

CHAPTER 93

THE MWALIMU NYERERE MEMORIAL ACADEMY ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 93

THE MWALIMU NYERERE MEMORIAL ACADEMY ACT

An Act to establish the Mwalimu Nyerere Memorial Academy, to provide for functioning of the Academy and for matters connected therewith.

[1st October, 2005]

[GN. No. 433 of 2005]

Acts Nos.
6 of 2005
2 of 2007
12 of 2023

PART I PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Mwalimu Nyerere Memorial Academy Act.

Interpretation
Act No.
12 of 2023
ss. 30, 31

2. In this Act, unless the context otherwise requires-

“Academy” means the Mwalimu Nyerere Memorial Academy established under section 3 of the Act;

“Academic Committee” means a Committee established under section 9;

“academic staff” means staff engaged by the Academy for the purposes of teaching, research and consultancy;

“Authority” means regulatory authority responsible for the accreditation of the Academy;

“award” includes certificates, diplomas, degrees, postgraduate diplomas, postgraduate degrees, honorary degrees and any other award as may be determined by the Governing Board and approved by the National Council for Technical and Vocational Education and Training;

“branch” means a non-autonomous governance unit within the Academy or Campus established by a legal instrument of the Academy;

- “campus” means non-autonomous governance unit of the Academy established within or outside the proximity of the Academy and it may be established in respect of an autonomous center;
- “course” includes a planned series of instruction periods based on an approved syllabus and forming part of a curriculum or a programme designed for award;
- “Chairman” means the Chairman of the Governing Board appointed under section 6;
- “department” means a non-autonomous governance unit within a campus, school, faculty or directorate;
- “Deputy Rector” means a Deputy Rector appointed under section 12;
- “Governing Board” means the Governing Board established under section 6;
- “faculty” means a non-autonomous governing unit established for the purpose of overseeing the department’s undertakings relating to a specific discipline;”
- “financial year” means the financial year of the Academy as determined under section 16;
- “former Academy” means the Kivukoni Academy of Social Sciences incorporated in 1992 under the Companies Ordinance;
- “member” means a member of the Governing Board and includes the Chairman;
- “Minister” means the Minister responsible for higher education;
- “Rector” means the Rector of the Academy appointed under section 11;
- “staff” includes academic, technical and administrative staff employed by the Academy;
- “student” means any person admitted to an Academy as a candidate for a degree, diploma, certificate or other award of the Academy and includes a distance, part-time and an occasional or short term student.

PART II

MWALIMU NYERERE MEMORIAL ACADEMY

Establishment of
Mwalimu Nyerere
Memorial
Academy

3.—(1) There is hereby established an Academy to be known as the Mwalimu Nyerere Memorial Academy.

- (2) The Academy shall be a body corporate and shall—
 - (a) have perpetual succession and common seal;
 - (b) in its corporate name be capable of suing and being sued;
 - (c) be capable of purchasing or otherwise acquiring, and of alienating or disposing of any movable or immovable property;
 - (d) have power to lend or borrow any sums of money which it may require for its purposes;
 - (e) be capable of entering into contracts; and
 - (f) have power to perform all such other acts and things which are necessary for the proper performance of its functions or which may be performed under this Act.

Functions of
Academy
Act No
12 of 2023 s.32

4. The functions of the Academy shall be to—

- (a) provide facilities for study and training in social sciences, leadership and continuing education;
- (b) conduct training programmes in the disciplines specified in paragraph (a);
- (c) engage in research and development in the disciplines specified in paragraph (a) and to evaluate the results achieved by the Academy training programmes;
- (d) provide consultancy services to the public and private sectors in specified fields as prescribed in this Act;
- (e) sponsor, arrange, facilitate and provide facilities for conferences, symposia, meetings, seminars and workshop, for discussion of matters relating to social sciences, leadership and continuing education;
- (f) conduct examinations and grant awards of the Academy as approved by the Authority.

- (g) arrange for publication and general dissemination of material produced in connection with the work and activities of the Academy;
- (h) engage in income generating activities for effective financing and promotion of entrepreneurship;
- (i) establish and foster close association with the universities and other institutions of higher education and promote international cooperation with similar institutions;
- (j) do all such acts and transactions as are in the opinion of the Governing Board expedient or necessary for the proper and efficient discharge of the functions of the Academy; and
- (k) perform such other functions as the Minister or the Governing Board may assign to the Academy, or as are incidental or conducive to the exercise by the Academy of all or any of the preceding functions.

Establishment
of campuses,
branches, centres
and departments
Act No
12 of 2023 s.33

5.–(1) For purposes of extending its services in accordance with its objects, the Academy may establish campuses, branches and centres in Mainland Tanzania and Tanzania Zanzibar as may be required.

(2) For purposes of facilitating effective operation and administration of the campuses, branches or centres, the Governing Board may establish directorates, faculties and departments subject to guidelines issued by the Authority.

PART III THE GOVERNING BOARD

Establishment of
Governing Board
Acts Nos.
2 of 2007 s. 37
12 of 2023 s. 34

6.–(1) There shall be a Governing Board of the Academy which shall consist of-

- (a) Chairman who shall be appointed by the President;
- (b) one member representing the Ministry responsible for higher education;
- (c) one member representing the Ministry of Finance;

- (d) one member representing the Workers' Council other than members of the Management Team;
- (e) one member representing public higher learning institutions;
- (f) a Law Officer from the Office of the Attorney General;
- (g) one member representing the Academic Staff Assembly at the Academy;
- (h) one member elected by the students organisation; and
- (i) one member representing the Revolutionary Government of Zanzibar.”

(2) Except for the Chairman all members of the Governing Board shall be appointed by the Minister after they have been nominated or elected by the persons whom, or institutions that, they are each to represent in the Governing Board.

(3) The provisions of the Schedule to this Act shall have effect as to the tenure of office members, termination of their appointment, the proceedings of the Governing Board and other matters relating to the Governing Board and its members.

(4) The Governing Board may co-opt any person to attend any deliberations of the meetings as an expert but that co-opted person shall not be entitled to vote.

(5) The Minister may, by notice published in the *Gazette*, amend, vary, alter or replace any or all of the provisions of the Schedule.

Powers and duties
of Governing
Board
Act No
12 of 2023 s.35

- 7.-(1) The duties of the Governing Board shall be to-
- (a) govern and control the Academy;
 - (b) administer both movable and immovable properties of the Academy;
 - (c) administer the funds and other assets of the Academy;
 - (d) formulate policies of the Academy;
 - (e) signify the acts of the Academy by using the common seal;
 - (f) receive and give grants, gifts, donations or other moneys on behalf of the Academy;
 - (g) establish a search Committee;

- (h) establish committees as the Governing Board may deem fit;
- (i) receive, consider and make determination on reports and recommendation from the committees;
- (j) set fees of the Academy; and
- (k) do all acts as may be provided for in this Act as may in the opinion of the Governing Board be necessary or expedient for the proper performance of its functions.

(2) There shall be established the Human Resource Development and Disciplinary Committee, Finance and Planning Committee and Students Disciplinary Appeals Committee of the Governing Board.

(3) The Governing Board may establish such other committees and subject to this Act, may delegate to such committees the exercise of any function conferred upon the Governing Board.

(4) In the execution of the powers and duties conferred upon it under this Act, the Governing Board may direct the Management of the Academy or recommend in writing to the Minister such necessary measures to be taken for purposes of safeguarding the management, administration and best interests of the Academy

Search
Committee
Act No
12 of 2023
ss. 30 and 36

8.-(1) There shall be a Search Committee for making recommendations to the Governing Board for appointment of the Rector, the Deputy Rectors and other leaders as defined in the organisational structure of the Academy.

(2) The Search Committee shall consist of three members who shall be nominated by the Governing Board, and the Rector as the case may be, the Deputy Rector shall cause such Committee to convene.

(3) For the purpose of subsection (1), the Governing Board shall make guidelines governing the composition, procedures for the Search Committee and for the procedures of appointing other leaders who are not provided under the Academy's organisational structure

PART IV

THE ACADEMIC COMMITTEE

Academic
Committee
Act No.
12 of 2023
ss. 30 and 37

9.–(1) There shall be an Academic Committee for the Academy which shall consist of-

- (a) the Rector, who shall be the Chairman;
- (b) the Deputy Rector responsible for planning, finance and administration;
- (c) Directors responsible for academic, research and consultancy;
- (d) two representatives of the Students Organisation;
- (e) Dean of Students;
- (f) one representative from the College, School or faculty of Social Sciences of accredited university;
- (g) one representative from the Ministry responsible for higher education;
- (h) one representative from the Governing Board;
- (i) the Head of Quality Assurance Unit;
- (j) Campus Directors and Deputy Campus Directors responsible for academic matters;
- (k) Head of legal Unit;
- (l) Deans of Faculties;
- (m) Head of Information and Communication Technology Unit;
- (n) One member representing the academic staff assembly at the Academy; and
- (o) the Deputy Rector responsible for academic, research and consultancy who shall be the Secretary to the Committee

(2) The tenure of members of the Academic Committee shall be as may be determined by the Governing Board.

(3) The Academic Committee may co-opt any member provided that such co-opted member shall have no right to vote

Functions
of Academic
Committee
Act No.
12 of 2023 s.30

10.–(1) The Academic Committee shall be-

- (a) responsible to the Governing Board for the Control and general regulation of the instruction, education and

research in the Academy, and subject to the provisions of this Act, shall be the supreme organ in all academic matters within the Academy; and

(b) the Rector's decision making organ in respect of all academic matters of the Academy.

(2) Without prejudice to the generality of subsection (1), the Academic Committee shall have the following specific functions-

(a) to satisfy itself regarding the content and academic standard of any course of study ordered by the Academy;

(b) with the consent of the Governing Board to make regulations regarding-

(i) the eligibility of persons for admission to courses for a degree, diploma, certificate or other award as may be determined by the Governing Board; and

(ii) the standard of proficiency to be attained in each examination for a degree, diploma, certificate or other award as may be determined by the Governing Board;

(c) to regulate the conduct of examinations of the Academy;

(d) to decide whether any candidate for a degree, diploma, certificate or other award of the Academy has attained the standard of proficiency prescribed in the regulations made under paragraph (b);

(e) to consider recommendations made by the established department;

(f) to make proposals to the Academy on matters relating to the Academic affairs; and

(g) to perform such other functions as are conferred upon the Academic Committee by this Act.

(3) The regulations made under paragraph (b) of subsection (1) shall be published in the *Gazette*.

PART V ADMINISTRATION

Rector
Act Nos.
2 of 2007 s. 37
12 of 2023 s.30

11.-(1) There shall be a Rector who shall be appointed by the President upon recommendation by the Minister after consultation with the Governing Board, from amongst a list of not more than three names of persons submitted by a Search Committee.

(2) The Rector shall be the Chief Executive Officer of the Academy and shall be responsible to the Governing Board-

- (a) for the proper administration of the Academy in accordance with the policy laid down by the Governing Board;
- (b) for the enforcement of by-laws and regulations made by the Governing Board;
- (c) as the accounting officer; and
- (d) for exercising such other functions and powers as are conferred on him by or under this Act.

(3) The Rector shall, unless he sooner dies, resigns or otherwise ceases to hold office, hold office for a term of five years, upon such terms and conditions as shall be specified in the instrument of his appointment, and may be reappointed for a further term of five years.

(4) The Rector of the Academy shall be the Secretary to the Governing Board.

Appointment of
Deputy Rectors
Act No
12 of 2023
s38

12.-(1) Subject to the criteria set out by the Authority, The Governing Board may, on such terms and conditions as it may determine, appoint Deputy Rectors.

(2) The Deputy Rector responsible for academic, research and consultancy shall, where the Rector is unable to perform functions by reason of illness, infirmity or absence from the Academy, act as the Rector and in absence of both, Rector and Deputy Rector responsible for academic, research and consultancy, the Deputy Rector responsible for planning, finance and administration shall act as the Rector.

(3) The Deputy Rectors shall each hold office for a term of four years and may, on satisfactory performance, be reappointed for one further term.

Duties of Deputy Rectors
Act No.
12 of 2023 s.39

13.—(1) The Deputy Rector responsible for academic, research and consultancy shall-

- (a) be the principal assistant and chief advisor to the Rector in all matters pertaining to academic, research and consultancy; and
- (b) perform such other functions as conferred upon him by the Rector.

(2) The Deputy Rector responsible for planning, finance and administration shall-

- (a) be the principal assistant to the Rector in all matters pertaining to planning, finance and administration of the Academy; and
- (b) Perform such other functions as conferred upon him by the Rector.

Staff

14.—(1) The Governing Board may, on such terms and conditions as it may deem necessary, appoint such number of academic and non-academic staff of the Academy.

(2) Notwithstanding the provisions of sections 12 and 13 and subsection (1) of this section, the Governing Board may, subject to such conditions and restrictions as it may impose, delegate to any person or body of persons the power of appointment of any members or category of academic staff or other staff of the Academy.

PART VI

FINANCIAL PROVISIONS

Funds of Academy

15. The funds and resources of the Academy shall consist of-

- (a) such sums which may be appropriated by Parliament for the purpose of the Academy;

- (b) any sums which may be payable to the Academy by way of donations, gifts, grants, loans or bequests from any source within or outside the United Republic;
- (c) any sums accruing from the academy's investments;
- (d) any sums which the Academy may after consultation with Minister for Finance borrow for the purposes of the Academy; and
- (e) any sums which may in any manner become payable to or vested in the Academy as a result or in the course of discharging functions under this Act.

Annual budget estimates

16.—(1) The Academy shall prepare its income and expenditure estimates for the succeeding financial year and submit them to the Ministry for scrutiny and submission to the National Assembly for approval.

(2) The annual budget estimates shall contain provisions for all estimated expenditure during the ensuing financial year and in particular for-

- (a) promotion of teaching of research and consultancy services;
- (b) the payment of salaries, allowances and other charges in respect of the staff and the Governing Board;
- (c) the payment of construction, improvement, maintenance and replacement of any building or other immovable property of the Academy;
- (d) the proper maintenance and replacement of the furniture, equipment and other supplies of the Academy;
- (e) the creation of such reserve funds to meet future contingent liabilities as the Governing Board may deem fit; and
- (f) any other activity intended to promote the growth development of the Academy.

(3) An expenditure shall not be incurred for the purposes of the Academy except in accordance with the provisions of the annual budget estimates or any supplementary estimates approved by the Governing Board.

(4) A copy of annual estimates and of every supplementary estimates, if any, shall immediately after approval by the Governing Board be, forwarded to the Minister for onward submission to the National Assembly.

Power to invest

17. Investment of the money shall be done by the Board in any viable venture as it may consider appropriate having regard to the economic and commercial viability.

Accounts and audit

18.—(1) The Governing Board shall cause to be provided and kept proper books of accounts and records with respect to the receipt and expenditure of money by, and other financial transactions of the Academy and assets and liabilities of the Academy, and shall cause to be made out for every financial year a balance sheet and a statement of income and expenditure.

(2) Within three months after the close of each financial year, the accounts shall be submitted for auditing to a firm approved by the office of the Controller and Auditor-General.

(3) As soon as the accounts of the Academy have been audited and in any case not later than six months after the close of the financial year, the Governing Board shall submit to the Minister a copy of the audited statement of accounts together with a copy of the report made by the Auditor approved by the office of the Controller and Auditor-General on the Statement of Accounts.

Financial report to be laid before National Assembly

19. The Minister shall, as soon as practicable after receiving the report, lay it before the National Assembly together with a report containing-

- (a) a copy of the audited accounts of the Academy;
- (b) a copy of the audit report on the account; and
- (c) a report on the activities of the Academy in the preceding financial year.

PART VII

MISCELLANEOUS PROVISIONS

Fees and allowances
Act No.
12 of 2023 s. 40

20. Members of the Governing Board shall be entitled to fees and allowances at such rates as may be prescribed by the relevant authority.

Minister may give directions

21. The Minister may give to the Governing Board directions of a general or specific character which directions shall be consistent with the purposes and provisions of this Act, as to the performance by the Governing Board of any of its functions under this Act and the Governing Board shall give effect to every such direction given by the Minister.

Protection of members

22. A member of the Governing Board or a staff of the Academy shall not be personally liable for anything done or omitted to be done *bona fide* in the execution or purported execution of any duty as a member of Governing Board or a member of Academy.

Vesting of assets and liabilities

23.—(1) Upon dissolution of the former Academy, all the assets and liabilities of the former Academy at Kivukoni and Zanzibar shall, with effect from the date of commencement of this Act and without further assurance vest in the Academy.

(2) The Academy shall be granted a right of occupancy over the site previously occupied by the former Academy at Kivukoni, Zanzibar or other place upon such terms and conditions as the President may approve.

Transitional provisions

24. The Academy shall carry out and continue the functions of the former Academy in accordance with the provisions of this Act and all the students who immediately before the date of commencement of this Act who were the students of the former Academy shall, as from the date of commencement of this Act continue to be students of the Academy.

Employees of former Academy 25.–(1) Salaries, remunerations and other benefits of the former Academy employees shall be maintained until such time as may be preferred for change by the Governing Board.

(2) Subject to the provisions of subsection (1), the Governing Board shall formulate the manner or procedure in which to deal with the employees of the former Academy.

Regulations 26.–(1) The Minister may, after consultation with the Governing Board, make regulations for the better carrying out of the purposes and provisions of this Act and without prejudice to the generality of this subsection, may make regulations-

- (a) fixing the fees, rates and other charges for or in connection with the provisions by the Academy of any facilities or services;
- (b) providing for proper management and control of administration of the Academy;
- (c) providing for and regulating discipline amongst staff and the students of the Academy and disciplinary action against them;
- (d) prescribing terms and conditions of services, appointment, salary of the members of the Academy;
- (e) providing for the manner in which the Search Committee may conduct its business; and
- (f) providing for any matter which may be prescribed under this Act.

(2) Regulations made under this section shall be published in the *Gazette*.

SCHEDULE

(Made under section 6(3))

Tenure of office
Act No.
12 of 2023 s.41

1.–(1) The Chairman of the Governing Board shall hold office for a period of four years from the date of his appointment and may be re-appointed for one further term.

(2) Subject to the provisions of this Schedule, the term of office of members of the Governing Board other than the Chairman, shall be three years.

(3) In case of a member appointed by virtue of his office shall cease to be a member upon ceasing to hold such office.

Absence from three consecutive meeting

2. Where any member absents himself from three consecutive meetings of the Governing Board without reasonable excuse, the Governing Board shall advise the appointing authority of the fact and the appointing authority may, if it deems fit so to do, terminate the appointment of the member and appoint or, as the case may be, elect another member in his place.

Appointing authority may appoint another member

3.-(1) Where any member of the Governing Board ceases to be such a member by resignation or death, or by virtue of the operation of paragraph 1(2), or is unable to perform his functions as such member by reason of his absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment under paragraph 2 or paragraph 3, the appointing authority may appoint or, as the case may be, elect another member in his place and the member elected shall, subject to the provisions of this Schedule, hold office for the remainder of the term of his predecessor.

(2) Where in the opinion of the appointing authority, the absence or infirmity of any member is of a temporary nature only, it may appoint or, as the case may be, elect a temporary member to take his place, and such temporary member shall have, so long as he remains a temporary member, all the powers and functions of a member of the Governing Board:

Provided that, on the resumption of office by the substantive member, the temporary member shall cease to hold such office.

Vice-Chairman

4. The Governing Board shall elect one of its members to be the Vice Chairman and any member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his election, and shall be eligible to be re-elected.

Powers of Chairman and Vice-Chairman

5.-(1) The Chairman shall preside at all meetings of the Governing Board.

(2) Where at any meeting of the Governing Board, the Chairman is absent, the Vice-Chairman shall preside.

(3) In the absence of both the Chairman and the Vice-Chairman at any meeting of the Governing Board, the members present may, from amongst their number, elect a temporary Chairman who shall preside at that meeting.

Meetings of Governing Board Act No. 12 of 2023 s. 41

6.-(1) The Governing Board shall meet at least four times a year .

(2) An ordinary meeting of the Governing Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence.

(3) Where the Chairman is unable to act by any reason, the Vice Chairman shall convene the meeting.

(4) The Chairman or, in his absence, the Vice Chairman, may, if requested in writing in that behalf by at least half of the members, convene a special meeting of the Governing Board.

(5) The Governing Board may review its own decision made under this Act.

Quorum

7.-(1) At any meeting of the Governing Board not less than one half of the members in office for the time being shall constitute a quorum.

(2) Where a quorum is not present within half an hour of the time appointed for the meeting, the members present, or the majority of them, or any one member or if the only one present is the Secretary and no member is present, the Secretary may adjourn the meeting to any time not later than fourteen days from the adjournment.

Seal of Governing Board
Act No
12 of 2023 s.30

8.-(1) The seal of the Academy shall be of such shape, size and form as the Governing Board may determine.

(2) The seal shall be affixed in the presence of-

- (a) the Rector;
- (b) the Deputy Rector; or
- (c) such person or persons appointed in writing by the Rector in that behalf, and the person or persons present shall sign over or underneath the sealing in witness thereof.

Governing Board
may regulate its
proceedings

9. Subject to the provisions of this Schedule the Governing Board may regulate its own meetings.