain to a body corporate.

Common Seal
of the Council

9. (1) The common seal of the Council shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council.
- (2) All courts, judges and other persons acting judicially shall take judicial notice of the common seal of the Council affixed to any document and shall presume that it was duly affixed.
- (3) The common seal of the Council shall authenticated by the signature of two members of the Council, or, alternatively, by the signatures of one such member of the Council and of the Registrar, or of some other person nominated in that behalf by the Council.

Functions and
powers of the
Council

10. (1) The Council shall be the governing body of the University and shall be responsible for the management and administration of the University of its property and revenues, and, shall exercise general control and supervision over all the affairs of the University including its relations with the public, and, without prejudice to the generality of the foregoing,

the functions and powers of the Council shall include the following-

- (a) to govern, maintain, administer, dispose of and, save as hereinafter provided, to invest all the property, money, assets, and rights of the University, to manage the business and all other affairs whatsoever of the University, and to enter into engagements and to accept obligations and liabilities without any restriction whatsoever, in the same manner in all respects as an individual may manage his own affairs:

Provided that, before determining any question relating to the matters aforesaid which affects the academic policy of the University, the Council shall refer such matters to the Senate if it has not previously been considered by the Senate, and shall take into consideration any recommendation or report thereon by the Senate;

- (b) to determine, demand and receive fees, subscriptions, deposits, fines and such other payments, and to effect payment of any money obligation;
- (c) to take such steps as it thinks fit for the purpose of procuring and receiving contributions to the funds of the University to further the objects of the University, and, for this purpose, to raise money in such manner as it thinks fit;
- (d) to borrow money on behalf of the University and for that purpose, if it thinks fit, to mortgage or charge all or any part of the real property of the University, unless the conditions of any will, deed or gift or other similar instrument are thereby contravened, and to give such other security, whether upon real or personal property or otherwise, as it thinks fit;
- (e) to invest any moneys of the University, including any unapplied income, in such stocks, debentures, funds, shares, or other securities as the Council may from time to time determine, whether within Malawi or not, or in the purchase or real or personal property, with the like power of varying such investments from time to time by sale or re-investment or otherwise;
- (f) to sell, buy, exchange, lease, rent, grant or take on lease or rent, real personal property or portions thereof on behalf of the University, and to acquire any

- easement over any property held by other persons or to consent to any easement whether public or private over any property of the University;
- (g) to undertake and execute any trust the undertaking whereof may seem desirable to the Council for the attainment or fulfillment of any of the objects of the University, and to hold, invest, manage or distribute, furtherance of and in accordance with any such trust direction, discretion, obligation or permission, any property, or the income of any property, held by it as trustee subject to such trust;
 - (h) to enter into, vary, carry out or cancel contracts on behalf of the University, to compound or compromise any action, suit or proceedings or any debt or claim, and to refer any matter to arbitration;
 - (i) to operate bank accounts, and to cause proper books of account to be kept and audited for all sums of money received and expended by the University and for the assets and liabilities of the University so that the books give a true and fair view of the state of the University's affairs, and explain its transactions;
 - (j) after consultation with the Senate, to establish, institute or discontinue Faculties, Centres, Institutes or such other academic sections of the University, in accordance with this Act;
 - (k) after consultation with the Senate, to determine terms of service and general conditions relating to the employment of academic staff, and to establish, disestablish or otherwise make or discontinue financial provision for appointments to such posts;
 - (l) after consideration of any recommendation or report thereon from the Vice-Chancellor, to determine the terms of service and general conditions relating to the employment of administrative, clerical, technical and support staff, and to establish, disestablish, or otherwise make or discontinue financial provision for appointments to such posts;
 - (m) to determine the salary scales and general rates for payment for all categories of staff appointed by the University and for other persons commissioned to give services to the University, and to appoint and employ such persons, pay their salaries, wages or fees, and, subject to the provisions of the Statutes terminate their appointments;
 - (n) to make provisions, so far as it thinks for, for schemes of insurance, superannuation, pensions or retirement

benefits for persons in the employment of the University and the spouses and dependents of such persons, to subscribe to benevolent and other such funds for the benefit of such persons, and to make such payments as it thinks fit to such persons;

- (o) to take such steps as it thinks fit for furthering the objects and interests of the University by making provision for teaching and research, for the printing and publication of research and other works which may be issued by the University, and for the welfare of the staff and the students of the University;
- (p) to call for reports from the Vice-Chancellor or the Senate, and to review the work of the University in the light of such reports;
- (q) to make provision for payments to external examiners and to such other persons to whom it thinks fit to make payments to further the objects of the University, and for scholarships, prizes, grants and such other payments to students of the University;
- (r) after consideration of any recommendation or report thereon from the Senate, to determine fees to be charged to students;
- (s) to determine to whom the award of Honorary Degrees of the University shall be made in accordance with the procedure prescribed thereof by the Statutes;
- (t) to decide, after consultation with the Vice Chancellor, whether or not any donation, gift, grant, devise, bequest or other bounty to the University should be accepted;
- (u) to enter into agreements and other relationships with other institutions or bodies, whether academic or otherwise, for such purposes as the Council may determine, including the embodiment with the University of any other institution or body and the taking-over and assumption of the property, rights, privileges and liabilities of such other institution or body.

2. The Council shall consider any recommendation made by the Senate for the amendment or alteration of Statutes relating to the academic administration of the University and for taking any other action in respect of academic matters, and shall either accept, refer back or reject any such recommendation;

Provided that it may not be rejected unless the Senate has previously been informed of the Council's reason for wishing to reject it and has been given an opportunity to comment thereon to the Council.

11. (1) The Council shall consist of the following members-
- (a) the Chairman of the Council, appointed by the Chancellor;
 - (b) the Vice-Chancellor or the Deputy Vice Chancellor;
 - (c) the Chairman of the Board of Trustees of the Mzuzu University Trust, ex-officio;
 - (d) the Secretary for Education or his nominee, ex-officio;
 - (e) the Secretary to the Treasury or his nominee, ex-officio;
 - (f) three members elected by the Senate from among its members;
 - (g) one member elected by the Mzuzu University Alumni;
 - (h) one member appointed by the Council from a panel of three persons distinguished in university affairs in Malawi;
 - (i) two registered students of the University elected by the student body;
 - (j) one member elected by the University of Malawi Senate from amongst their number.
- (2) Ex-officio members of the Council shall remain members for so long as they hold the office, or the nomination, by virtue of which they have become members.
- (3) The Vice-Chancellor and the Deputy Vice Chancellor shall serve as members of the Council for so long as they retain the offices of the Vice-Chancellor and Deputy Vice Chancellor.
- (4) Every other member of the Council shall serve until the end of the third year following his appointment, or until such earlier date as may, at the time of his appointment or election, be determined by the person or authority appointing or electing him, and shall be eligible for re-appointment or re-election.
- (5) The Vice Chairman shall be appointed by the Council from amongst its members and shall preside over the meetings of the Council in the absence of the Chairman.
- (6) (i) A vacancy on the Council shall arise on
- (a) the expiry of the term of office of a member;
 - (b) the resignation of a member after one month's written notice to the Chairman;
 - (c) the death of a member;
 - (d) a member leaving the country for more than three years;
 - (e) a member failing to attend three consecutive meeting of the Council, of which he has had notice, without valid excuse or reason;

Composition
of the Council

- (f) a member becoming mentally or physically unfit, and the Council is of the opinion that he is no longer, by reason of such unfitness, capable of performing his duties as a member of the Council;
- (g) a member being declared bankrupt.

(ii) A vacancy due to any one of the above shall be filled within one month of the occurrence of such vacancy.

- (7) The Registrar shall act as Secretary to the Council.
- (8) The Chancellor may, in consultation with the Minister dissolve the Council.
- (9) The Chairman shall keep the Chancellor and the Minister fully informed on matters concerning the general policy of the University.

Meetings and procedure of the Council

12. (1) The Council shall meet at such at times and places as may be necessary or expedient for the transaction of business, and such meetings shall be held at such times and places and on such dates as may be provided by the Statutes, or otherwise as the Council may determine:

Provided that the Chairman may at any time call a meeting of the Council and shall do so on the request in writing made to him in that behalf by any five members.

- (2) A simple majority of the members of the Council shall constitute a quorum thereof.
- (3) If the Chairman and Vice-Chairman are for any reason absent from any meeting of the Council, the members present may elect one of their number to preside at such meeting.
- (4) Any matter for decision by the Council shall be determined by a majority vote of the members present and voting, and where there is an equality of votes the Chairman or, in his absence, the Vice-Chairman or other member presiding, shall have a casting vote in addition to his deliberative vote.
- (5) Subject to this Act and the Statutes, the Council may determine its own procedure.

PART IV – MZUZU UNIVERSITY TRUST

13. The Mzuzu University Trust established under the Trust Deed and incorporated under the Trustees Incorporation Act prior to the coming into

Mzuzu
University

force of this Act shall be deemed to have been executed by the Council under section 10 (1) (g) of this Act.

PART V – OFFICER OF THE UNIVERSITY

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| 14. | (1) | There shall be a Chancellor of the University who shall be the head of the University. | Chancellor |
| | (2) | The President shall, unless he declines the appointment, be the Chancellor of the University. | |
| | (3) | Where the President declines the appointment under subsection (1), the Chancellor shall be appointed by the Council in consultation with the Minister. | |
| | (4) | The Office of Chancellor shall be vacated by him- | |
| | (a) | upon the submission of his resignation therefrom, in writing, to the Council; | |
| | (b) | if he becomes mentally or physically incapable of performing his duties as Chancellor; | |
| | (c) | if he is declared bankrupt; | |
| | (d) | if he is absent from Malawi for a continuous period of six months or more, without the permission of the President or the Council; | |
| | (e) | if, for any offence against an written law, he is sentenced to a term of imprisonment of, or exceeding six months, otherwise than as alternative to, or in default of, the payment of a fine. | |
| Functions and duties of the Chancellor | 15. | (1) | The Chancellor, whenever present, shall preside at all ceremonial and other congregations of the University shall, in the name of the University, confer all degrees, diplomas and certificates of the University. |
| | | (2) | The Chairman and the Vice-Chancellor shall keep the Chancellor and the Minister fully informed on matters concerning the general conduct of the affairs of the University and shall furnish the Chancellor or the Minister with such information as they may request on any particular matter relating to the affairs of the University. |
| | | (3) | The Chancellor shall exercise such other functions and duties in relation to the University as are conferred upon him, from time to time, by the Statutes. |

- Vice-Chancellor 16.
- (1) There shall be a Vice-Chancellor of the University, who shall be the principal academic and administrative officer of the University.
 - (2) The Vice-Chancellor shall be appointed by the Council after considering recommendations in writing on the suitability of various candidates submitted to the Council by a committee of nine members appointed for that purpose and consisting of-
 - (a) the Chairman, who shall be chairman of such committee;
 - (b) three members of the Council, not being members of the Senate, appointed by the Council; and
 - (c) five members of the Senate appointed by the Senate:

Provided that the appointment of the Vice-Chancellor shall be subject to the approval of the Chancellor.

- (3) The Vice-Chancellor shall hold office for a period of four years on such terms and conditions, and shall exercise such powers and functions, as may, from time to time, be prescribed by or under this Act and the Statutes.
 - (4) There shall be a Deputy Vice-Chancellor who shall assist the Vice-Chancellor in the performance of his functions.
 - (5) The provisions of subsections (2) and (3) of this section shall apply, mutatis mutandis, to the appointment and term of office of the Deputy Vice-Chancellor.
- Registrar 17.
- (1) There shall be a Registrar of the University appointed by the Council who shall be the chief administrative officer of the University under the Vice-Chancellor and shall exercise such powers and perform such duties in relation to the administration of the University as are assigned to him by this Act, by the Statutes and by Council, or as are delegated to him by the Vice-Chancellor.
 - (2) The Registrar shall be under the immediate supervision control of the Vice-Chancellor.

- (3) The terms and conditions of employment of the Registrar shall, subject to this Act and the Statutes, be as determined, from time to time, by the Council..
18. (1) There shall be a Librarian of the University appointed by the Council who shall be the principal officer in charge of the University Library. Librarian
- (2) The Librarian shall be under the immediate supervision and control of the Vice Chancellor.
- (3) The terms and conditions of the Librarian shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.
19. (1) There shall be a Director of Investments who shall be the principal officer in charge of investments of the University and shall exercise such powers and perform such duties in relation to the finances and investments of the University as are assigned to him/her by this Act, by the Statutes and by the Council, or as are delegated to him by the Vice Chancellor (academics). Director of Investments
- (2) The Director of Investments shall be under the immediate supervision and control of the Vice Chancellor (academics).
- (3) The terms and conditions of employment of the Director of Investments shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.
20. (1) There shall be a Director of Research appointed Council who shall be the principal officer in charge of research in the University and shall exercise such powers and perform such duties relation to research as are assigned to him by this Act, by the Statutes and by Council, or as are delegated to him by the Vice-Chancellor. Director of Research
- (2) The Director of Research shall be under the immediate supervision and control of the Vice-Chancellor.
- (3) The terms and conditions of employment of the Director of Research shall, subject to the provisions of this Act and the Statutes, be as determined, from time to time, by the Council.

PART VI – THE SENATE

21. (1) There is hereby established a Senate of the University which shall consist of the following members-
- The Senate
- (a) the Vice-Chancellor, who shall be chairman;
 - (b) the Deputy Vice-Chancellor;
 - (c) the Deans of the Faculties of the University;
 - (d) all Directors of Centres and Institutes of the University;
 - (e) one member from each Faculty, elected in accordance with the relevant Statutes, from and by the full-time academic staff holding posts allocated to the Faculty or School;
 - (f) the Librarian;
 - (g) such other members, not exceeding five, as may be co-opted, from time to time, by the Senate for periods not exceeding two years and on such conditions as the Senate may determine.
- (2) Every elected member of the Senate shall serve until the end of the second year following his election and shall be eligible for re-election.
- (3) An elected member shall cease to be an elected member of the Senate and his membership thereof as such shall become vacant-
- (a) upon his becoming a member of the Senate, ex-officio
 - (b) upon the post he holds on the academic staff being allocated to another Faculty or School, as the case may be;
 - (c) upon the resignation from the full-time academic staff or from membership of the Senate.
- (4) The Registrar shall act as Secretary to the Senate.
- Invited persons 22. (1) The Senate may invite any person to attend any particular meeting or series of meetings of the Senate for the purpose of assisting or advising the Senate in respect of any matter under consideration by the Senate.
- (2) Any person invited pursuant to subsection (1) shall take part in the deliberations of the Senate at any meeting he attends but shall not be entitled to vote.
- Functions And powers Of the Senate 23. The Senate shall perform such functions and exercise such powers as are prescribed by this Act or by the Statutes to be performed or exercised by the Senate and, without prejudice to the generality of the foregoing, such functions and powers of the Senate shall include the following-

- (a) to make recommendations to the Council on matters affecting the academic policy of the University;
- (b) to review the work of the University and report thereon to the Council;
- (c) to make recommendations to the Council on fees to be charged to students of the University.

Meetings
Of the
Senate

24. The Senate shall be convened, from time to time, and meetings thereof shall be held, in accordance with the relevant provisions of the Statutes.

PART VII – FACULTIES, CENTRES AND INSTITUTES

25. (1) There shall be within the University such Faculties, Centres and Institutes as the Council may, on the recommendation of the Senate, establish. Faculties,
Centres and
- (2) The Faculty, Centre or Institute of the University may, where appropriate, deal directly with the University on academic matters.
26. (1) There shall be a Dean of each Faculty who shall be ex-officio chairman of that Faculty and who shall, under the general direction and control of the Vice Chancellor, perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes. *Dean*
- (2) A Dean shall be appointed by the Council among the Senior Academic Members of the Faculty in accordance with the relevant Statutes, and he shall hold office for three years or until such earlier date as the Faculty may in each case determine.
- (3) A Dean may, by notice in writing given to the Council, resign his post as Dean, but such resignation, unless expressly so stated, shall not entail his resignation from any other academic post he holds in the University.
- (4) A Dean shall be eligible for re-appointment for one further term of office.
- (5) There shall be a Deputy Dean who shall assist the Dean in the performance of his functions.
- (6) The provisions of the subsections (2), (3) and (4) of this section shall apply, mutatis mutandis, to the Deputy Dean.

27. (1) There shall be a Director of each Centre or Institute who shall be the principal officer of that Centre or Institute and shall be under the general direction and control of the Board of such Centre of Institute, and shall perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes.
- (2) A Director shall be appointed by the Council and he shall hold office for such period as the Council may determine.
- (3) A Director may, by notice in writing given to the Council, resign his post as Director, but such resignation, unless expressly so stated, shall not entail his resignation from any other post he holds in the University.
- (4) A Director shall be eligible for re-appointment for further periods of office.
- (5) There shall be a Deputy Dean who shall assist the Director in the performance of his functions.
- (6) The provisions of subsections (2), (3) and (4) of this section shall apply, mutatis mutandis, to the Deputy Director.

Directors

- Composition Of Faculties 28. (1) Each Faculty shall consist of-
- (a) the Dean of that Faculty who shall be the chairman;
- (b) all members of the full-time and part-time staff holding posts allocated to that Faculty; and
- (c) such other members of the full-time or part-time staff of the University as may be co-opted by that Faculty may, in each case, determine.
- (2) Associate members shall have the right to attend all meetings of the Faculty by which they have been co-opted, and to take part in its deliberations, but shall have no right to vote thereon.

- Composition of Centres and Institute 29. Each Centre and Institute shall consist of such members as the Senate, with the approval of the Council, may prescribe by Statute.

- Faculty Committee 30. (1) There shall be a Faculty Committee for each Faculty of the University.
- (2) Each Faculty Committee shall consist of-
- (a) the Dean of the Faculty, who shall be chairman;
- (b) the Heads of Department in the Faculty;
- (c) two students in the Faculty elected by the students taking courses in the Faculty;

- (d) two members from industries and professions related to the courses offered in the Faculty;
- (e) two co-opted members from any other Faculty of the University.
- (3) The Faculty Committee shall be responsible for the planning, management and review of the programs and activities of the Faculty including relations with the University, the community, the industry and the general public.

PART VIII – FINANCIAL PROVISIONS

- Property of the University 31.
- (1) The property of the University shall consist of-
 - (a) such sums as may, from time to time, be payable to the University from moneys appropriated therefore by Parliament;
 - (b) such sums of money or other property, real or personal as may be acquired, purchased or received by, or transferred to the University, whether by way of gift, devise, bequest, purchase or otherwise howsoever;
 - (c) such sums of money or other property, real or personal, as may accrue to the University in the exercise of its powers or the performance of its functions under this Act;
 - (d) such of money or other property, real or personal, as may accrue to, or be received by, the University by the way of fees, grants, subsidies, contributions, donations, subscriptions, rents, interest or royalties from the Government or from any person;
 - (e) such sums of money or other property, real or personal, as may be donated to the University by any foreign Government, international agency, or other body or person situate or resident outside Malawi;
 - (f) such sums of money as may accrue to the University from the Trust.
 - (2) Where, under the terms of any written instrument, any right, title or interest in real or personal property is expressed to be disposed, granted or conveyed to the University, the said instrument shall, subject to law, have effect as a disposition, grant or conveyance of such property to the Council and shall vest such property in the Council to the extent of the right, title

or interest therein expressed to be so disposed, granted or conveyed.

- (3) The property of the University shall be payable to, vested in, held, managed and controlled by the Council, under this Act.

32. (1) The Council shall at all times comply with provisions of the Finance and Audit Act.

Compliance
With the
Finance and
Audit Act
Cap. 37:01

- (2) The accounts of the University shall be audited at the end of each financial year by an auditor or auditors appointed by the Council, in accordance with Statute X.

- (3) The Council shall pay, in respect of any audit held under this Part, such fees, costs and expenses as may be appropriate.

- (4) The auditor may by writing under his hand require the production of all books, deeds, contracts, vouchers, receipts and other documents relating to the accounts or investments of the University which he may deem necessary for the purpose of the audit, and he may summon in writing all such persons having knowledge of the affairs of the University, as he may think proper, to appear before him personally at the office of the Council, at a time to be fixed in such summons, for examination in connection with any documents or matters relating to the audit.

- (5) Any person, who without just cause, fails or refuses to produce any document the production of which has been duly required by the auditor, or who having been so summoned-

- (a) without just cause neglects or refuses to comply with the said requirement or summons; or

- (b) having appeared before the auditor, without just cause refuses to be examined; or

- (c) without just cause refuses to answer such questions pertaining to the audit as are put to him by the auditor;

shall be guilty of an offence and upon conviction be liable to a fine of K5,000 for every such refusal or neglect. In default of payment of the fine, such person shall be liable to imprisonment for six months;

Provided that any conviction under this section shall not operate or be taken to exempt the person convicted from the liability to do or perform the act, matter or thing required of him.

- (6) After completion of the audit of the accounts of the University, the auditor shall report thereon in writing to the Council about the audit generally and on such specific matters in relation thereto as the

Council may direct. The Council shall consider the report within two months after the date of the receipt thereof.

- Accounts 33. (1) All the moneys of the University shall be held in the name of the Council and shall be paid into one or another of the following accounts-
- (a) the Endowment Fund;
 - (b) the special account;
 - (c) the capital account;
 - (d) the revenue account;
 - (e) the Mzuzu University Fund Accounts;
 - (f) such other account as the Council may establish in respect of any trust the Council may establish in exercise of its powers under this Act.
- (2) There shall be paid into the Endowment Fund all such moneys as are received by the Council and declared specifically to be payable into that Fund.
- (3) The Council shall not, save with the prior approval of the Chancellor, expend any capital moneys of the Endowment Fund and shall pay into the revenue account all interest received from the investment of the moneys of the Endowment Fund;
- (4) There shall be paid into the special account all such moneys as are donated to and received by the Council for special purposes and which are not payable into the Endowment Fund or any other account.
- (5) The capital moneys, and the interest therefrom, of the special account shall be used and applied for the special purposes for which such moneys were donated and in accordance with the conditions of such donation:
Provided that the Council shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.
- (6) There shall be paid into the capital account all such moneys as are received by the Council for the purpose of capital expenditure for the construction and improvement of the University.

- (7) The capital moneys, and the interest therefrom, of the capital account shall be used and applied by the Council on capital expenditure for the construction and improvement of the University.
- (8) There shall be paid into the revenue account-
- (i) the interest received from the investment of the moneys in the Endowment Fund;
 - (ii) all fees, charges, dues and other amounts payable by or in respect of students;
 - (iii) all revenue and grants made by the Government of Malawi or by any other Government or by any person or organization or the Trust to the Council for the purposes of the University;
 - (iv) all sums transferred under this Act from the Endowment Fund or any other account to the revenue account;
 - (v) all other sums received by the Council and not payable into the Endowment Fund or any other account.
- (9) The moneys standing to the credit of the revenue account shall be used and applied by the Council for the management and working of the University in such manner and for such purposes as in the opinion of the Council, are best suited to promote the interests of the University.
34. (1) Subject to the provisions of this Act and of the Finance and Audit Act, the Council may borrow, either by way of overdraft from a banker or otherwise, such sums as it may from time to time require for the carrying out of its functions and powers. Borrowings
- PART IX – MISCELLANEOUS
35. Subject to this Act, the University shall be governed and administered in accordance with the provisions of the Statutes made by the Minister with the advice of the Council. The Statutes
36. (1) The Statutes may, pursuant to and in accordance with this section be amended, from time to time, for the better carrying out of the purposes, and the more efficient administration, of this Act, and Amendments to the statutes

without prejudice to the generality of the foregoing, any such amendment may be made by way of alteration, addition, repeal or replacement, and may make provisions for-

- (a) any matter which is required by this Act to be prescribed by the Statutes;
 - (b) the creation of permanent committees of the Council, or of the Senate, as the case may be, the membership of such committees, and the powers, functions or duties to be delegated thereto;
 - (c) the functions, duties and term of office of any officer of the University or member of the academic or administrative staff, to the extent that such functions or duties or term of office are not prescribed by this Act;
 - (d) the creation of new offices and post within the University, the functions and duties attaching to such offices and posts the duration thereof, and the manner of appointment thereto;
 - (e) such other matters, including matters of procedure and discipline, as may be deemed expedient or proper by the Minister for regulation by Statute.
- (2) The Council may by special resolution adopt any proposal to amend the Statutes.
 - (3) Upon the adoption by the Council of any proposal to amend the Statutes under subsection (2), the Vice-Chancellor shall, as soon as is practicable thereafter, submit to the Minister for his approval a certified copy of the proposal as adopted by the Council.
 - (4) If the Minister does not approve the proposal he shall notify the Council, in writing, giving reasons for his non-approval.
 - (5) If the Minister approved the proposal, he may, by order published in the Gazette, amend the Statutes in accordance with the terms of the said proposal.
 - (6) For the purpose of this section the expression "special resolution" means a resolution-
 - (a) notice of which has been given to each member of the Council, not less than thirty days before the date of the meeting of the Council at which it is intended to be moved; and
 - (b) which is moved at a meeting of the Council with not less than one-half of the total membership of the Council being present at the time such resolution is moved and voted upon; and
 - (c) which is passed by a majority of not less than two-thirds of the members of the Council present at such meeting.

Regulations

approval of the Council, the Senate may, by Senate Regulations made by notice published as provided in sub section (2), prescribe for the better carrying out of its functions and powers under this Act and under the Statutes, and without prejudice to the generality of the foregoing, such Senate Regulations may make provision for-

- (a) matters relating to teaching within the University, or to the teaching of any specified subject, periodic reports from professors and lecturers on the progress of students in any subjects, Faculty and other like matters;
 - (b) schemes of study and research, and conditions under which persons may be permitted to embark upon or to continue any such scheme;
 - (c) the terms and conditions under which students or other persons may use the library of the University;
 - (d) the conduct and supervision of examinations;
 - (e) the award of Degrees, Diplomas or other academic honours and distinctions other than Honorary Degrees or distinctions;
 - (f) dealing with general academic disciplinary matters;
 - (g) matters relating to the activities and progress of Centres and Institutes.
- (2) Any notice made pursuant to subsection (1) shall be published by the Registrar causing copies thereof to be posted for not less than seven days-
- (a) in a prominent place outside his office; and
 - (b) on boards provided for such purpose in each of the public halls of the University.

38. Any writ or other process, notice, or document may be served upon Council by serving the same on the Registrar.

Service of
process and
other
documents on
the Council

R.L. GOND WE
Clerk of Parliament