

Malawi

Malawi University of Science and Technology Act Chapter 30:13

Legislation as at 31 December 2014

FRBR URI: /akn/mw/act/2012/31/eng@2014-12-31

There may have been updates since this file was created.

PDF created on 21 February 2024 at 13:22.

Collection last checked for updates: 31 December 2014.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.laws.africa
info@laws.africa

There is no copyright on the legislative content of this document.
This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

Malawi University of Science and Technology Act
 Contents

Part I – Preliminary 1

 1. Short title 1

 2. Interpretation 1

Part II – Establishment of the University 2

 3. Establishment of the Malawi University of Science and Technology 2

 4. Membership of the University 2

 5. Aims and objectives of the University 3

 6. Powers of the University 3

Part III – The Council 3

 7. Establishment of the Council 3

 8. Composition of the Council 4

 9. Functions and powers of the Council 4

 10. Vacancies on the Council 6

 11. Meetings and procedures of the Council 7

 12. Common seal of the Council 7

Part IV – Officers of the University 8

 13. Chancellor 8

 14. Vice-Chancellor 8

 15. Deputy Vice-Chancellor 9

 16. Registrar 9

 17. Director of Finance 9

 18. Librarian 9

Part V – The Senate 10

 19. The Senate 10

 20. Functions and powers of the Senate 10

 21. Meetings of the Senate 10

 22. Invited persons 11

Part VI – Colleges, Schools, Faculties, Divisions, Centres and Institutes 11

 23. Colleges, Schools, Faculties, Divisions, Centres and Institutes 11

 24. Directors 11

 25. Dean 11

 26. Head of Department 12

 27. Composition of Faculties and Departments 12

 28. Faculty Board 12

29. Composition of Centres and Institutes	13
Part VII – Financial provisions	13
30. Funds and property of the University	13
31. Compliance with Acts	14
32. Audit of Accounts	14
33. Accounts and funds	14
34. Borrowings	15
Part VIII – Miscellaneous provisions	15
35. The Statutes	15
36. Amendment to the Statutes	16
37. Senate Regulations	16
38. Service of process and other documents on the Council	17
39. Transfer of assets, liabilities, etc.	17
40. Transfer of employees	18

Malawi

Malawi University of Science and Technology Act Chapter 30:13

Commenced on 1 May 2013

[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 make provision for the establishment of the Malawi University of Science and Technology; for the conduct and management of the University; and for matters incidental to and connected therewith

Part I – Preliminary

1. Short title

This Act may be cited as the Malawi University of Science and Technology Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**academic staff**” means all persons for the time being holding appointments, whether on full time, part time or adjunct, under contract with the Council, as professors, associate professors, senior lecturers, lecturers, assistant lecturers, staff associates, instructors or demonstrators of the University, including those whose conditions of service contain the obligation to undertake research, and the senior professional staff of the library, or any other post declared by the Senate by category or title to be an academic post;

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

“**Centre**” means a Centre within the University established under [section 23](#);

“**Chairperson**” means the Chairperson of the Council appointed pursuant to [section 8](#);

“**Chancellor**” means the Chancellor of the University appointed pursuant to [section 13](#);

“**College, School, Faculty or Division**” means a College, School, Faculty or Division respectively within the University, established under [section 23](#);

“**Committee**” includes a sub-committee;

“**Council**” means the Council of the University established under [section 7](#);

“**Dean**” means the Executive Dean of a Faculty, Dean of students, or of postgraduate studies appointed pursuant to [section 25](#);

“**Deputy Vice-Chancellor**” means the Deputy Vice-Chancellor appointed pursuant to [section 15](#);

“**Director of Finance**” means the Director of Finance appointed pursuant to [section 17](#);

“**Financial year**” means the period commencing on the date of commencement of this Act and ending on the 30th of June next following the commencement date and thereafter the period of twelve months ending on 30th June, in each year;

“**Institute**” means an Institute within the University established under [section 23](#);

“**Librarian**” means the Librarian of the University appointed pursuant to [section 18](#);

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

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

“**Registrar**” means the Registrar of the University appointed pursuant to [section 16](#);

“**Senate**” means the Senate of the University established under [section 19](#);

“**Senate Regulations**” means Senate Regulations made pursuant to [section 37](#);

“**Statutes**” mean the Statutes made pursuant to [section 35](#);

“**University**” means the Malawi University of Science and Technology established under [section 3](#);

“**Vice-Chancellor**” means the Vice-Chancellor of the University appointed pursuant to [section 14](#).

Part II – Establishment of the University

3. Establishment of the Malawi University of Science and Technology

There is hereby established a University to be known as the Malawi University of Science and Technology.

4. Membership of the University

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

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) Deputy Vice-Chancellors;
- (d) the Registrar;
- (e) the Director of Finance;
- (f) the Librarian;
- (g) members of the Council;
- (h) members of the Senate;
- (i) all graduates of the University;
- (j) all holders of Honorary Degrees from the University;
- (k) all Deans of Faculty of the University;
- (l) all Directors of the Centre and the Institute;
- (m) all other members of the academic, non-academic and administrative staff of the University;
- (n) all persons for the time being registered as students of the University; and
- (o) 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 possessing any qualification from the University shall continue to be a member so long as he possesses that qualification.

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

5. Aims and objectives of the University

The aims and objectives of the University include—

- (a) to provide quality holistic education in fisheries science, ecosystem management, recreation and tourism, water transport and green belt initiatives;
- (b) to encourage the advancement of knowledge, dissemination and commercialization of research products;
- (c) to promote industrial growth through research and dissemination of knowledge;
- (d) to establish and support marine and fisheries innovation centres of excellence for industrial production and growth;
- (e) to develop partnerships with industry for the generation, transfer, adoption and application of technologies;
- (f) to develop into an institution of excellence in teaching, learning, training, research, consultancy and dissemination of knowledge in fisheries science, ecosystem management, recreation and tourism, water transport and green belt initiatives;
- (g) to encourage such university education, research and training so as to respond to the needs of Malawi, Africa and the whole world;
- (h) to promote entrepreneurship among its students; and
- (i) to provide specialist training in such subjects as may be deemed desirable for such purposes by the Council.

6. Powers of the University

Subject to this Act and the Statutes, the University shall award and confer Degrees, Diplomas, Certificates and other academic distinctions, including Honorary Degrees and distinctions.

Part III – The Council

7. Establishment of the Council

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

- (a) suing and being sued;
- (b) acquiring by purchase, gift, devise, bequest, operation of law, or otherwise, real or personal property wherever situated, 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 and perform, or such as are incidental or appertain to a body corporate.

8. Composition of the Council

- (1) The Council shall consist of—
 - (a) the Chairperson, who shall be appointed by the President;
 - (b) the Vice-Chancellor;
 - (c) Deputy Vice-Chancellors;
 - (d) four independent members from the private sector appointed by the Chancellor, two of whom shall be women;
 - (e) a member of the Senate appointed from its membership;
 - (f) one female member and one male member elected by the Malawi University of Science and Technology Students Union; and
 - (g) the following *ex officio* members—
 - (i) the Secretary for Education, Science and Technology, or his nominee;
 - (ii) the Chief Executive Officer of the National Council for Higher Education, or his nominee;
 - (iii) the Secretary for Transport, or his nominee; and
 - (iv) the Secretary to the Treasury, or his nominee.
- (2) The *ex officio* members of the Council shall remain members for as long as they hold the offices, or the nominations, by virtue of which they became members.
- (3) The Vice-Chancellor and the Deputy Vice-Chancellors shall serve as members of the Council as long as they hold their respective offices.
- (4) Every other member of the Council shall serve for a term of three years from the time of his appointment and shall be eligible for re-appointment for one further period of three years.
- (5) Members of the Council shall appoint from amongst their number, other than *ex officio* members, the Vice-Chairperson, who shall perform all the functions and duties of the Chairperson in the event that the Chairperson is unable to perform his duties for any other reason.
- (6) The Registrar shall act as Secretary to the Council.
- (7) The Chancellor shall have powers to dissolve the Council.

9. Functions and powers of the Council

- (1) The Council shall be governing body of the University and shall be responsible for the management administration of the University, its property and revenues, and shall exercise general control and supervision over all the affairs of the University.
- (2) Without prejudice to the generality of subsection (1), the functions and powers of the Council shall include—
 - (a) to govern, maintain, administer, dispose of and, save as hereinafter provided, to invest all the property, money, assets, and rights of the University;
 - (b) to manage the business and all other affairs of the University, and to enter into engagements and to accept obligations and liabilities without any restriction whatsoever:

Provided that, before determining any question relating to the matters contained in paragraphs (a) and (b) which affects the academic policy of the University, the Council shall

- refer the matter 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;
- (c) to determine, demand and receive fees, subscriptions, deposits, fines and other payments, and to effect payment of any monetary obligations;
 - (d) to take such steps as it determines 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 a manner as it determines fit;
 - (e) to borrow money on behalf of the University and for that purpose, if it considers appropriate, 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 considers fit;
 - (f) 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 or outside Malawi, 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;
 - (g) 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;
 - (h) to undertake and execute any trust, the undertaking whereof the Council may find desirable for the attainment or fulfillment of any of the objects of the University;
 - (i) to hold, invest, manage or distribute, in furtherance of and in accordance with any trust direction, discretion, obligation or permission, any property income, held by it as trustee, subject to such trust;
 - (j) to enter into, vary, carry out or cancel contracts on behalf of the University;
 - (k) to compound or compromise any action, suit or proceedings, or any debt or claim, and to refer any matter to arbitration;
 - (l) to operate bank accounts, and to cause proper books of accounts 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 affairs of the University, and explain its transactions;
 - (m) after consultation with the Senate, to establish, institute or discontinue Faculties, Centres, Institutes or such other academic departments or sections of the University, in accordance with this Act or the Statutes;
 - (n) 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 provisions for appointments to such posts;
 - (o) 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 provisions for appointments to such posts;
 - (p) 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 the Statutes, terminate their appointments;

- (q) to make provisions, as it may find fit, for schemes of insurance, superannuation, pensions or retirement benefits for employees of the University, their spouses and dependents, to subscribe to benevolent and such other funds for the benefit of the employees, and to make such payments to the employees as it thinks fit;
 - (r) to take such steps as it determines appropriate for furthering the objects and interests of the University by making provision for teaching and research, printing and publication of research and other works which may be issued by the University, and for the welfare of the staff and students of the University;
 - (s) to call for reports from the Vice-Chancellor or the Senate, and to review the work of the University in the light of the reports;
 - (t) to make provision for payments to external examiners and other persons to whom it finds fit to make payments to further the objects of the University, and for scholarships, prizes, grants and other payments to students of the University;
 - (u) after consideration of any recommendation or report from the Vice-Chancellor and Senate, to determine fees to be charged to students;
 - (v) 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;
 - (w) 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;
 - (x) to enter into agreements and other relationships with 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;
 - (y) to select persons for entry as students of the University on the recommendation of a selection committee established by the Statutes; and
 - (z) to establish such sub-committees as it may deem necessary.
- (3) 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.
- (4) The Council shall exercise fairness and where necessary employ affirmative action in order to ensure that nobody is discriminated against on the basis of race, ethnic origin, political affiliation or opinion, religion, sex, gender, physical disability, HIV and AIDS status, or other status, in respect of—
- (a) the appointment of any person to the academic or other categories of staff of the University;
 - (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.
- (5) The Council shall ensure that the fairness it exercises shall also be practiced by the Senate, any statutory committee, or officer of the University.
- (6) The Chairperson shall keep the Chancellor informed on matters concerning the general policy and conduct of the University.

10. Vacancies on the Council

- (1) A vacancy on the Council shall arise—
 - (a) on the expiry of the term of office of a member;

- (b) on the resignation of a member after one month's written notice to the Chairperson;
 - (c) on the death of a member;
 - (d) upon a member leaving the country for more than one year;
 - (e) upon a member failing to attend three consecutive meetings of the Council, of which he has had notice, without valid excuse or reason;
 - (f) upon a member becoming mentally or physically unfit, where upon the Council is of the opinion that he is no longer, by reason of the unfitness, capable of performing his duties as a member of the Council;
 - (g) upon a member being declared bankrupt; or
 - (h) upon the conviction of a member for an offence under any written law and being sentenced to a term of imprisonment otherwise than as an alternative to, or in default of, the payment of a fine.
- (2) A vacancy on the membership of the Council shall be filled within three months of the occurrence of the vacancy, by the appointment of a new member in accordance with the relevant provisions of [section 8](#) under which the former member was appointed.

11. Meetings and procedures 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 the 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.
- (2) The Chairperson may at any time call for a meeting of the Council and shall do so on the request in writing made to him in that behalf by any four members.
- (3) Two thirds of the members of the Council shall constitute a quorum thereof.
- (4) If the Chairperson and Vice Chairperson are for any reason absent from any meeting of the Council, the members present may elect one of their numbers to preside at the meeting provided they form a quorum.
- (5) Any matter for decision by the Council shall be determined by a majority vote of members present and voting, and where there is an equality of votes the Chairperson, or in his absence, the Vice Chairperson or other member presiding, shall have a casting vote in addition to his deliberative vote.
- (6) Subject to this Act and Statutes, the Council may determine its own procedure.

12. 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 in a judicial capacity 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 signatures 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.

Part IV – Officers of the University

13. Chancellor

- (1) There shall be a Chancellor of the University who shall be the head of the University.
- (2) The President shall, unless he declines the appointment, be the Chancellor of the University.
- (3) Where the President declines the appointment under subsection (1), the Chancellor shall be appointed by the Council in consultation with the Minister.
- (4) The Chairperson and the Vice-Chancellor shall keep the Chancellor fully informed on matters concerning the general conduct of the affairs of the University and shall furnish the Chancellor with such information as he may request on any particular matter relating to the affairs of the University.
- (5) The Office of a Chancellor shall become vacant—
 - (a) upon his death;
 - (b) upon submission of his resignation, in writing, to the Council;
 - (c) if he becomes mentally or physically incapable of performing his duties as Chancellor; or
 - (d) if he is declared bankrupt.

14. 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 on the suitability of various candidates submitted to the Council by a committee of seven members appointed for that purpose and consisting of—
 - (a) the Chairperson, who shall be Chairperson of the committee;
 - (b) three members of the Council, not being members of the Senate, appointed by the Council; and
 - (c) three members of the Senate appointed by the Senate.
- (3) The appointment of the Vice-Chancellor shall be subject to the approval of the Chancellor.
- (4) The Vice-Chancellor shall hold office for a period of five years, on such terms and conditions as may, from time to time, be prescribed by this Act and the Statutes.
- (5) The Vice-Chancellor shall be eligible for re-appointment for one further term of office.
- (6) The Vice-Chancellor shall—
 - (a) be responsible for the overall management of the University, including the development and implementation of strategic plans, policies, teaching and research programmes, and budgets;
 - (b) ensure that there is student representation on committees dealing with matters related to students; and
 - (c) have such powers and perform such functions as may from time to time, be prescribed by this Act and the Statutes.

15. Deputy Vice-Chancellor

- (1) There shall be Deputy Vice-Chancellors who shall assist the Vice-Chancellor in the performance of his functions.
- (2) The Deputy Vice-Chancellors shall have such functions and powers as are assigned to those offices by this Act, the Statutes, the Council, or as delegated by the Vice-Chancellor from time to time.
- (3) The provisions of [section 14](#) (2), (3) and (4) shall apply, *mutatis mutandis*, to the appointment and term of office of the Deputy Vice-Chancellors.

16. Registrar

- (1) There shall be a Registrar of the University appointed by the Council, who shall be the head of administration of the University.
- (2) The Registrar shall exercise such powers and perform such duties in relation to the administration of the University as are assigned to him by this Act, the Statutes, the Council, or as are delegated to him by the Deputy Vice-Chancellor responsible for Administration and Finance.
- (3) The Registrar shall be under the immediate supervision and control of the Deputy Vice-Chancellor responsible for Administration and Finance.
- (4) The terms and conditions of employment of the Registrar shall, subject to this Act and the Statutes, be determined, from time to time, by the Council.

17. Director of Finance

- (1) There shall be a Director of Finance for the University appointed by the Council, who shall be in charge of the finances and the investments of the University.
- (2) The Director of Finance shall exercise such powers and perform such duties as are assigned to him by this Act, the Statutes, the Council or as delegated to him by the Deputy Vice-Chancellor responsible for Administration and Finance.
- (3) The Director of Finance shall be under the immediate supervision and control of the Deputy Vice-Chancellor responsible for Administration and Finance.
- (4) The terms and conditions of employment of the Director of Finance shall, subject to this Act and the Statutes, be determined, from time to time, by the Council.

18. Librarian

- (1) There shall be a Librarian of the University appointed by the Council, who shall be the officer in-charge of the University Library, and information and communications technology.
- (2) The Librarian shall exercise such powers and perform such duties as are assigned to him by this Act, the Statutes, the Council, or as delegated to him by the Vice-Chancellor.
- (3) The Librarian shall be under the immediate supervision and control of the Deputy Vice-Chancellor responsible for Academic matters.
- (4) The terms and conditions of employment of the Librarian shall, subject to this Act and the Statutes, be determined, from time to time, by the Council.

Part V – The Senate

19. The 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 chairperson;
 - (b) Deputy Vice-Chancellors;
 - (c) Deans of Faculty, Students and Postgraduate Studies;
 - (d) Heads of Colleges, Schools, Divisions and Institutes of the University as prescribed by the Statutes;
 - (e) one member from each Faculty, elected in accordance with the relevant Statutes, from and by the full time academic staff holding posts allocated to the Faculty;
 - (f) one female member and one male member elected by the Malawi University of Science and Technology Students Union;
 - (g) the Librarian; and
 - (h) such other members, not exceeding five, two of whom shall be full Professors, as may be co-opted, from time to time, by the Senate for periods not exceeding two years and on such conditions as the Senate may determine.
- (2) Every elected member of the Senate shall hold office for a term of two years and shall be eligible for re-election for one further term.
- (3) An elected member shall cease to be an elected member of the Senate and his membership thereof shall become vacant—
 - (a) if he becomes an *ex officio* member of the Senate;
 - (b) if the post he holds on the academic staff is allocated to another Faculty; or
 - (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.

20. Functions and powers of the Senate

The Senate shall perform such functions and exercise such powers as prescribed by this Act or the Statutes and, without prejudice to the generality of the foregoing, such functions and powers shall include—

- (a) to make recommendations to the Council on matters affecting the academic policy of the University;
- (b) to review the academic work of the University and report thereon to the Council;
- (c) to make recommendations to the Council on admissions of students into the University; and
- (d) to make recommendations to the Council on academic programmes of the University.

21. Meetings of the Senate

The Senate shall be convened in accordance with the relevant provisions of the Statutes.

22. Invited persons

- (1) The Senate may invite any person to attend any particular meeting or series of meetings of the Senate for the purpose of assisting or advising the Senate in respect of any matter under consideration by the Senate.
- (2) Any person invited pursuant to subsection (1) shall take part in the deliberations of the Senate at the meeting which he attends but shall not be entitled to vote.

Part VI – Colleges, Schools, Faculties, Divisions, Centres and Institutes

23. Colleges, Schools, Faculties, Divisions, Centres and Institutes

- (1) There shall be within the University such Colleges, Schools, Faculties, Divisions, Centres and Institutes as the Council may, on the recommendation of the Senate, establish.
- (2) A College, School, Faculty, Division, Centre or Institute of the University may, where appropriate, deal directly with the University Senate on academic matters.

24. Directors

- (1) There shall be a Director of each School, College, Centre or Institute who shall—
 - (a) be the principal officer of that School, College, Centre or Institute;
 - (b) be under the general direction and control of the Board of such School, College, Centre or Institute; and
 - (c) perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by the Statutes.
- (2) A Director shall—
 - (a) be appointed by the Council;
 - (b) hold office for a term of three years; and
 - (c) be eligible for re-appointment for one further term.
- (3) A Director may, by notice in writing to the Council, resign his post as Director, but the resignation shall not, unless expressly so stated, entail his resignation from any other academic post which he holds in the University.
- (4) There shall be a Deputy Director of each School, College, Centre or Institute who shall assist the Director in the performance of his functions.
- (5) The provisions of subsections (2) and (3) shall apply, *mutatis mutandis*, to the office of the Deputy Director.

25. Dean

- (1) There shall be an Executive Dean of each Faculty who shall be the Chairperson of that Faculty and shall, under the general direction and control of the Deputy Vice-Chancellor, perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes.
- (2) A Dean shall—
 - (a) be elected by faculty members of staff in accordance with the relevant Statutes;
 - (b) hold office for a term of two years; and

- (c) be eligible for re-appointment for one further term.
- (3) A Dean may, by giving a three months' written notice to the Council, resign his post as Dean, but the resignation shall not, unless expressly so stated, entail his resignation from any other academic post which he holds in the University.
- (4) There shall be a Deputy Dean who shall assist the Dean in the performance of his functions.
- (5) The provisions of subsections (2) and (3) shall apply, *mutatis mutandis*, to the office of the Deputy Dean.

26. Head of Department

- (1) There shall be a Head of Department of each Department who shall be the Chairperson of that Department and shall, under the general direction of the Dean of Faculty, perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate and prescribed by Statutes.
- (2) A Head of Department shall—
 - (a) be elected by departmental members of staff in accordance with the relevant Statutes;
 - (b) hold office for a term of two years; and
 - (c) be eligible for re-appointment for one further term.
- (3) A Head of Department may, by giving a one month written notice to the Executive Dean, resign his post as Head of Department, but the resignation shall not, unless expressly so stated, entail his resignation from any other academic post which he holds in the University.

27. Composition of Faculties and Departments

- (1) Each Faculty shall consist of—
 - (a) the Dean of that Faculty who shall be the Chairperson;
 - (b) all members of the full-time and part-time academic staff holding posts allocated to that Faculty; and
 - (c) such other members of the full-time or part-time staff of the University as may be co-opted by that Faculty as associate members for such period and on such terms as that Faculty may, in each case, determine.
- (2) Associate members shall have the right to attend any meeting of the Faculty by which they have been co-opted and take part in its deliberations, but shall have no right to vote at that meeting.
- (3) Each Department shall consist of—
 - (a) the Head of Department of that Department who shall be the Chairperson;
 - (b) all members of the full-time and part-time academic staff holding posts allocated to that Department; and
 - (c) such other members of the full-time or part-time staff of the University as may be co-opted by that Department as associate members for a specified period.

28. Faculty Board

- (1) There shall be a Faculty Board for each Faculty of the University.
- (2) Each Faculty Board shall consist of—
 - (a) the Dean of the Faculty, who shall be the Chairperson;

- (b) the Heads of Department in the Faculty;
 - (c) two students in the Faculty elected by the students taking courses in the Faculty;
 - (d) two members from the relevant industries and professions related to the courses offered in the Faculty; and
 - (e) two co-opted members from any other Faculty of the University.
- (3) The Faculty Board shall be responsible for the planning, management and review of the programs and activities of the Faculty, including relations with the University, the community, the industry and the general public.
- (4) The Faculty Board may, from time to time, establish Industry Advisory Committees to assist the Board in the development of relevant programmes.

29. Composition of Centres and Institutes

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

Part VII – Financial provisions

30. Funds and property of the University

- (1) The funds and property of the University shall consist of—
- (a) such sums as may, from time to time, be payable to the University from moneys appropriated thereof 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;
 - (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 received by, the University, by way of fees, grants, subsidies, contributions, donations, subscriptions, rents, interest or royalties from the Government or 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; and
 - (f) such sums of money as may accrue to the University from any trust established by the University.
- (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.

31. Compliance with Acts

The Council shall at all times comply with the provisions of the Public Finance Management Act, Public Audit Act, Public Procurement Act and any other applicable laws.

[Cap. 37:02; Cap. 37:01; Cap. 37:03]

32. Audit of Accounts

- (1) 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 the Statutes.
- (2) The Council shall pay, in respect of any audit held under this Part, such fees, costs and expenses as may be appropriate.
- (3) 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 consider necessary for the purpose of the audit, and he may summon in writing all persons having knowledge of the affairs of the University, as he may find appropriate, to appear before him personally at the offices of the Council, at a time to be fixed in the summons, for examination in connection with any documents or matters relating to the audit.
- (4) Any person who—
 - (a) without just cause, fails or refuses to produce any document, the production of which has been duly required by the auditor; or
 - (b) having been summoned for examination in connection with any documents relating to an audit—
 - (i) without just cause, neglects or refuses to comply with the said requirement or summons;
 - (ii) without just cause, refuses to be examined having appeared before the auditor; or
 - (iii) without just cause, refuses to answer questions pertaining to the audit as are put to him by the auditor,

commits an offence and shall, upon conviction, be liable to a fine of K50,000 for every such refusal or neglect, and in default of payment of the fine, such person shall be liable to a term of imprisonment for six months:

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

- (5) On 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.
- (6) The Council shall consider the report of the auditor within three months after the date of the receipt thereof.

33. Accounts and funds

- (1) All the moneys of the University shall be held in the name of the Council and shall be paid into one of the following accounts—
 - (a) the Development Endowment Fund;
 - (b) the special account;
 - (c) the capital account;

- (d) the revenue account; or
 - (e) such other account as the Council may establish in respect of any trust the Council may establish in the exercise of its powers under this Act.
- (2) There shall be paid into the Development Endowment Fund all moneys that are received by the Council and declared specifically to be payable into the Fund.
- (3) The Council shall pay into the revenue account all interest received from the investment of the moneys of the Development Endowment Fund.
- (4) There shall be paid into the special account all moneys that are donated to and received by the Council for special purposes and which are not payable into the Development 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 the moneys were donated and in accordance with the conditions of the 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 the donation.
- (6) There shall be paid into the capital account all the moneys that 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—
- (a) the interest received from the investment of the moneys in the Development Endowment Fund;
 - (b) all fees, charges, dues and other amounts payable by, or in respect of students;
 - (c) all revenue and grants made by the Government of Malawi or any other Government, or any person, organization or trust of the University, to the Council for use by the University;
 - (d) all sums transferred under this Act from Development Endowment Fund or any other account to the revenue account; and
 - (e) all other sums received by the Council and not payable into the Development Endowment Fund or any other account.
- (9) The moneys standing to the credit of the revenue account shall be used and applied by the Council for the management and working of the University in such manner and for such purposes as, in the opinion of the Council, are best suited to promote the interests of the University.

34. Borrowings

Subject to the provisions of this Act and of the Public Finance Management Act, the Council may borrow, either by way of overdraft from a bank or otherwise, such sums as it may, from time to time, require for the carrying out of its functions and powers.

[Cap 37:02]

Part VIII – Miscellaneous provisions

35. The Statutes

- (1) Subject to this Act, the University shall be governed and administered in accordance with the provisions of Statutes made by the Minister with the advice of the Council.

- (2) The Statutes shall make provision for the better carrying out of the purposes, and the efficient administration of the University and of this Act.
- (3) Without prejudice to the generality of the foregoing, the Statutes may make provision 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 terms 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 terms 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; and
 - (e) such other matters, including matters of procedure and discipline, as may be found to be expedient or proper by the Minister for regulation by Statute.
- (4) The Council may, by special resolution, adopt the Statutes.
- (5) Upon the adoption of the Statutes by the Council under subsection (4), the Vice-Chancellor shall, as soon as it is practicable thereafter, submit to the Minister for his approval, a certified copy of the proposal as adopted by the Council.
- (6) If the Minister does not approve the proposal, he shall notify the Council, in writing, giving reasons for his non-approval.
- (7) If the Minister approves the proposal, he may, by order published in the *Gazette*, make the Statutes in accordance with the terms of the proposal.
- (8) For the purpose of this section, the expression “special resolution” means a resolution—
 - (a) notice of which has been given to each member of the Council, not less than thirty days before the date of the meeting of the Council at which it is intended to be moved;
 - (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 the meeting.

36. Amendment to the Statutes

- (1) The Statutes may be amended from time to time in accordance with this section.
- (2) The provisions of [section 35](#) (4), (5), (6), (7) and (8) shall apply, *mutatis mutandis*, to amendments to the Statutes.

37. Senate Regulations

- (1) Subject to this Act and the Statutes, and to the approval of the Council, the Senate may, for the better carrying out of its functions and powers under this Act and under the Statutes, make Senate Regulations by notice published as provided in subsection (3).

- (2) Without prejudice to the generality of the foregoing, Senate Regulations may make provision for—
 - (a) matters relating to teaching within the University, or to the teaching of any specified subject, periodic reports from professors and lecturers on the progress of students in any subjects, Faculty and other like matters;
 - (b) schemes of study and research, and conditions under which persons may be permitted to embark upon or to continue any such scheme;
 - (c) a research grant system to support academic individual and joint research undertakings;
 - (d) the award of Degrees, Diplomas or other academic honours and distinctions other than Honorary Degrees or distinctions;
 - (e) the conduct and supervision of examinations;
 - (f) the engagement and payment of external examiners;
 - (g) dealing with general academic disciplinary matters;
 - (h) dealing with research and development linkages with the industry and other institutions; and
 - (i) matters relating to the activities and progress of Centres and Institutes.
- (3) Any notice made pursuant to subsection (1) shall be published by the Registrar by causing copies thereof to be posted for not less than seven days—
 - (a) in a prominent place outside his office; and
 - (b) on boards provided for such purpose in each of the public halls of the University.

38. 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 on the Registrar.

39. Transfer of assets, liabilities, etc.

- (1) Property, assets, funds, liabilities, obligations, agreements and other arrangements existing at the commencement of this Act and vested in, acquired, incurred or entered into by or on behalf of the Malawi Industrial Research and Technology Development Centre shall, on the commencement of this Act, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the University and shall become enforceable by or against the University to the same extent as they were enforceable by or against the Malawi Industrial Research and Technology Development Centre.
- (2) Where the transfer of any property transferred to or vested in the University under subsection (1) is required by any written laws to be registered, the University shall, within one year from the commencement of this Act or within such other period as the written law may prescribe, apply to the appropriate registering authority for the registration of the transfer and thereupon the registering authority shall, at no cost to the University or any person by way or registration fees, stamp or other duties—
 - (a) make such entries in the appropriate register as shall give effect to the transfer;
 - (b) where appropriate, issue to the University a certificate of title or other statutory evidence of ownership of the property or make such amendments on such certificates or in the appropriate register as may be necessary; and
 - (c) make any necessary endorsement on such deeds or other documents as may be presented on such registering authority relating to the title, right or obligation concerned.

40. Transfer of employees

- (1) All appointments of members of the Malawi Industrial Research and Technology Development Centre made prior to the commencement of this Act and subsisting at that date shall, unless otherwise provided under any written law, be deemed to have been made in accordance with this Act.
- (2) Any person who, immediately prior to the commencement of this Act is employed by the Malawi Industrial Research and Technology Development Centre, shall, unless otherwise provided under any written law, be deemed to have been transferred to the employment of the University on the same terms and conditions of service and, for the purpose of determining his rights thereunder, his service shall be regarded as continuous from the time he was appointed by the Malawi Industrial Research and Technology Development Centre.