

**THE MUHIMBILI UNIVERSITY COLLEGE OF  
HEALTH SCIENCES (AMENDMENT) ACT, 2000**

**ARRANGEMENT OF SECTIONS**

*Sections*

*Title*

1. Short title
2. Amendment of section 2.
3. Amendment of section 6.
4. Amendment of section 7.
5. Amendment of section 8.
- 5A. Addition of section 5A and 5B
6. Amendment of section 9.
7. Amendment of section 10.
8. Amendment of section 12.
9. Amendment of section 13.
10. Amendment of section 14.
- 10A. Addition of section 10A. Amendment of section 22.
11. Amendment of section 26, 27 and 28.
12. Amendment of section 29.
13. Repeal and Replacement of section 32.
14. Addition of First Schedule.

THE UNITED REPUBLIC OF TANZANIA



No. 8 OF 2000

I ASSENT,

*Benjamin W. Mkapa*

President

*10<sup>th</sup> June, 2000.*

**An Act to amend the Muhimbili University College of Health Sciences Act, 1991 and for related matters.**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Muhimbili University College of Health Sciences (Amendment) Act, 2000, and shall be read as one with the Muhimbili University College of Health Sciences Act, 1991, referred to in this act as "the principal Act".

Short title  
Act No. 9  
of 1991

2. Section 2 of the principal Act is amended:

"Amendment of  
section 2

(i) by deleting the definition "Board of Trustees" and substituting for it the following definition-

The "Board" means the Governing Board of the College established by section 5A.

(ii) by deleting the definitions the "Centre" and the "Director General";

"Addition of section 5A and 5B

**2B.** The principal Act is amended immediately below section 5 by adding the following sections-

"Govern-  
ing Board  
of the  
College

**5A.**—(1) There shall be a Governing Board of the College which shall be answerable to the University Council.

(2) The provisions of the First Schedule to this Act shall have effect to the composition of the Board, the tenure of office of its members, termination of their appointment, the proceedings of the Board and other matters in relation to the Board and its members.

(3) The Minister may by order in the *Gazette* amend, vary or replace all or any of the provisions of the First Schedule to this Act.

Powers  
and  
duties of  
the Board

**5B.**—(1) Subject to the provisions of this Act, the governance and control of the College shall be vested in the Board.

(2) In particular, and without prejudice to the generality of sub-section (1), the Board shall have power-

- (a) to administer the properties of the College, both movable and immovable;
- (b) to administer the funds, investments and other assets of the College;
- (c) to signify the acts of the College by use of the common seal;
- (d) on behalf of the College, to receive gifts, donations, grants or other moneys and to make disbursements therefrom to colleges, schools, faculties, institutes, the Library and other libraries, centres or directorates, units or to other persons or bodies;
- (e) subject to the provisions of the Act, to appoint, settle the terms and conditions of service or terminate the appointment of officers and other employees of the College as it may deem necessary, provided that for the purpose of this provision, "officers" shall include the Principal, the Registrar of the College and the Dean of Students.
- (f) to establish or appoint boards and committees for the proper and better carrying out of its functions;
- (g) to define the rights, obligations and privileges of the members of the College;

- (h) subject to the provisions of the Act, to establish schools, faculties, institutes, libraries, centres or directorates, etc., and to disestablish any one or more of these;
- (i) to do all such other acts and things as are provided for in the Act or as may be prescribed.

(3) The Board may, as it deems fit, delegate any one or more of the powers and functions granted to it under the Act or any other written law to the Academic Board of the College, subject to any limitations or conditions the Board may prescribe."

3. Section 6 of the principal Act is amended.

Amend-  
ment of  
section 6

- (a) by deleting the words "and the Board of Trustees of the Muhimbili Medical Centre" which appear at the end of subsection (1); and
- (b) by deleting the words "to the Board of Trustees" which appear in paragraph (a) subsection (3).
- (c) by deleting paragraph (b) of subsection (3) of section 6.

4. Section 7 of the principal Act is amended by deleting the words "Board of Trustees" appearing in subsection (1) and (2) and substituting for them the words "the Board".

Amend-  
ment of  
section 7

5. Section 8 of the principal Act is amended by deleting paragraph (c) of subsection (1) and renumbering the remaining paragraphs in appropriate alphabetical order.

Amend-  
ment of  
section 8

6. Section 9 of the principal Act is amended by deleting the words "Board of Trustees" appearing in subsections (4), (5) and (7) and substituting for them the words "the Board".

Amend-  
ment of  
section 9

7. Section 10 of the principal Act is amended by deleting the phrase "after consultation with the Board".

Amend-  
ment of  
section  
10

8. Section 12 of the principal Act is amended-

Amend-  
ment of  
section  
12

- (a) by deleting paragraphs (a), (c) and (e) of subsection (1) and substituting the phrase "paragraphs (a), (c), (e) and (g)".
- (b) in subsection (5) of section 12 by deleting the words "Board of "Trustees" wherever they appear and substituting the words "the Board".

"Amendment of section 13

**9. Section 13 of the principal Act is amended by deleting that section and substituting for it the following-**

Appointment committee for Administrative staff

**13.-(1) There shall be an Appointment Committee for the Administrative Staff which shall be composed of-**

- (a) the Principal of the College who shall be the Chairman;
- (b) two members of the Board not being members of the Academic Board;
- (c) the Dean of Students;
- (d) heads of all service Departments;
- (e) the Registrar of the College;
- (f) a Workers' Union representative.

(2) Where the Appointments Committee meet to make or approve any appointment, in addition to the persons specified in subsection (1), the Dean of the Faculty, the Director of the Institute and the Head of the Department concerned shall be entitled to sit in the Committee as a temporary member.

(3) The members of the Appointments Committee shall hold office for a period of three years.

(4) All Senior Administrative appointments shall be referred to the Board for approval.

(5) The Appointments Committee shall have such functions as may be conferred upon it by or under this Act or as may be delegated to it by the Board".

Amendment of section 14

**10. Section 14 of the principal Act is amended by deleting the words "the Board of Trustees" appearing in subsections (4), (5) and (6) and substituting for them the words "the Board".**

"Amendment of section 22

**10A. Section 22 of the principal Act is amended by deleting subsection (2) (a) and substituting for it the following-**

(2) (a) a Chairman who shall be appointed by the Vice-Chancellor of the University preferably from outside the College".

11. Sections 26, 27 and 28 of the principal Act are amended by deleting the words "Board of Trustees" wherever they appear in those sections and substituting for them the words "the Board"

Amendment of sections 26, 27 and 28

12. Section 29 of the principal Act is amended by deleting the words "the Board".

Amendment of section 29

13. Section 32 of the principal Act is repealed and replaced by the following—

"Repeal and replacement of section 32

Vesting of assets and liabilities      **32. All the assets and liabilities of the College subsisting upon the effective date shall by virtue of this section and without further assurance, vest in the Board".—**

14. The principal Act is amended—

"Addition of First Schedule

(a) by inserting the following Schedule immediately above the current Schedule:

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FIRST SCHEDULE

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*Made under section 5A*

1.—(1) There shall be a Governing Board of the College whose members shall be not less than seven and not more than nine who shall be drawn from both outside the College and from among members of the College.

The Board

- (2) The membership of the Board shall include—
- (a) the Vice-Chancellor who shall be the Chairman;
  - (b) the Principal of the College who shall be the Secretary;
  - (c) the Executive Director of the Muhimbili National Hospital;
  - (d) Director of Higher Education - Ministry of Science, Technology and Higher Education.

- (e) Director of Human Resources for Health - Ministry of Health;
- (f) one member who shall be appointed by the Minister for the time being responsible for Higher Education;
- (g) the Treasury Registrar;
- (h) one legally qualified person holding office in the Attorney Generals Chambers.

(3) The proceedings of the Board and other matters relating to the Board and its members shall be governed by Regulations.

(4) The tenure of office of the members of the Board shall be during the transition period subject to a member's eligibility for reappointment for a further term.

(5) The Board shall be the principal policy making body of the College.

(6) The quorum for meeting of the Board and of the boards and committees of the Board shall be provided for by Regulations.

Powers  
and  
functions  
of the  
Board

2.-(1) Subject to the provisions of the Act, the governance and control of the College shall be vested in the Board.


Valida-  
tion of  
proceed-  
ings of  
the Board

3. No act or proceedings of the Board shall be invalid by reasons only of the required number of the members not being complete or the quorum for the proceedings not being realized at the time of such act or proceedings or of any defect in the appointment of any member of the Board or the fact that any member of the Board was at the time in question disqualified or disentitled to act as such—

- (b) by amending the title of the current Schedule by deleting the words "Schedule" and substituting for it the words "THE SECOND SCHEDULE";
- (c) in sub paragraph (1), (2) and (3) of paragraph 1 and sub-paragraph (1) of paragraph (2) by deleting the words "and Director General";
- (d) in sub paragraph (4) of paragraph 1 by deleting the words "Board of Trustees" and substituting for them the words "the Board";

- (e) in sub paragraph (2) of paragraph 2 by deleting the words "Director General" and substituting for them the words "appointments committee for the administrative staff";
- (f) in sub paragraph (2) of paragraph 2 by deleting the phrase "and subject to the approval of the Board";
- (g) in paragraph 3 by deleting the words "Director General" and substituting for them the words "the Principal of the College";
- (h) in paragraph 4 by deleting the phrase "unless the Director General directs otherwise".

Passed in the National Assembly on the 10<sup>th</sup> April, 2000.

  
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Clerk of the National Assembly