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Malawi

## University of Malawi Act

Chapter 30:02

Legislation as at 31 December 2014

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## University of Malawi Act (Chapter 30:02)

### Contents

Part I – Preliminary .....	1
1. Short title .....	1
2. Interpretation .....	1
Part II – Establishment of University .....	2
3. Establishment of University of Malawi .....	2
4. Membership of the University .....	2
5. Objects of the University .....	3
6. Functions of the University .....	3
7. Training for public officers, etc. .....	3
Part III – The Council .....	4
8. Establishment and incorporation of the Council .....	4
9. Common seal of the Council .....	4
10. Functions and powers of the Council .....	4
11. Composition of the Council .....	6
12. Meetings and procedure of the Council .....	7
Part IIIA – Students Loan Scheme .....	8
12A. Establishment of the Students Loan Scheme .....	8
12B. Enforceability of loan agreement .....	8
12C. Powers of the Council respecting the Students Loan Scheme .....	8
12D. Administration of the Students Loan Scheme .....	9
12E. Separate accounts and reports for the Students Loan Scheme .....	9
12F. Investment of funds for the purpose of the Students Loan Scheme .....	9
Part IV – Officers of the University .....	9
13. Chancellor .....	9
14. Functions and duties of the Chancellor .....	10
15. Vice-Chancellor .....	10
16. Registrar .....	10
16A. University Librarian .....	11
Part V – The Senate .....	11
17. Senate .....	11
18. Functions and powers of the Senate .....	12
19. Meetings of the Senate .....	12
Part VI – Colleges, Faculties and Schools .....	12
20. Colleges .....	12

21. Principals .....	12
22. Faculties and Schools .....	13
23. Deans .....	13
24. Composition of Faculties and Schools .....	13
24A. Departments .....	14
24B. Composition of Department .....	14
Part VII – Financial provisions .....	15
25. Property of the University .....	15
26. Compliance with the provisions of the Finance and Audit Act and audit of accounts .....	15
27. Accounts .....	16
28. Borrowings .....	17
Part VIII – Miscellaneous .....	17
29. The Statutes .....	17
30. Amendments to the Statutes .....	17
31. Senate Regulations .....	18
32. Service of process and other documents on the Council .....	19
Schedule .....	19
Appendix .....	37

# Malawi

## University of Malawi Act Chapter 30:02

Commenced on 24 February 1975

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Fifth Revised Edition of the Laws of Malawi (L.R.O. 1/2018), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

**An Act to provide for the establishment of the University of Malawi and for the conduct and management thereof; for the establishment and incorporation of the Council of the University of Malawi as a body corporate and as the governing body of the University; for the establishment of a Senate thereof; for the repeal of the University of Malawi (Provisional Council) Act, and for matters incidental to and connected with the foregoing**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the University of Malawi Act.

#### 2. Interpretation

In this Act and in the Statutes, unless the context otherwise requires—

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

“Chancellor” means the person who is for the time being the Chancellor of the University under section 13;

“College” means a College within the University established under section 20;

“Committee” includes subcommittee;

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

“date of commencement” means the date upon which this Act comes into operation;

“Dean” means the Dean of a Faculty or School elected under the Statutes pursuant to section 23;

*[12 of 1998]*

“Deputy Dean” means the Deputy Dean of a Faculty elected under the Statutes pursuant to section 23;

“Faculty” means a part or section of the academic administration of the University which offers courses leading to a degree;

*[12 of 1998]*

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

“Librarian” means the Librarian of the University appointed under section 16A;

*[12 of 1998]*

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

**“Principal”** means the Principal of a College appointed pursuant to section 21 and includes a person who is for the time being performing the functions of a Principal;

*[12 of 1998]*

**“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;

**“Pro-Vice-Chancellor”** means the Pro-Vice-Chancellor appointed under section 15;

*[12 of 1998]*

**“Registrar”** means the Registrar of the University appointed pursuant to section 16;

**“School”** means a School within the University instituted under section 22;

**“Senate”** means the Senate of the University established under section 17;

**“Senate Regulations”** means Senate Regulations made under section 31;

**“Statutes”** means the Statutes set forth in the Schedule, as from time to time amended under section 30;

**“Students Loan Scheme”** means the scheme established under the provisions of Part IIIA;

*[7 of 1988]*

**“University”** means the University of Malawi established by section 3;

**“Vice-Chairman”** means the Vice-Chairman of the Council appointed pursuant to section 11 (8);

**“Vice-Chancellor”** means the Vice-Chancellor of the University appointed pursuant to section 15.

**“Vice-Principal”** means the Vice-Principal of a college appointed under section 21.

*[4 of 1981]*

*[7 of 1988]*

*[12 of 1998]*

## Part II – Establishment of University

### 3. Establishment of University of Malawi

There is hereby established a university by the name and style of the University of Malawi.

### 4. Membership of the University

(1) The University shall consist of the following members—

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Registrar;
- (d) members of the Council;
- (e) members of the Senate;

- (f) all graduates of the University;
- (g) all holders of Honorary Degrees from the University;
- (h) all members of the administrative and academic staff of the University;
- (i) all persons for the time being registered as students of the University;
- (j) 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.

*[12 of 1998]*

## 5. Objects of the University

The objects of the University shall be to advance knowledge and to promote wisdom and understanding by engaging in teaching and research and by making provision for the dissemination, promotion, and preservation of learning; by engaging in such university education and research as is responsive to the needs of Malawi and the whole world; and by offering, within the limits of its resources, to persons suitably qualified academically and who, in the opinion of the Council, are able and willing to benefit from the facilities offered by the University, an education of a high university standard.

*[12 of 1998]*

## 6. Functions of the University

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 and research as is responsive to the needs of Malawi and the whole world;

*[12 of 1998]*

- (c) to provide facilities for higher education, for research 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;
- (d) subject to this Act and the Statutes, to award and confer Degrees and Diplomas, and other academic distinctions, including Honorary Degrees and distinctions.

## 7. Training for public officers, etc.

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

*[12 of 1998]*

## Part III – The Council

### 8. Establishment and incorporation of the Council

There is hereby established the Council of the University of Malawi, 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 or personal property; and
- (d) subject to 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.

### 9. Common seal of the Council

- (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 be 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.

### 10. Functions and powers of the Council

- (1) The Council shall be the governing body of the University and shall be responsible for the management and administration of the University and 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 powers and functions—
  - (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 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 of 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 or 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 fulfilment of any of the objects of the University, and to hold, invest, manage or distribute, in furtherance of and in accordance with any 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) for the aforesaid purposes, to appoint bankers, and any other officers or agents whom it may deem expedient to appoint, to determine any matters relating to the selection and period, terms and conditions of appointment of such persons, to determine and control all matters relating to the opening, use and closing of any such bank accounts as it thinks fit to have, 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 Colleges, Faculties, Schools or such other academic sections of the University, in accordance with this Act, and to assign each such Faculty, School or academic section to a specified College;
- (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 of 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 Statute XVII, terminate their appointments;
- (n) to make provision, so far as it thinks fit, for schemes of insurance, superannuation, pensions or retirement benefits for persons in the employment of the University and the wives, widows 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; such steps to include the provision and maintenance of grounds,

recreation facilities, buildings, premises, furniture, equipment and other means required for carrying on the work of the University and maintaining its efficiency and well-being;

- (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 therefor 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 within 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.
- (v) to select persons for entry as students of the University on the recommendation of the Selection Committee established in accordance with the Statutes.

*[12 of 1998]*

- (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 reasons for wishing to reject it and has been given an opportunity to comment thereon to the Council.

- (3) The Council shall not discriminate against any person because of race, ethnic origin, political affiliation or opinion, religion, or sex whether in respect of—
  - (a) the appointment of any person to the academic or other staff of the University; or
  - (b) the registration of any person as a student of the University; or
  - (c) the right of any person to hold any advantage or privilege of the University,

and the Council shall ensure that such discrimination shall not be practised in any instance by the Senate, any Statutory Committee, committee or officer of the University.

*[12 of 1998]*

- (4) The Chairman shall keep the Chancellor fully informed on matters concerning the general conduct of the affairs of the University.

*[12 of 1998]*

## 11. Composition of the Council

- (1) The Council shall consist of the following members—
  - (a) the Chairman of the Council, appointed by the President;
  - (b) the Vice-Chancellor;

- (c) the Principals of Colleges;
- (d) the Secretary for Education, or his designate representative, *ex officio*;
- (e) the Secretary to the Treasury, or his designate representative, *ex officio*;
- (f) two members appointed by the Chancellor;
- (g) four members appointed by the Senate from among its members;
- (h) one member elected by the University of Malawi Alumni Association;
- (i) one member appointed by the Council from a panel of three persons distinguished in university affairs in Malawi nominated by the Vice-Chancellor;
- (j) one female member and one male member elected by the University of Malawi Students Union;
- (k) such other members, not exceeding four, as the Council may co-opt, pursuant to subsections (3) and (4).

(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) Co-opted members of the Council shall be elected from a panel nominated jointly by the Chairman and the Vice-Chancellor. The panel so nominated shall consist of not less than eight persons engaged in the professions and in industrial, agricultural and commercial occupations in Malawi.

(4) Of the co-opted members elected, at least one shall be a woman and one a practising member of the teaching profession. No member of the full-time academic or administrative staffs of the University may be elected to the Council as a co-opted member.

(5) Every member of the Council, except the Vice-Chancellor, the Principals and an *ex officio* member, shall hold office for two years from the date of appointment, and shall be eligible to be reappointed a member of the Council for further periods of two years.

*[12 of 1998]*

(6) The Council shall appoint, from among the members appointed under paragraphs (f) and (i) of subsection (1), a member of Council to be Vice-Chairman thereof, who shall perform all the functions and duties of the Chairman in the event that the Chairman is unable to perform his functions and duties for any other reason.

*[12 of 1998]*

(7) The Registrar shall act as Secretary to the Council.

*[12 of 1998]*

(8) The Council shall appoint, from among the members appointed under paragraphs (e), (i), and (j) of subsection (1), a member of the Council to be Vice-Chairman thereof, who shall perform all of the functions and duties of the Chairman in the event that the Chairman is absent from Malawi, or, for the purposes of any meeting of the Council, in the event that the Chairman fails to attend such meeting.

(9) The Registrar shall act as Secretary to the Council.

*[12 of 1998]*

## 12. Meetings and procedure of the Council

(1) The Council shall meet at such 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) One-third 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 IIIA – Students Loan Scheme**

*[7 of 1988]*

#### **12A. Establishment of the Students Loan Scheme**

- (1) Where in exercise of its powers and functions under section 10, the Council requires students admitted to the University to pay fees, the Council may establish and operate a scheme to be known as the Students Loan Scheme which shall consist of funds out of which loans may be granted to students to enable them pay such fees.
- (2) Every loan under the Students Loan Scheme shall be granted under an agreement in writing (hereinafter referred to as a “loan agreement”) to be entered into between the Council and the student seeking the grant of the loan.
- (3) Every loan agreement and the provisions, terms and conditions thereof shall be in the form prescribed by Statutes.

#### **12B. Enforceability of loan agreement**

A loan agreement under the Students Loan Scheme shall bind the student who is a party to it and shall be enforceable against him in accordance with its provisions, terms and conditions notwithstanding any written or other law whatsoever to the contrary respecting the capacity of a minor to enter into an agreement and to be bound thereby.

#### **12C. Powers of the Council respecting the Students Loan Scheme**

- (1) In administering the Students Loan Scheme, the Council shall have power, subject to the general or special directions of the Minister, to determine—
  - (a) the criteria in accordance with which a student may be considered eligible for a loan;
  - (b) the amount of loan repayment instalments and the interest chargeable thereon;
  - (c) the time when, and the period during which, a loan, including interest thereon, may be repaid;
  - (d) the manner in which the loan repayments may be made to the Council;
  - (e) all such other matters and questions as the Council may consider proper for the administration of the Students Loan Scheme.
- (2) The Council may enter into an arrangement with any employer of a former student for the recovery of any outstanding indebtedness owed by that student to the Council under the Students Loan Scheme by which arrangement the employer may agree to deduct from the salary or other

emoluments payable to the employee concerned the amounts of repayments instalments agreed under the loan agreement and to remit such amounts directly to the Council.

(3) Where the Council enters into the arrangement referred to in subsection (2), the arrangement shall be deemed to be a term of the loan agreement and the former student shall be bound by it as if it had been a term of the loan agreement at the time it was entered into.

*[12 of 1998]*

## **12D. Administration of the Students Loan Scheme**

(1) For the proper administration and management of the Students Loan Scheme, the Council may appoint a committee and assign to it such functions as the Council may consider appropriate; and without derogation from the generality of the foregoing, the functions of such committee may include—

- consideration of applications for loans by students;
- recommending to the Council the names of students who, in accordance with the eligibility criteria, may be granted loans and the amounts to be granted to such students;
- making recommendations to the Council on all aspects of the administration and operation of the Students Loan Scheme.

(2) The committee appointed under subsection (1) may consist of persons who are or are not members of the Council and shall include a representative of the Ministry of Education appointed from amongst serving senior officers in that Ministry.

## **12E. Separate accounts and reports for the Students Loan Scheme**

(1) The Council shall cause a separate set of proper books and records of account to be opened and maintained in respect of any money appropriated or otherwise received for the purposes of the Students Loan Scheme and shall furnish to the Minister, within six months after the end of each financial year, a report of the audited accounts of the funds of the Students Loan Scheme together with a general report on the administration thereof in respect of that year.

(2) The books of account relating to the Students Loan Scheme shall at all reasonable times during normal business hours be open to inspection by any officer in the public service duly authorized by the Minister in that behalf, any donor to the Students Loan Scheme and the auditors to the University.

## **12F. Investment of funds for the purpose of the Students Loan Scheme**

The Council may invest, on interest bearing accounts with commercial banks or other financial institutions in Malawi or in such other securities available in Malawi as the Minister may generally or specially approve, such sums out of the funds appropriated or otherwise received for the purposes of the Students Loan Scheme as are not immediately required for such purposes.

## **Part IV – Officers of the University**

### **13. Chancellor**

- There shall be a Chancellor of the University who shall be the head of the University.
- The President shall be the Chancellor of the University.

*[28 of 1994]*

#### 14. Functions and duties of the Chancellor

- (1) The Chancellor, whenever present, shall preside at all ceremonial and other congregations of the University and shall, in the name of the University, confer all degrees, diplomas and certificates of the University.
- (2) 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 and the Minister with such information as they may request on any particular matter relating to the affairs of the University.

*[12 of 1998]*

- (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.

#### 15. Vice-Chancellor

- (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 of 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;
  - (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.

*[12 of 1998]*

- (3) The Vice-Chancellor shall—
  - (a) hold office for a period of four years and on such terms and conditions as may, from time to time, be prescribed by or under this Act or the Statutes, and shall be eligible to be reappointed Vice-Chancellor for further periods of four years; and
  - (b) exercise such powers and functions, as may, from time to time, be prescribed by or under this Act or the Statutes.

*[12 of 1998]*

- (4) There shall be a Pro-Vice-Chancellor of the University who shall assist the Vice-Chancellor in the performance of his functions.

*[12 of 1998]*

- (5) The provisions of subsections (2) and (3) shall apply *mutatis mutandis* to the appointment and term of office of the Pro-Vice-Chancellor.

*[12 of 1998]*

#### 16. Registrar

- (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 the Council, or as are delegated to him by the Vice-Chancellor.

- (2) The Registrar shall be under the immediate supervision and control of the Vice-Chancellor.
- (3) The terms and conditions of employment of the Registrar shall be as determined, from time to time, by the Council.

#### **16A. University Librarian**

- (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 and of the libraries of the Colleges and who shall exercise such powers and perform such duties as are assigned to him by or under this Act or the Statute, or by the Council or as delegated to him by the Vice-Chancellor.
- (2) The Librarian shall be under the immediate supervision and control of the Vice-Chancellor.
- (3) The terms and conditions of employment of the Librarian shall be determined, from time to time, by the Council.

*[12 of 1998]*

### **Part V – The Senate**

#### **17. Senate**

- (1) There is hereby established a Senate of the University which shall consist of the following members—
  - (a) the Vice-Chancellor, who shall be chairman;
  - (b) the Principals;
  - (c) the Deans;
  - (d) one member from each Faculty and School, elected, in accordance with the relevant Statutes, from and by the full-time academic staff holding posts allocated to the Faculty or School;
  - (e) other members representing each of the various Colleges, elected, in accordance with the relevant Statutes, from and by the full-time academic staff holding posts allocated to such College; the number of such representatives elected for each such College being as prescribed for such College by the relevant Statutes;
  - (f) such other members, not exceeding five, as may be co-opted, from time to time, by the Senate, for periods not exceeding twelve months and on such conditions as the Senate may determine.

*[12 of 1998]*

- (g) one member elected by the University of Malawi Students' Union;

*[12 of 1998]*

- (2) Every elected member of the Senate shall serve until the end of the second year following his election and shall be eligible for reelection.
- (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 College, Faculty or School, as the case may be;

(c) upon his resignation from the full-time academic staff or from membership of the Senate.

(4) The Registrar shall act as Secretary to the Senate.

*[4 of 1981]*

## 18. Functions and powers of the Senate

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.

## 19. Meetings of the Senate

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 VI – Colleges, Faculties and Schools

## 20. Colleges

(1) Subject to subsection (2), there shall be within the University such Colleges as the Council may, after consultation with the Senate and with the approval of the Minister, establish.

(2) The Colleges within the University shall include the following—

- Bunda College of Agriculture;
- Chancellor College;
- The Polytechnic;
- Kamuzu College of Nursing; and
- College of Medicine.

*[12 of 1998]*

(3) The Colleges shall be under the general administrative supervision of the Council and under the general academic supervision of the Senate.

## 21. Principles

(1) The Council shall, subject to the relevant provisions of the Statutes, appoint, on such terms and conditions as it deems fit, a Principal of each College from amongst suitably qualified persons recommended to the Council by a committee of five members of the Senate, three of whom shall come from the College to which the Principal shall be assigned.

(2) A Principal shall—

- hold office for a period of four years and shall be eligible to be reappointed Principal for further periods of four years; and
- perform the functions and duties prescribed by the Statutes.

(3) The Council shall, on the recommendation of the Principal of a College, appoint a Vice-Principal of the College on such terms and conditions as it deems fit.

(4) The Vice-Principal shall—

- hold office for a period of two years and shall be eligible to be reappointed Vice-Principal for further periods of two years; and

(b) assist the Principal in the performance of his functions and duties.

*[12 of 1998]*

## 22. Faculties and Schools

- (1) There shall be within the University such Faculties and Schools as the Council may, on the recommendation of the Senate, institute.
- (2) The Council shall, on the recommendation of the Senate, assign each Faculty and School to a stated College and may, from time to time, as it deems it to be expedient, after consultation with the Senate, remove any Faculty or School from any College and reassign it to another or may discontinue any Faculty or School.

*[4 of 1981]*

## 23. Deans

- (1) There shall be a Dean of each Faculty and School, who shall be *ex officio* chairman of that Faculty or School and who shall, under the general direction and control of the Principal of the College to which that Faculty or School is assigned, perform such other functions and exercise such other duties as may, be prescribed by the Statutes.
- (2) A Dean shall be elected, in accordance with the relevant Statutes, from and by the full-time academic staff holding posts assigned to the Faculty or School concerned, and he shall hold office from such date as the Senate shall determine until the end of the second year following that date, or until such earlier date as the Senate may in each case determine.
- (3) A Dean may, by notice in writing given to the Senate, 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-election for further periods of office.
- (5) A Faculty may, by a resolution of at least two-thirds of all the members of the Faculty, remove from office the Dean of the Faculty.

*[12 of 1998]*

- (6) There shall be a Deputy Dean who shall assist the Dean in the performance of his functions.

*[12 of 1998]*

- (7) The provisions of subsections (2), (3) and (4) shall apply, *mutatis mutandis*, to the election and removal from office of the Deputy Dean.

*[12 of 1998]*

## 24. Composition of Faculties and Schools

- (1) Each Faculty and School shall consist of—
  - (a) the Dean of that Faculty or School, who shall be chairman;
  - (b) the Vice-Chancellor;
  - (c) the Principal of the College to which that Faculty or School is assigned;
  - (d) all members of the full-time and part-time academic staff holding posts allocated to that Faculty or School; and

- (e) such other members of the full-time or part-time staff of the University as may be co-opted by that Faculty or School as associate members for such period and on such terms as that Faculty or School may, in each case, determine.
- (2) Associate members shall have the right to attend all meetings of the Faculty or School by which they have been coopted, and to take part in its deliberations, but shall have no right to vote thereon.

#### **24A. Departments**

- (1) There shall be, within every Faculty, a Department to be headed by a Head of Department who shall be *ex officio* chairman of the Department.
- (2) The Head of Department shall, in academic matters, be under the direction and control of the Dean of the Faculty to which the Department is assigned, and shall exercise powers and perform functions and duties as may, from time to time, be determined by the Senate.
- (3) The Head of Department shall be elected—
  - (a) at a meeting of the Department convened and chaired by the Dean in accordance with the Statutes; and
  - (b) from the full-time academic staff holding posts assigned to the Department concerned, and shall hold office from such date as the Senate shall determine until the expiry of the second year following that date, or until such later date as the Senate may determine, in respect of each Head of Department, on a case by case basis.
- (4) The Head of Department may, by notice in writing to the Principal of the College and submitted through the Dean, resign from his office, but such resignation shall not affect any other academic post which the Head of Department holds in the University.
- (5) A Department may, by resolution of at least two-thirds of all the members of the Department, remove from office the Head of Department.
- (6) The Head of Department shall be eligible for reelection to his post for such further term of office as the Senate may determine.

*[12 of 1998]*

#### **24B. Composition of Department**

- (1) Each Department shall consist of—
  - (a) the Head of Department;
  - (b) the Principal of the College to which the Department is assigned;
  - (c) the Dean of the Faculty to which the Department is assigned;
  - (d) all members of the full-time academic staff holding posts allocated to the Department; and
  - (e) such other members of the full-time or part-time staff of the University as may be co-opted by the Department for such period and on such terms as the Department may determine.
- (2) A co-opted member of the Department shall have the right to attend all meetings of the Department and to take part in deliberations, but shall have no right to vote on any matter.

*[12 of 1998]*

## Part VII – Financial provisions

### 25. Property of the University

- (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 sums of money or other property, real or personal, as may accrue to, or be received by, the University by 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.
- (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.

### 26. Compliance with the provisions of the Finance and Audit Act and audit of accounts

- (1) The Council shall at all times comply with the provisions of the Finance and Audit Act.
- (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 offices of the Council, at a time to be fixed in such summons, for examination in connexion 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 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 liable to a fine of K100 for every such refusal or neglect. In default of payment, such person shall be liable to imprisonment for three 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 take the report under consideration within two months after the date of the receipt thereof.

*[Cap. 37:01]*

## 27. Accounts

(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 Students Loan Scheme account.

*[7 of 1988]*

(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.

*[12 of 1998]*

(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 grants made by the Government of Malawi or by any other Government or by any person or organization 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.

(10) Subject to the provisions of Part IIIA, there shall be paid into the Students Loan Scheme account—

- (a) such sums as may be appropriated by Parliament for the purposes of the Students Loan Scheme;
- (b) interest accrued to any investment undertaken pursuant to section 12F;
- (c) such sums as may be received, by way of donations, subscriptions, bequests, or gifts considered acceptable by the Council for the purposes of the Students Loan Scheme.

*[7 of 1988]*

## 28. Borrowings

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.

## Part VIII – Miscellaneous

### 29. The Statutes

Subject to this Act, the University shall be governed and administered in accordance with the provisions of the Statutes set forth in the Schedule.

### 30. Amendments to the Statutes

(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 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 posts 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 Council 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, of his non-approval.
- (5) If the Minister approves the proposal, he may, by Order published in the *Gazette*, amend the Schedule in accordance with the terms of the said proposal.
- (6) For the purposes 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.

## 31. Senate Regulations

- (1) Subject to this Act and to the Statutes and to the approval of the Council, the Senate may, by Senate Regulations made by notice published as provided in subsection (2), prescribe for the better carrying out of its functions and power 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, School or College, and other like matters;
  - (b) schemes of study and research, and the 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, or any College library;
  - (d) the conduct and supervision of examinations;
  - (e) the award of Degrees, Diplomas or other academic honours and distinctions other than Honorary Degrees and distinctions;
  - (f) dealing with general academic disciplinary matters.

*[12 of 1998]*

- (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 also—
  - (b) on boards provided for such purpose in each of the Colleges and public halls of the University.

*[4 of 1981]*

## 32. Service of process and other documents on the Council

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

### Schedule

#### Statutes of the University

##### Statute I - Interpretation

In these Statutes, unless the context otherwise requires—

“academic staff” means all persons for the time being holding appointments, whether full-time or part-time, under contract with the Council, as professors, readers, senior lecturers, lecturers, assistant lecturers, instructors or demonstrators of the University, or so holding any other post declared by the Senate by category or title to be an academic post;

*[G.N. 11/1980]*

“academic year” means such period not exceeding twelve consecutive months and “term” and “academic term” mean such part of an academic year, as the Senate may from time to time determine:

Provided that the Senate may, at any time, extend any academic year beyond the period of twelve months, and, in such event, such period so extended shall, for all purposes, constitute such academic year.

“administrative staff” means all persons for the time being holding appointments, whether full-time or part-time, under contract with the Council, in the administration of the affairs of the University;

“congregation” means such members of the University as are invited to and attend the award of degrees and other academic distinctions;

*[G.N. 65/1997]*

“hall” means a residential or a non-residential hall;

“lecturer” includes an associate professor, a senior lecturer and an assistant lecturer;

*[G.N. 65/1997]*

“Statutory Committees” means the Senate, the Faculties, the Schools, the Appointments Committee, and the Finance Committee;

*[G.N. 142/1981]*

“student” means an undergraduate or graduate of the University, or other person, who is currently registered for a Degree or Diploma or Certificate of the University, or a person who is in a category of persons classified by the Council as students for any purpose.

##### Statute II - Congregations

1. The time, place and procedure of the congregations of whole University shall be determined by the Senate in consultation with the Chancellor.

*[G.N. 65/1997]*

2. Degrees, Diplomas, Certificates and other academic distinctions shall be conferred in the presence of the Congregation.

3. The Chancellor, or in his absence, the Vice-Chancellor, or in the absence of both the Chancellor and Vice-Chancellor, the Pro-Vice-Chancellor, or in the absence of the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor, a member of the Council appointed for the purpose by the Council, shall preside at congregations.

*[G.N. 65/1997]*

4. At least one Congregation shall be held in each academic year.

*[G.N. 65/1997]*

### **Statute III - Degrees and other academic distinctions**

1. The University may confer any of the following Degrees—

- (1) Bachelor of Arts—B.A.
- (2) Bachelor of Arts in Public Administration—B.A. (Pub. Admin.)
- (3) Bachelor of Education—B. Ed.
- (4) Bachelor of Laws—LL.B.
- (5) Bachelor of Science in Agriculture—B. Sc. (Agric.)
- (6) Bachelor of Science—B. Sc.
- (7) Bachelor of Social Science—B. Soc. Sc.
- (8) Bachelor of Commerce in Accountancy—B. Com. (Acc.)

*[G.N. 11/1980]*

- (9) Bachelor of Commerce in Management—B. Com. (Mgt.)
- (10) Bachelor of Science in Engineering—B. Sc. (Eng.)
- (11) Bachelor of Arts with Honours—B.A. (Hons)
- (12) Bachelor of Science with Honours—B. Sc. (Hons)
- (13) Bachelor of Social Science with Honours—B. Soc. Sc. (Hons)
- (14) Bachelor of Laws with Honours—LL. B. (Hons)
- (15) Bachelor of Science in Agriculture with Honours—B. Sc. (Agric.) (Hons)
- (16) Bachelor of Science in Engineering with Honours—B. Sc. (Eng.) (Hons)
- (17) Bachelor of Commerce in Business Administration—B. Com. (Bus. Admin.)

*[G.N. 120/1988]*

- (18) Master of Science in Agriculture—M. Sc. (Agric.)
- (19) Master of Science in Applied Chemistry—M. Sc. (App. Chem.)
- (20) Master of Arts—M. A.
- (21) Master of Science—M. Sc.
- (22) Master of Laws—LL. M.
- (23) Doctor of Philosophy—Ph.D.
- (24) Doctor of Letters—D. Litt.

- (25) Doctor of Laws—LL.D.
- (26) Doctor of Science—D. Sc.
- (27) Bachelor of Accountancy—B. Acc.
  - [G.N. 54/1992]*
- (28) Bachelor of Business Administration—BBA.
- (29) Bachelor of Arts in Theology—B.A. (Theology)
- (30) Bachelor of Science in Nursing—B. Sc. (Nursing)
- (31) Bachelor of Science in Civil Engineering—B. Sc. (Civil Eng.)
- (32) Bachelor of Science in Electrical Engineering—B. Sc. (Elect. Eng.)
- (33) Bachelor of Science in Mechanical Engineering—B. Sc. (Mech. Eng.)
- (34) Master of Science in Animal Science—M. Sc. (Animal Sc.)
- (35) Master of Science in Agricultural Economics—M. Sc. (Agric. Econ.)
- (36) Master of Science in Agricultural Extension—M. Sc. (Agric. Ext.)
- (37) Master of Science in Agronomy—M. Sc. (Agronomy)
- (38) Master of Arts in Economics—M.A. (Econ.)
- (39) Master of Arts in Sociology (Women in Development)— M.A. (Soc.)
- (40) Bachelor of Education (Technical)—B. Ed. (Tech.)
  - [G.N. 65/1997]*
- (41) Bachelor of Medicine, Bachelor of Surgery—M.B.B.S.
  - [G.N. 65/1997]*
- (42) Bachelor of Science in Environmental Health—B. Sc. (Env. He.)
  - [G.N. 65/1997]*
- (43) Bachelor of Science in Environmental Science and Technology—B. Sc. (Env. Sc. Tech.)
  - [G.N. 65/1997]*
- (44) Master of Arts in Economics—M. A. (Econ.)
  - [G.N. 65/1997]*
- (45) Master of Science in Agricultural Economics—M. Sc. (Agric. Econ.)
  - [G.N. 65/1997]*
- (46) Master of Science in Agronomy—M. Sc. (Agron.)
  - [G.N. 65/1997]*
- (47) Master of Science in Rural Development and Extension— M. Sc. (Rur. Dev. Ext.)
  - [G.N. 65/1997]*

2. The University may award any of the following Diplomas and Certificates—

- (1) Diploma in Agriculture—Dip. Agric.
- (2) Diploma in Business Studies—Dip. Bus. Studies

- (3) Diploma in Education—Dip. Ed.
- (4) Diploma in Engineering—Dip Eng.
- (5) Diploma in Public Administration—Dip. Pub. Admin.

*[G.N. 11/1980]*

- (6) Diploma in Communication Studies—Dip. Comm.
- (7) Diploma in Management Studies—Dip. Mgt.
- (8) Diploma in Technical Teaching—Dip. Tech. Teaching
- (9) Diploma in Public Health—Dip Pub. Health
- (10) Diploma in Nursing—Dip. Nurs.
- (11) Diploma in Management—Dip. Mgt.

*[G.N. 120/1988]*

- (12) Diploma in Technical Education—Dip. Tech. Ed.
- (13) Diploma in Laboratory Technology—Dip. Lab. Tech.
- (14) University Certificate in Education—U.C.E.
- (15) University Certificate in Management (Nursing Administration)— U.C. Mgt. (Nurs. Admin.)

*[G.N. 120/1988]*

- (16) University Certificate in Midwifery—U.C. Mid.
- (17) Diploma in Civil Engineering—Dip. Civil Eng.

*[G.N. 54/1992]*

- (18) Diploma in Electrical Engineering—Dip. Elect. Eng.
- (19) Diploma in Mechanical Engineering—Dip. Mech. Eng.
- (20) University Certificate in Accounting—U.C. Acc.
- (21) University Certificate in Marketing—U.C. Marketing
- (22) University Certificate in Computer Science—U.C. Comp. Sc.
- (23) Diploma in Architectural Technology—(Dip. Arch. Tech.)

*[G.N. 65/1997]*

- (24) Diploma in Journalism—(Dip. Journ.)

*[G.N. 65/1997]*

3. Subject to paragraph 6, the University may award such other academic distinctions of honour or merit as the Council may, from time to time, determine.
4. Degrees shall be conferred by the Chancellor or in his absence by the Vice-Chancellor, or in the absence of both of them by the Acting Vice-Chancellor, at Congregations of the whole University:  
Provided that where the Chancellor, Vice-Chancellor and Acting Vice-Chancellor are not available, the Council may appoint a member of the Council to confer the Degrees at any such Congregation.
5. No person shall be allowed to proceed to any Degree except an aegrotat Degree without examination or other adequate test, but Honorary Degrees may be conferred as the Chancellor thinks fit on the recommendation of the Council, as advised by the Honorary Degrees Committee.

6. No new Degree shall be established or other distinction of honour or merit adopted by the Council save on the recommendation, or with the approval of the Senate.

*[G.N. 11/1980]*

*[G.N. 120/1988]*

*[G.N. 54/1992]*

*[G.N. 65/1997]*

## **Statute IV - The Vice-Chancellor**

1. The Vice-Chancellor shall be a member of every committee of the Council and Senate except the Appeals Committee and of every Statutory Committee but shall not be a member of the committee established under subsection (2) of section 15 of the Act.

*[G.N. 65/1997]*

2. The Vice-Chancellor shall have power to appoint a person to act as the Principal of a College, as the Dean of a Faculty or School, as the Head of a Department as the Director of a Centre or Unit, as the Registrar, as the Finance Officer, or as the Librarian, during a temporary vacancy in such a post or the temporary absence on duty or inability of the holder of such a post. The person so appointed may exercise all or any of the powers, perform all or any of the duties, and have such of the privileges of the holder of the post to which he is appointed to act, as the Vice-Chancellor may determine.

*[G.N. 65/1997]*

3. The Vice-Chancellor—

- (a) shall exercise general appellate disciplinary powers in nonacademic matters in respect of students; and
- (b) may appoint standing or *ad hoc* committees to advise on a course of action or to inquire into a matter, and report to him with recommendations as to possible courses of action.

*[G.N. 65/1997]*

## **Statute V - The Finance Officer**

1. The Finance Officer shall be appointed by the Council.
2. The Finance Officer shall be the principal fiscal officer, and treasurer of the University and shall be responsible to the Registrar for the keeping of all University accounts and such inventories as the Council may determine.
3. The Finance Officer shall exercise his powers and duties under the general or special direction of the Finance Committee.
4. The Finance Officer shall be entitled, at any time, to report directly to the Council on any matter involving the finances, revenue or expenditure or financial policy of the University, and shall be entitled to be heard by the Council on any such matter.
5. The Finance Officer shall extend to the auditor or auditors such co-operation as the auditor or auditors deem necessary for the auditing of the accounts and the preparation of any auditors' report.
6. The Finance Officer may, at any time, resign by written notice addressed to the Council.

7. The Council may appoint a Deputy Finance Officer, Senior Assistant Finance Officers and Assistant Finance Officers to assist the Finance Officer in the performance of his duties.

[G.N. 65/1997]

## Statute VI - The Principals of Colleges

1. The Principal of each College shall be responsible to the Vice-Chancellor for maintaining and promoting the efficiency and good order of the College of which he is Principal.
2. The Principal of each College shall, within such College, exercise such disciplinary control over the students as is, from time to time, assigned to him by these Statutes or by any regulations made thereunder, or determined from time to time by resolutions of the Council, or such as may be delegated to him from time to time by the Vice-Chancellor.
3. Subject, to the Act and these Statutes, and the general or special directions of the Council, the Principal of each College shall be responsible to the said Councillor the selection of persons to be registered as students engaging in schemes of study or research assigned to the College of which he is Principal.
4. The Principal of each College shall, within such College, exercise and discharge such other duties in connexion with student affairs as may be determined by the Council.
5. In the execution of his or her responsibilities and duties, every Principal shall, to such extent as he or she may deem necessary for the satisfactory running of the College, consult with the Deans of the Faculties and Schools and with Heads of Department and with other members of the academic staff assigned to the College of which he or she is Principal, and may appoint standing or *ad hoc* committees to advise him or her on any aspect of his or her responsibilities.

[G.N. 142/1981]

[G.N. 65/1997]

## Statute VII - The Deans of the Faculties and Schools

1. The Dean of each Faculty or School shall be responsible to the Principal the College to which the Faculty or School is assigned for the overall co-ordination of all matters relating to the academic welfare of the students within such Faculty or School.
2. The Dean of each Faculty or School shall discharge such duties in connexion with students studies, attendance at lectures, and other academic matters as may be determined by the Senate.
3. Subject to the Act, the Statutes and the general or special directions of the Council, the Dean shall be responsible to the Council for the selection of persons to be registered as students engaging in schemes of study or research assigned to the Faculty of which he is Dean.
4. The Dean shall be responsible to the Principal for maintaining and promoting the academic efficiency of the Faculty of which he is Dean.

[G.N. 65/1997]

[G.N. 65/1997]

## Statute VIII - The Registrar

1. The Registrar shall be the custodian of all of the records of the University.

2. The Registrar shall keep a register of all members of the University under their respective qualifications, as specified in section 4 (3) of the Act.
3. The Registrar shall exercise such powers and perform such duties as are assigned or delegated to him under section 16(1).
4. The Council may appoint a Deputy Registrar, a Senior Assistant Registrar and Assistant Registrars to assist the Registrar in the performance of his duties.

*[G.N. 65/1997]*

5. In the absence of the Registrar through illness or otherwise the Senior Assistant Registrar shall be entitled to exercise all of the powers and perform all of the duties of the Registrar.
6. The Deputy Registrar, the Senior Assistant Registrars and Assistant Registrars shall perform such duties, including the duties of the College Registrar, as are assigned to them by the Registrar.

*[G.N. 65/1997]*

### **Statute VIIIA - Head of Department**

1. The Head of Department shall be responsible to the Dean of the Faculty to which the Department is assigned for the overall co-ordination of all academic matters of the Department, and to the Principal for all administrative matters of the Department.
2. The Head of Department shall discharge such other, duties in connexion with lecturer time-tables, studies, attendance at lectures, examinations and such other matters in his Department as may be determined by the College.

*[G.N. 65/1997]*

### **Statute IX - The Librarian**

1. The Librarian to the University shall be appointed by the Council.
2. The Librarian shall be the principal officer in charge of the University Library and of the libraries of the various Colleges.
3. The Librarian shall discharge such duties as may be determined from time to time by the Council.
4. In the exercise of his duties the Librarian shall be immediately responsible to the Vice-Chancellor, and shall perform such duties as are assigned or delegated to him under section 16A under the general supervision and control of the Vice-Chancellor.

*[G.N. 65/1997]*

5. The Librarian may delegate his authority in respect of any College Library to any Assistant Librarian, who shall be immediately responsible to the Librarian for the management and control of such College Library.
6. The provisions of paragraphs 4 to 6 of Statute VIII shall apply, *mutatis mutandis*, to the Librarian.

*[G.N. 65/1997]*

### **Statute X - The auditor**

Subject to the Act—

- (a) the auditor or auditors to the University shall be appointed by the Council from among persons or firms practising as public accountants in Malawi;

- (b) the following persons shall be ineligible for appointment as auditor—
  - (i) any member of the Council or Senate or of any committee of the Council or Senate;
  - (ii) any business or professional partner of any member of the Council or Senate or of any member of any committee of the Council or Senate;
  - (iii) any firm of which any partner is a member of the Council or the Senate or of any committee of the Council or Senate;
  - (iv) any member of the staff of the University.
- (c) no person or firm shall be appointed as auditor to the University if he, or any member of the firm of accountants of which he is a partner, or, in the case of a firm, if any member of the firm, is a member of the Council, the Senate, or of any committee of the said Council or Senate;
- (d) auditors shall be appointed for one year, but shall be eligible for reappointment.

### **Statute XI - Honorary and Emeritus Professors**

1. Upon the recommendation of the Senate the Council may appoint honorary professors and may confer the title of Emeritus Professor upon any professor who has retired from office.
2. An Emeritus Professor shall not *ex officio* be a member of the Council, the Senate or of any Faculty or School but may, on invitation, attend the meetings of the Council the Senate and of any Statutory Committee and take part in the deliberations of such meetings but shall not have the right to vote in such meetings.

*[G.N. 142/1981]*

*[G.N. 65/1997]*

### **Statute XII - Procedure generally**

1. Save as provided in these Statutes, the Council, Senate, Faculties, Schools and any committees thereof shall determine and make rules for the time, place and procedure of their respective meetings.
2. The minutes of all meetings of every committee held since the last preceding meeting of the parent body of such committee shall be laid on the table at each meeting of that body, whether it be the Council, the Senate or one of the Faculties or Schools.
3. The minutes of all meetings of the Faculties and Schools held since the last preceding meeting of the Senate shall be laid on the table at each meeting of the Senate.
4. The minutes of all meetings of the Senate shall be sent to the Council.
5. In the event of an equality of votes on any question motion or resolution at a meeting of the Council, Senate, Faculties, Schools or of any committee, the chairman or person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

*[G.N. 142/1981]*

### **Statute XIII - Finance Committee**

1. There shall be appointed pursuant to paragraph 3 a Finance Committee which shall make recommendations to the Council upon the following matters and to which the Connell may delegate any

or all of its executive functions with regard to such matters, subject to the general policy, control and guidance of the Council—

- (a) the investment and management of the University's funds;
- (b) the incurring of, or the authorization of persons or bodies in the University to incur, expenditure from University funds, including any income accruing to any section of, or body in, the University;
- (c) the annual budget of the University;
- (d) the control of expenditure from budgetary allocations by means of financial regulations and such other conditions;
- (e) the preparation and presentation of the annual accounts of the University.

2. The Council shall appoint, from among those members of the Council nominated by the Chancellor, or by the University of Malawi ex-Students Association, or co-opted by the Council, a chairman of the Finance Committee who shall, subject to his remaining member of the Council, hold office until the end of the third year following his appointment or until such earlier date as the Council may in his case determine, and who shall be eligible for reappointment.
3. The Finance Committee shall consist of the chairman of the Finance Committee, the Chairman of the Council, the Vice-Chancellor, or in the absence of the Vice-Chancellor, the Pro-Vice-Chancellor, Principals, two Senate representatives who are not Principals, the Secretary to the Treasury or his nominee, the Secretary for Education or his nominee, and one person appointed by the Council from among the four members of the Council nominated from and by the Senate. The Finance Committee shall have power to co-opt, with the consent of the Council, further persons to membership thereof for such period and on such terms as it may in each case determine.

[G.N. 65/1997]

4. The member of the Finance Committee appointed by the Council from among the four members of the Council nominated from and by the Senate shall, subject to his remaining a member of the Council and of the Senate, serve until the end of the third year following his appointment or until such earlier date as the Council may in each case determine, and shall be eligible for reappointment.

[G.N. 65/1997]

#### **Statute XIV - Powers and functions of the Senate**

Subject to the Act and to any other powers or functions prescribed by these Statutes, the powers and functions of the Senate shall include the powers and functions—

- (a) to determine the subjects to be pursued in each College, Faculty, School, Department or other such academic section of the University, to determine what schemes of study and research the University shall offer (whether leading to a qualification or not) and to assign each such scheme to one Faculty or School, and accordingly to allocate each post on the academic staff of the University to one College and, after consultation with the Principal of that College, to allocate each such post to one Faculty or School; and at any time to change such assignments of schemes and allocations of posts on the same terms;
- (b) to keep under review the academic organization and development of the University with special reference to the effectiveness of the University's work in relation to the objects and functions of the University as set out in sections 5 and 6 of the Act;
- (c) to make recommendations to the Council for the institution of new Colleges, Faculties, Schools or other such academic sections, for the establishment of additional posts on the academic staff, and for the provision of any other new academic development;
- (d) to appoint consultative committees on subjects in which the University engages in teaching or research, consisting of members of the academic staff and persons outside the University with a special interest in and responsibility for the subject of concern to such consultative committee. Such committees shall seek and obtain from the Government and other bodies reports on their policy and needs in the various fields

of research or employment involving the relevant subject, and shall also obtain reports from the Principals and Deans concerned, on the teaching or research being carried out in the subject in the University and on any proposed academic developments therein. Each such committee shall, with regard to the subject concerned, advise the Senate on the relevance of the curricula to the national need, on employment requirements, and on aspects thereof in which further teaching or research is required;

- (e) subject to the powers of the Council, to determine matters concerning academic staff, including the subjects in which academic staff appointments are made, and the conditions under which academic staff carry out teaching or research in the University;
- (f) to control all matters relating to content and methods of teaching, and to content and methods of assessment by examination or otherwise for the award of Degrees, Diplomas and other academic distinctions other than Honorary Degrees or distinctions;
- (fa) on the recommendation of Colleges, to consider the performance of students in examinations and decide which of those students shall pass or be referred or repeat or not be re-registered;

*[G.N. 65/1997]*

- (g) to appoint, with such duties and under, such conditions as it may determine external examiners and academic, consultants for examinations for Degrees and Diplomas, to appoint internal examiners, and to terminate the appointment of any external or internal examiner;
- (h) to call meetings of academic and administrative staffer groups of such staff, under such arrangements as it shall determine, in order to consider and report upon matters which it wishes to refer to such bodies;
- (i) review, mend, refer back or disallow any act of a College, Faculty, School or such other academic body in the University, and to give guidance and direction to any such body;
- (j) with the approval of the Council, to determine what formalities and conditions shall attach to the conferment of Degrees, Diplomas and other academic distinctions, and to determine all matters relating to academic ceremonial, including academic dress;
- (k) to determine dates of terms;
- (l) to recommend to the Council the conferring of the title of Emeritus Professor, or Emeritus Registrar, honorary lecturer or professor, or such other academic title; and with the consent of the Council, recommend to the Appointments Committee appointments to personal chairs and to make recommendations as to the terms and conditions of such appointments;
- (m) on what it deems to be good cause, to recommend to the Council the deprivation of persons of any Degrees, Diplomas or any other academic distinctions, or of any academic titles, conferred upon or awarded to them by the University;
- (n) within available resources, to institute, control, regulate, award or discontinue, under terms and conditions determined by it (but subject to any conditions acceptable to that may be made by donors), fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other such awards to students for the encouragement of study and research;
- (o) to determine general policy matters relating to library and laboratory facilities, teaching aids services, workshops and such other academic services which are in its view necessary to the furtherance of the academic objects of the University;
- (p) to determine and control the terms and conditions under which any research or any other activity may be conducted or carried out in the University, or by members of the staff of the University, or under the sponsorship of or in collaboration with the University or with members of its staff;
- (q) to determine the conditions under which, and the extent, if any, to which, periods and courses of study followed and examinations passed at other institutions may be regarded as equivalent to periods and courses of study followed and examinations passed in the University;

- (r) to enter into relations, subject to the powers of the Council, with other bodies, whether academic or otherwise, for the furtherance of the objects of the University, with special regard to the advancement of education or research in Malawi;
- (s) subject to the Act and these Statutes, to take such steps as it thinks fit to give advice, guidance and directions regarding the constitution, functions and activities of any organization of members of the University eligible to receive and expend University funds;
- (t) to discuss and express an opinion on any matter whatsoever relating to the University.

*[G.N. 142/1981]*

*[G.N. 65/1997]*

## **Statute XV - The Faculties and Schools**

1. Subject to the Act and these Statutes, the functions of each Faculty or School shall, without prejudice to any other functions expressly prescribed therefor, include the following—
  - (a) to consider and make recommendations to the Senate upon all matters relating to teaching and research in the subjects of the Faculty or School, including curricula and examinations;
  - (b) to consider and make recommendations to the Senate upon all matters relating to the progress of students following schemes of study or research assigned to the Faculty or School;
  - (c) to make recommendations to the Senate for the making of regulations for schemes of study or research;
  - (d) to make recommendations to the Senate, in a manner presented by the Senate, for the award of Degrees Diplomas and other academic distinctions in the subjects of the Faculty or School;
  - (e) to submit proposals to the Senate, in a manner prescribed by the Senate, for academic developments;
  - (f) to put before the Senate any matter of concern to the Faculty or School upon which the Senate is empowered to act;
  - (g) to deal with and, if requested, report on any matters referred to it by the Senate.
2. Recommendations and proposals issuing from any Faculty or School to the Senate shall be presented to the Senate by the Principal of the College to which such Faculty or School is assigned, together with his comments and those of the relevant Dean thereon.

*[G.N. 142/1981]*

## **Statute XVI - Appointments Committee**

1. There shall be an Appointments Committee consisting of—
  - (a) the Vice-Chancellor, as Chairman;
  - (b) two members of the Council appointed by the Council on such terms and conditions as the Council may determine;
  - (c) one member appointed from and by the Senate on such terms and conditions as the Council may determine;
  - (d) the principals of Colleges;

*[G.N. 65/1997]*

- (e) not more than three persons co-opted by the Vice-Chancellor to membership of the Appointments Committee for each appointment to be made having regard to the subject of the appointment.

2. There shall be, in each College of the University, a Sub-Committee of the Appointments Committee to be known as the Appointments and Disciplinary Sub-Committee consisting of—

- (a) the Principal, as Chairman;
- (b) the College Registrar, who shall be the secretary of the Committee;
- (c) the Dean; and
- (d) one senior member of staff.

*[G.N. 65/1997]*

3. The Council may delegate to the Appointments Committee its powers of making appointments, other than that of making appointments to the posts of Principal, Registrar, Librarian, Finance Officer or Professor or other post at professorial level.

4. The Appointments Committee behalf, and subject to the directions, if any, of the Council shall determine all matters relating to points of entry upon salary scales (subject to the powers of the Vice-Chancellor with regard to clerical, technical and support staff), incremental promotions within scales, promotions from one scale to another (other than promotions to posts of professorial level upon which the Appointments Committee shall make recommendations to the Council), renewal and extension of all contracts of appointment and the granting of allowances to staff.

5. The Appointments and Disciplinary Sub-Committee shall perform such functions as are assigned to it by the Appointments Committee.

*[G.N. 65/1997]*

### **Statute XVIA - Selection Committee**

1. There shall be a Selection Committee consisting of—

- (a) the Vice-Chancellor, or his representative who shall be the chairman of the Selection Committee;
- (b) the Deans of Faculties or Schools;
- (c) the Principals of Colleges, or their representatives; and
- (d) the Registrar who shall be the secretary of the Selection Committee.

2. The Selection Committee shall make recommendations to the Council in respect of the entry of persons as students of the University.

*[G.N. 65/1997]*

### **Statute XVII - Procedure relating to contracts of appointment**

Subject to the Act and these Statutes, procedure relating to contracts of appointment, renewal of contracts and resignation, retirement and dismissal of academic and administrative staff shall be determined by the Council, and such procedure shall incorporate the following conditions—

- (a) that any member of the staff shall be at liberty to resign from his appointment and thereby to terminate his engagement with the University on giving in writing to the Registrar such notice as is stipulated in the terms of his appointment;
- (b) that, save as may be provided otherwise by the Council in special cases, or as may, in such special cases relating to academic staff, be so provided by the Council on the recommendation of the Senate, a person appointed to the full-time staff of the University shall retire from his appointment, from any office he

holds, and from membership of any Statutory Committee or any committee at such time as may be stipulated in the terms of his appointment;

(c) that the procedure for discontinuing the appointment of a member of the staff who would not, in the normal course of events, have had his appointment discontinued, shall be so framed that the member of the staff concerned shall have a right of appeal to the Council, whose decision thereon shall be final.

### Statute XVIII - Procedure of the Senate and Statutory Committees

1. Every Statutory Committee shall hold an ordinary meeting at least three times in each year at such date, time and place as shall be notified to the members at least one calendar month before the date of such meeting.
2. A special meeting of any Statutory Committee may be called by the Registrar for such date, at such time and place, and in such manner, as may be determined by its chairman but subject to the following—
  - (a) (i) in the case of the Finance Committee, at the discretion of the chairman of the Finance Committee after consultation with the Vice-Chancellor;
  - (ii) in the case of the Senate, at the discretion of the Vice-Chancellor; and
  - (iii) in the case of a Faculty or School after consultation with the Principal of the College to which such Faculty or School is allocated; or
- (b) on requisition, in writing to the Registrar, stating the purpose of the meeting, by at least a third of the number of members of that Statutory Committee.
3. No matter shall be considered at a special meeting of a Statutory Committee other than that for which the meeting was called unless the Statutory Committee unanimously otherwise decides.
4. It shall be open to any member of a Statutory Committee to raise any matter he wishes for consideration at an ordinary meeting of such Statutory Committee, provided that in the view of the chairman the matter comes within the functions of such Statutory Committee and that the matter is brought to the attention of the chairman at least one week before the date of the ordinary meeting of the Statutory Committee at which the member wishes the matter to be raised.
5. The Registrar shall be responsible for sending to the members of a Statutory Committee and of the Council the agenda and documents (including minutes of proceedings of committees of such Statutory Committee held since the last meeting of the said Statutory Committee) for any ordinary meeting of the Statutory Committee, at least three days before the date of such meeting. Documents sent less than such number of days before the meeting, or tabled at the meeting, shall be considered only if the Statutory Committee by a majority of its members present agrees to do so.
6. Every Statutory Committee may appoint such committees thereof, including *ad hoc* committees, consisting of persons as it deems fit.

[G.N. 65/1997]

7. Every Statutory Committee may delegate any of its functions to such of its committees or to such member of the Council as it deems fit.
8. Every Statutory Committee shall review annually the work of any committee it has appointed, and if a committee is to be reappointed, shall, subject to these Statutes, review its terms of reference and membership.
9. The minutes of proceedings of all meetings of committee of a Statutory Committee shall be put before the Statutory Committee which appointed it, and for this purpose the Faculties and Schools shall be regarded as committees of the Senate.
10. There shall be a quorum at any meeting of Statutory Committee or committee thereof when one-third of the total number of members of such Statutory Committee, or committee thereof, as the case may be,

is present. In the absence of a quorum no business other than the adjournment of the meeting shall be transacted.

11. In the absence of a person who is chairman or vice-chairman by appointment or *ex officio*, the members present at any Statutory Committee meeting or committee meeting, provided there is a quorum, shall elect from among those present a member to preside at that meeting who shall, during that meeting, or until the meeting is adjourned, exercise all the functions of the chairman.
12. The decisions of the chairman or other member presiding shall, on all procedural matters be final.
13. Pursuant to paragraph 9 of this Statute, the chairman of a committee shall present the minutes of any meetings of that committee to the Statutory Committee which has appointed it, provided that recommendations and proposals from Faculties and Schools to the Senate shall be presented by the Principal of the College to which that Faculty or School is assisted, or by the Dean if so requested by the Principal. In the absence of the chapman of the and committee or the Principal of the said College, as the case may be, any other member of the committee, or of the relevant Faculty or School, shall present such minutes to the said Statutory Committee.
14. Whether specifically empowered to do so or not, the chairman of any Statutory Committee or committee thereof shall have the power to take action on behalf of the Statutory Committee or committee, as the case may be, of which he is the chairman, provided he reports any such action to the next meeting, and in his absence he may delegate such power to a person appointed as vice-chairman of the Statutory Committee or committee.
15. Decisions at meetings of any Statutory Committee or committee shall, except where otherwise provided, be taken by a consensus of agreement or, where, in the opinion of the chairman, a vote needs to be taken, shall be determined by a simple majority of the members present and voting on the matter. In the case of an equality of votes, the chairman shall have the power to exercise a casting vote in addition to his deliberative vote. Voting shall not be recorded in the minutes of proceedings.
16. The proceedings and decisions of any Statutory Committee or committee thereof shall not be invalidated by any vacancy in its number, nor by any defect in the election, appointment or qualification of any of the members whether present or absent, nor by any defect in the service of notices or documents, nor by any other administrative defect.
17. The chairman of any Statutory Committee or committee thereof shall have the power to invite any person to attend any meeting for the whole or part of the meeting, subject to the approval of his action by the said Statutory Committee or committee, as the case may be, at the beginning of the meeting. Persons invited to attend meetings shall participate in the proceedings only when invited to do so by the chairman and shall have no vote.
18. The chairman of, or the member presiding at, a meeting of any Statutory Committee or committee thereof shall have the power to adjourn such meeting and to determine the date, time, place and means of re-convening the meeting.
19. Members of Statutory Committees or committees thereof, other than *ex officio* members may resign from membership at any time by writing addressed to the chairman of such Statutory Committee or committee thereof, as the case may be.
20. Except where the Act or Statutes provide otherwise, items of business of Statutory Committees or committee, thereof may at the discretion in each case of the chairman of the Statutory Committee, or committee thereof, as the case may be, be conducted by sending proposals to each member of the said Statutory Committee, or committee thereof, in writing in which case a decision shall be valid only if all members of the said Statutory Committee or committee thereof, having been given a reasonable time to reply, agree to the proposal sent to them.
21. Subject to its power to declare certain items or categories of business confidential, the minutes of all meetings of each Statutory Committee, shall be available for consultation by members of the University by such means as the Statutory Committee may from time to time decide. All such minutes whether confidential or otherwise shall be available for consultation by any member of the Council.

22. Subject to these Statutes, Statutory Committees or committees thereof may make such further standing orders relating to their proceedings as they deem fit.

[G.N. 142/1981]

[G.N. 65/1997]

## Statute XIX - Honorary Degrees

When and as often as the Council wishes to award Honorary Degrees pursuant to its powers under section 10 (s) the following procedure shall be followed—

- (a) The Council shall appoint a Committee consisting of the Chairman of the Council as Chairman, the Vice-Chancellor, and four other members of the Council, two of whom shall be members of the Senate, to propose persons for the award of Honorary Degrees, which Committee shall be known as the Honorary Degrees Committee.
- (b) The Honorary Degrees Committee shall invite the Chancellor, all members of the Council and the Senate, and the Registrar, to submit to the Vice-Chancellor in confidence proposals for the award of Honorary Degrees and all such proposals shall be considered by the Committee. It shall be open to those so invited to seek suggestions from other members of the University.
- (c) The Committee, having considered the proposals submitted to it, shall submit to the Council a list of those persons whom it recommends for the award of Honorary Degrees listing the Honorary Degree it considers appropriate for award in each individual case.
- (d) The Council shall consider the recommendations of the Committee and shall determine to whom of those persons recommended by the Committee such Honorary Degree shall be awarded, and the Degree to be so awarded in each individual case.
- (e) No person shall be approached regarding his willingness to accept conferment of an Honorary Degree until the Council has approved all the names, and the approved names shall be published only when all the persons named in the list have signified their willingness to accept conferment to an Honorary Degree.
- (f) The Honorary Degree conferred shall be that deemed appropriate by the Council.
- (g) An Honorary Degree shall not be conferred in the absence of the person on whom such Degree is to be conferred.
- (h) Serving members of Statutory Committees members of staff and students of the University shall not be eligible for the award of Honorary Degrees.

## Statute XX - Elections to Deanships and to the Senate

1. An election of a Dean and of elected members of the Senate pursuant to section 23 and to paragraphs (d) and (e) of section 17 (1) of the Act, respectively, shall take place whenever there is a vacancy, provided that the whole process of the election is conducted during University term-time. All arrangements of such elections shall be the sole responsibility of the Registrar or his representative, who shall act as returning officer. The Registrar shall consult with the Vice-Chancellor and the Principal concerned, as often as he deems it necessary, on the election programme and on other matters relating to the election procedure.
2. It shall be open to a College, Faculty or School as the case maybe, if at least two-thirds of those entitled to vote in an election indicate their wish to do so, to carry out an election of elected members of the Senate at a meeting rather than by nomination and secret ballot.
3. The Persons entitled to vote in an election of a Dean or of elected members of the Senate, and to be nominated and elected, shall be those persons whose names shall appear as members of the full-time academic staff holding posts allocated to the College, Faculty or School concerned, in the master copy of the staff list kept in the Registrar's office.

4. (1) No election shall be invalidated by reason only that the administrative procedure relating to such election was defective.
- (2) Notwithstanding paragraph (1), the Registrar may, with the approval of the Vice-Chancellor and of the Principal, declare an election null and void on grounds of administrative or other defects.
5. If an elected member of the Senate is to be absent from the University for a period during which two or more ordinary meetings of the Senate will be held, the College, the Faculty or the School, as the case may be, may nominate a person to serve in his place during his said absence.
6. The number of members of the Senate elected under section 17 (1) (e) as representatives of the various Colleges, shall, in respect of each College be as hereinafter stated—
  - (a) Chancellor College, four members;
  - (b) The Polytechnic, three members;
  - (c) Bunda College of Agriculture, two members;
  - (d) Kamuzu College of Nursing, two members;

*[G.N. 11/1980]*

- (e) College of Medicine, two members.

*[G.N. 65/1997]*

*[G.N. 11/1980]*

*[G.N. 142/1981]*

## **Statute XXI - Service of notices and documents**

1. Any notice or document required, by or for purposes of the Act or the Statutes, to be given or sent to a member of the University, or of the Council or of any Statutory or other committee may be given to him personally or may be sent to him by post, to his last postal address of which the Registrar has cognizance.
2. Where a notice or other document is sent by post, pursuant to paragraph 1, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

## **Statute XXII - Students Loan Scheme**

Pursuant to the provisions of Part IIIA of the Act, every loan agreement for the purposes of the Students Loan Scheme, and the provisions, terms and conditions of such loan agreement, shall be in the form set out hereunder

### ***Universiy of Malawi Loan agreement***

***Students Loan Scheme (Loan number \_\_\_\_\_)***

***An agreement made and entered into by and between***

***The Council of the University of Malawi (hereinafter referred to as the “Council”) and***

***\_\_\_\_\_ (hereinafter referred to as the “Student”)***

WHEREAS the Student wishes to pursue a course of studies with the University of Malawi at \_\_\_\_\_ (hereinafter referred to as The "Institution"), and for that purpose requires and seeks financial assistance to enable him/her to pay fees and like charges as demanded by the Council;

AND WHEREAS the Council, satisfied that the Student meets the eligibility criteria for the grant of financial assistance for such purposes;

Now, THEREFORE, the parties hereto agree as follows—

1. The loan

The Council shall lend and advance to the Student on the terms and conditions in this Agreement provided the sum of \_\_\_\_\_ Kwacha (K \_\_\_\_\_) (hereinafter referred to as the "Loan") for the 20 \_\_\_\_\_ /20 \_\_\_\_\_ academic year (hereinafter referred to as the "academic year").

2. Payment of sums out of the loan

The Council shall in its absolute discretion, have the right to the Loan or any portion thereof direct to the Student or to the Institution or to such other establishment or person as the Council deems fit for the purpose for which the Loan has been advanced.

3. The student's obligations

In consideration of the Loan granted by the Council, the Student shall—

- (a) attend the Institution for the entire duration of the academic year for which the Loan has been granted;
- (b) not during the academic year change his/her course of studies, without the consent of the Council;
- (c) exercise due diligence in his/her course of studies throughout the entire duration of the academic year and exercise his/her best endeavours to pass in particular the final examination for the academic year;
- (d) repay the Loan to the Council in the manner provided in clause 5.

4. Cancellation of the loan or of any part thereof

The Council may cancel the Loan to the Student or any part thereof—

- (a) if unsatisfactory reports are made by the authority of the Institution concerning the Student's conduct or progress;
- (b) if the Student fails to comply with the undertakings specified in paragraphs (a), (b) and (c) of clause 3;
- (c) at the request of the Student;
- (d) for any other reason which the Council in its absolute discretion considers good and sufficient; and there shall be no obligation on the part of the Council to disclose the reason for cancellation of the Loan under this paragraph.

5. Repayment of the loan

- (1) The Student shall repay the amount of the Loan to the Council or any outstanding balance thereof together with interest thereon accrued in accordance with clause 6 of this Agreement in equal monthly instalments spread over a period of four years, the first instalment to be paid not later than the first day of any month occurring within six months after the Student has obtained his first employment or other gainful occupation and the remaining instalments to be paid by the first day of the month next following and of each succeeding month thereafter.
- (2) The Student or, on behalf of the Student, any person may at any time before or after maturity of the Loan repay the Loan, or any part thereof together with interest, if any, accrued thereon:

Provided that in the case, of part repayment, the Council shall have the right to refuse to accept amounts repayments which in its opinion are insignificantly small and may in its absolute discretion prescribe in relation to this Agreement the minimum amount which the Council may accept as part repayment of the Loan.

#### 6. Interest on loan

Interest on the Loan shall accrue at the rate of \_\_\_\_\_ per cent (\_\_\_\_\_ %) per annum reckoned from a date—

- (a) thirty days after the Student graduates from the Institution; or
- (b) in the case of a Student who with the consent of the Council leaves the Institution before graduation to complete his studies in that course or in any other course at any other institution, thirty days after the Student graduates from that other institution;
- (c) in the case of a Student who leaves the institution before graduating for failure or other reasons, thirty days from the end of the academic year.

#### 7. Consolidation of loans

Where prior or subsequent to obtaining the Loan, the Student obtained or obtains a similar loan, then any outstanding amount of such other loan shall at its maturity from part of the Loan and, together with any accrued interest thereon shall, subject to any specific variations made in respect of such other loan, be repaid in accordance with this Agreement.

#### 8. Arrangement with the student's employer for repayment of the loan

The Student hereby agrees to the Council entering into an arrangement with any current employer of the Student in the form set out in the Appendix hereto whereby the employer may agree to deduct from the salary or other emoluments payable to the Student the amounts of repayment instalments agreed under this Agreement and to remit such amounts directly to the Council.

#### 9. Acceleration of loan maturity

If—

- (a) the Loan is cancelled by the Council as provided in clause 4; or
- (b) the Student fails to pay any instalment mentioned in clause 5 on due date; or
- (c) the Student resigns or is dismissed on grounds of misconduct or inefficiency from his/her employment within Malawi while the Loan or any part thereof is outstanding; or
- (d) the Student through his/her own act or omission, renders himself/herself ineligible for employment within Malawi;

then, and in any such event, with effect from the date of such cancellation, default, failure, resignation, dismissal or ineligibility, as the case may be, the Loan or the outstanding balance thereof then due from the Student together with interest accrued thereon as in clause 5 provided, shall become immediately due and payable forthwith or at such other time or times as the Council may fix.

#### 10. Council may defer repayment of the loan

The Council may defer the repayment of any amount due from the Student in terms of the Agreement for such period or periods as the Council may deem necessary but the granting of further time for repayment or of any other relief or indulgence by the Council shall not be construed as a waiver of its right to enforce the provisions of this Agreement.

11. Council not obliged to procure employment for the student

Nothing contained in this Agreement shall be construed as imposing any liability on the Council to procure the employment of the Student within Malawi in any capacity whatsoever.

IN WITNESS WHEREOF this Agreement has been duly signed by and on behalf of the parties hereto on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

SIGNED, on behalf of the COUNCIL OF

THE UNIVERSITY OF MALAWI, by \_\_\_\_\_

in the presence of—

1. \_\_\_\_\_

2. \_\_\_\_\_

SIGNED, by the STUDENT in the presence of—

1. \_\_\_\_\_

2. \_\_\_\_\_

[G.N. 92/1988]

## Appendix

### Form of agreement with employers of students

WHEREAS \_\_\_\_\_, a former student of the University of Malawi (hereinafter referred to as the "Student") has under the University Students Loan Scheme an outstanding indebtedness to the Council of K \_\_\_\_\_ together with accrued interest at the rate of \_\_\_\_\_ per cent (\_\_\_\_\_) per annum;

AND WHEREAS under Loan Agreement No. (s), \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and, the Student agreed to repay the amount of such indebtedness by equal monthly instalments, the first to be paid not later than the first day of any month occurring within six months after the Student has obtained his first employment or other gainful occupation and the remaining instalments to be paid by the first day of the month next following and of each succeeding month;

AND WHEREAS the Student is now in the employment of, or in a gainful occupation as, \_\_\_\_\_ (hereinafter referred to as the "Employer").

AND WHEREAS the Employer acknowledges the due contribution by the University towards the development, real or potential of manpower expertise and proficiency of the Student as an employee of the Employer:

NOW, THEREFORE, the Council and the Employer agree as follows—

1. Monthly remittances by the Employer to the Council

The Employer shall make equal monthly deductions from the salary or other emoluments of the Student sufficient to cover the monthly instalments payable by the Student to the Council in respect of his outstanding indebtedness under the Students Loan Scheme and to remit the amounts so deducted directly to the Council by cheque made in favour of "The Students Loan Scheme Account" and further agrees to continue to make such deductions and such remittances for as long as the Student remains in the employment of the Employer and such indebtedness or any part thereof remains outstanding.

2. Employer to notify of termination of the Student's employment

In the event of termination of the Student's Employment with Employer whether by way of dismissal lay-off, resignation or otherwise, the Employer shall promptly notify the Council of the fact of such termination.

3. The Council to furnish statements to the Employer

- (1) The Council shall maintain a proper statement of account in respect of the Student's indebtedness to the Council under the Students Loan Scheme and shall, once every six months, furnish the Employer with a copy of such statement.
- (2) Upon full repayment of the Student's indebtedness to the Council, the Council shall record that fact and give written acknowledgement thereof to the Employer and to the Student with copies of a final statement of the Student's account.

4. Termination of this Agreement

This Agreement shall come to an end either—

- (a) upon notification to the Council under clause 2 of this Agreement of the termination of the Student's employment with the Employer; or
- (b) upon full repayment of the Student's indebtedness to the Council and acknowledgement thereof by the Council in accordance with clause 3 (2) of this Agreement.

IN WITNESS WHEREOF this Agreement has been duly signed by and on behalf of the parties hereto on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, the date of its entry into force.

For the Council:

Signature\_\_\_\_\_

Name\_\_\_\_\_

Designation\_\_\_\_\_

Official stamp

\_\_\_\_\_

For the Employer:

Signature\_\_\_\_\_

Name\_\_\_\_\_

Designation\_\_\_\_\_

Official stamp