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## University of Swaziland Act Act 2 of 1983

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# University of Swaziland Act

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## eSwatini

# University of Swaziland Act Act 2 of 1983

Commenced on 11 March 1983

*[This is the version of this document at 1 December 1998.]*

An Act to establish the University of Swaziland and to provide for matters incidental thereto.

## Part I – Preliminary

### 1. Short title

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

### 2. Interpretation

In this Act unless the context otherwise requires—

“**Bursar**” means the Bursar of the University appointed under [section 12](#);

“**Chancellor**” means the Chancellor appointed under [section 8](#);

“**Council**” means the council of the University established under [section 14](#);

“**Pro Vice-Chancellor**” means the Pro Vice-Chancellor appointed under [section 10](#);

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

“**Financial year**” means the period referred to under [section 26](#);

“**Former University**” means the University of Botswana and Swaziland established under the University of Botswana and Swaziland Order, 1976 and the University of Botswana Lesotho and Swaziland;

“**Graduate**” means a graduate of the University or of the former University;

“**Minister**” means the Minister responsible for Education;

“**Lecturer**” means a lecturer of the University;

“**Registrar**” means the Registrar appointed under [section 11](#);

“**Senate**” means the Senate established under [section 17](#);

“**Statute**” means a Statute made by the Council under [section 15](#);

“**Student**” means a student of the University;

“**University**” means the University of Swaziland established under [section 3](#);

“**Vice-Chancellor**” means the Vice-Chancellor appointed under [section 9](#).

## Part II – Establishment and functions of the University

### 3. Establishment of the University

- (1) There is hereby established a University which shall be known as the University of Swaziland.

- (2) The University shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name and of doing and performing all such things and acts as a body corporate may lawfully do or perform.

#### **4. Membership of the University**

- (1) The University shall consist of—
- (a) the Chancellor;
  - (b) the Vice-Chancellor;
  - (c) the members of the University Council;
  - (d) the Registrar, the Bursar, and the Librarian;
  - (e) the Pro Vice-Chancellor;
  - (f) the members of the Academic Staff;
  - (g) the Emeritus Professors of the University and former University;
  - (h) the graduates of the University and of the former University;
  - (i) the students of the University.
- (2) The Council may, on the recommendation of the Senate, declare other persons to be members of the University.

#### **5. Objects and functions of the University**

- (1) The objects and functions of the University shall be—
- (a) to provide instruction to all students admitted to the University;
  - (b) to assist in the preservation, transmission and increase of knowledge and in the stimulation of the intellectual life and cultural development of Swaziland;
  - (c) to provide facilities for higher learning, including technological and professional education, and for research;
  - (d) to conduct examinations for granting degrees, diplomas, certificates and other awards;
  - (e) to co-operate with other bodies in the planned development of higher education and, in particular to examine and, if thought fit, approve proposals for new Faculties, departments, courses and subjects of study.
- (2) The University shall not discriminate against any person because of race; religion, sex or any other ground in respect of—
- (a) the registration of any person as a student of the University; or
  - (b) the appointment of any person to the academic or other staff of the University.

#### **6. Custody and authentication of common seal**

- (1) The common seal of the University shall be kept in such custody as the University Council may direct and shall not be used except on the order of the University Council.
- (2) The common seal of the University shall be authenticated by the signature of the Vice-Chancellor, or of one other member of the University Council duly authorized by the Council and the Registrar.

- (3) The common seal of the University, when affixed to any document and duly authenticated under this section, shall be judicially and officially noted and unless the contrary is proved, any other or authorization by the signatories shall be presumed to have been lawfully made.

## 7. Degrees, diplomas, etc.

- (1) Subject to this Act the University may—
  - (a) confer such degrees and grant such diplomas or certificates as may be provided for in the Statutes;
  - (b) confer any degree *honoris causa* upon any person who has rendered distinguished service in the advancement of any branch of learning or who has otherwise rendered himself worthy of such degree as may be provided for in the Statutes;
  - (c) confer the title of Emeritus Professor upon any professor, on retirement or resignation from the service of the University, who has served with distinction, as may be provided for in the Statutes.

## Part III – Officers of the University

### 8. Chancellor

- (1) There shall be a Chancellor of the University who shall be the Head and Chief Officer of the University.
- (2) The Chancellor of the University shall be His Majesty the King of Swaziland.
- (3) The Chancellor may delegate his powers under this Act to any other person.

### 9. Vice Chancellor

- (1) There shall be a Vice-Chancellor who shall be the Chief Academic and Administrative Officer of the University and who shall exercise such powers and perform such duties as may be conferred on him by the Statutes.
- (2) The Vice-Chancellor shall subject to the approval of the Chancellor in consultation with the Prime Minister and the Minister, be appointed by the Council.

[Amended A.3/1997]

- (3) Before the appointment of the Vice Chancellor, a Committee of seven shall select the names of possible candidates and submit them to the Council for its submission to the Minister who shall in turn submit them to the Chancellor.

[Amended A.3/1997]

- (4) The committee of seven members shall be detailed in the University statutes.
- (5) The Vice-Chancellor shall be an *ex-officio* Chairman of the Senate.
- (6) The Vice-Chancellor shall, in the absence of the Chancellor, have power to confer degrees.

### 10. Pro Vice-Chancellor

There shall be a Pro Vice-Chancellor who shall act as Vice-Chancellor during a vacancy in that office or during the absence, inability or incapacity of the Vice-Chancellor.

## 11. Registrar

- (1) There shall be a Registrar of the University appointed by the Council who shall be the Chief Administrative Officer of the University and shall exercise such powers and perform such duties as are assigned to him under this Act, the Statutes and by the Council, or as may be 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 determined by the Council,

## 12. Bursar

There shall be a Bursar of the University who shall be appointed by the Council in such manner and under such conditions as provided for in the statutes, and who shall be responsible to the Vice-Chancellor for the financial administration of the University.

## 13. Librarian

There shall be a librarian of the University who shall be appointed by the Council in such manner and under such conditions as provided for in the Statutes, and who shall be responsible to the Vice-Chancellor for the Libraries of the University.

# Part IV – Council of the University

## 14. Council

- (1) There shall be a Council of the University which shall, subject to this Act, be responsible for the Government, control and administration of the University.
- (2) The Council of the University shall consist of—
  - (a) the Chairman of the Council appointed by the Chancellor in consultation with the Minister;
  - (b) the Vice-Chancellor;
  - (c) the Pro Vice-Chancellor;
  - (cc) the Attorney-General;

*[Added A.3/1997]*

  - (d) four persons appointed by the Minister after consultation with the relevant Ministries as follows—
    - (i) Ministry of Education;
    - (ii) Ministry of Finance;
    - (iii) Department of Establishments & Training;
    - (iv) Department of Economic Planning & Statistics;
  - (e) three persons elected by the Senate from among its members
  - (f) three persons appointed by the Chancellor who are not public officers;
  - (g) one person elected by the Academic Staff who are not members of the Senate, and the Senior Administrative Staff, acting as an electoral college; such elected person being a member of the electoral college;



- (h) two members elected by graduates of the University or former University, who are resident in Swaziland;
  - (i) one student elected by the Students' Representative Council of the University who shall not participate in the consideration of or voting upon matters of a confidential or personal nature as determined by the Chairman;
  - (j) not more than three persons appointed by the Council by reason of their competence in education or related fields.
- (3) Subject to subsection (4) members of the Council other than those appointed under paragraphs (a), (b) and (c) of subsection (2) shall hold office for such period, not exceeding three years, as may be specified in their appointments.
- (4) The office of a member of the Council shall become vacant—
- (a) if he ceases to be qualified to be a member;
  - (b) if he resigns his office in writing under his hand addressed to the Registrar;
  - (c) if the Council is satisfied that such member is, by reason of physical or mental infirmity, or by absence from three or more consecutive meetings without the permission of the Chairman, unable to exercise the functions, of his office;
  - (d) on his death.
- (5) Where the office of a member of Council becomes vacant for any reason specified in subsection (4) the Registrar shall notify the body which originally appointed or elected such member of such vacancy and such body shall forthwith fill the vacancy in the manner specified.
- (6) In the absence of the Chairman of the Council the members of the Council present at any meeting may elect one of their member to act as Chairman for that meeting.
- (7) All decisions of the Council shall be made by a majority of the members present and where there is an equality of votes the Chairman for that meeting shall have a casting vote in addition to his deliberative vote.
- (8) The quorum at any meeting of the Council shall be eight. Where there is no quorum at any meeting the meeting shall be adjourned.
- (9) Subject to this Act and the Statutes, the Council may regulate its own procedure.

## 15. Statutes

- (1) Subject to subsection (2), in the performance of its functions and in the carrying out of its duties under this Act, the Council may make Statutes for—
- (a) the government, control and administration of the University;
  - (b) the validation of acts or resolutions of the Council or the Senate notwithstanding—
    - (i) any vacancy in the body doing such acts or passing such resolutions;
    - (ii) any want of qualifications by or invalidity in the election or appointment of any member of that body whether present or absent from any meeting thereof and whether or not the member voted on the acts or resolutions;
    - (iii) that the appointment or term of office of any such member of either body shall have expired or for any other reason;
  - (c) the better carrying into effect of the objects of this Act; and

- (d) purposes connected with paragraphs (a), (b) and (c).

*[Amended A.3/1997]*

- (2) The Council shall not make, amend or revoke any Statute which relates to the Senate, the description of examinations for the award of degrees, diplomas, certificates, honorary degrees or other awards of the University or the conferring of degrees, honorary degrees or the award of diplomas, certificates or other awards without first consulting the Senate upon such Statute, amendment or revocation, as the case may be.

## **16. Powers and duties of the Council**

- (1) Without prejudice to the generality of [section 14](#) the Council may—
  - (a) make any appointment authorized by this Act or any Statute;
  - (b) after consultation with the Senate in the case of academic posts, establish, confirm, abolish, or hold in abeyance any post in the University;
  - (c) govern, manage and regulate the finances, accounts investments, property, business and all other affairs of the University;
  - (d) invest any monies belonging to the University in such manner as it thinks fit;
  - (e) provide for the welfare of all persons employed by the University;
  - (f) determine the terms and conditions of service upon which examiners shall be appointed by the Senate;
  - (g) take into consideration and, if deemed proper to do so, give effect to reports from the Senate on those matters upon which the Senate is authorized or required by this Act or by any Statute to make reports;
  - (h) after consultation with the Senate, by Statute, group full-time and part-time teaching members of the academic staff, and students, into Departments and Faculties according to their academic subjects and to approve the appointment or election of Heads of Departments and Deans of the Faculties;
  - (i) after consultation with the Senate, by Statute determine whether any institution of learning or research desiring affiliation with the University shall be so affiliated and, in such case, the nature of the affiliation;
  - (j) do or perform such other things or functions as may assist it in the performance of its functions.
- (2) All documents, other than those required by law to be under the Common Seal of the University, made on behalf of the Council and all decisions of the Council shall be signified under the hand of the Chairman, the Vice-Chancellor or the Registrar or of any member of the Council generally or specifically authorized by the Council in that behalf.

## **Part V – The Senate**

### **17. Establishment and composition of the Senate**

- (1) There shall be a Senate of the University which shall be the academic authority of the University and shall control and direct the teaching, research, examinations and the award of degrees, diplomas, certificates and other awards.
- (2) The Senate of the University shall consist of—
  - (a) the Vice-Chancellor who shall be Chairman;

- (b) the Pro Vice-Chancellor;
- (c) the Deans of the Faculties;
- (d) Professors of the University, one elected from each Faculty;
- (e) the Director of the Division of Extra Mural Services;
- (f) Faculty Representatives, one elected from each Faculty;
- (g) the Librarian;
- (h) one student from each of the University Campuses elected by the Student Representative Council who shall not participate in the consideration of or voting upon a matter of a confidential or personal nature as may be determined by the Chairman:

Provided that this paragraph shall operate with effect from the 1997/1998 academic year;

[Amended A.3/1997]

- (i) the Registrar who shall be secretary to the Senate and shall be an *ex-officio* member of Senate but shall not be entitled to vote.
- (3) Subject to this Act and to the Statutes, the Senate may regulate its own procedure.
- (4) The Senate may—
- (a) appoint any committee consisting of members of the Senate and such other persons as it may think fit;
  - (b) co-opt any person for the purpose of aiding it in its deliberations;
  - (c) delegate any of its functions to any committee appointed under paragraph (a) of this section;
  - (d) nominate such members, as may be necessary, to serve on joint committees established by the Council.
- (5) The quorum at any meeting of the Senate shall be one-third of the members and if there is no quorum at any meeting, the meeting shall be adjourned.
- (6) Where there is an equality of votes at any meeting, the Chairman shall have a casting vote in addition to his deliberative vote.

## 18. Powers and duties of the Senate

The Senate shall have powers and perform such duties as are prescribed by this Act and by the Statutes.

### 18bis.Validation of decisions of Senate and Council

Notwithstanding the provisions of any other law, any decisions or resolutions made by the Council or the Senate since 11th March, 1983 but before the date of publication of this Act shall be deemed to be valid in spite of any irregularities or deficiencies in the composition of these bodies or irregularities or deficiencies in the elections or appointments of their members or any other irregularities or deficiencies whatsoever:

Provided that the decision or resolution of the Council of 4th August, 1995 shall not be validated by this section.

[Added A.3/1997]

## Part VI – Faculties

### 19. Faculties of the University

- (1) There shall be within the University such Faculties as the Council may, on the recommendation of the Senate, determine.
- (2) The affairs of each Faculty shall be conducted by a Faculty Board under the Chairmanship of a Dean.

### 20. Deans

- (1) There shall be a Dean of each Faculty, who shall be *ex-officio* the Chairman of the Faculty Board, and who shall, under the general direction and control of the Vice-Chancellor, perform such other functions and exercise such other duties as may, from time to time, be determined by the Senate.
- (2) The Dean of a Faculty, shall be elected from and by the staff holding posts assigned to the Faculty and shall hold office for such period as may be determined by the Senate.
- (3) A Dean of a Faculty shall be eligible for re-election.

## Part VII – Staff of the University

### 21. Academic and Administrative Staff

- (1) The Academic Staff of the University shall consist of the Vice-Chancellor, the Pro Vice-Chancellor, the Librarian and all members of the staff who are engaged in teaching or research.
- (2) The Administrative Staff of the University shall consist of the Registrar, the Bursar and such other members of the staff, not being engaged in teaching or research as the Council may from time to time determine.

### 22. Appointment of staff

- (1) All members of the staff of the University shall, subject to this Act and to the Statutes, be appointed by the Council and shall be so appointed or promoted either—
  - (a) upon such terms and conditions of service as may be prescribed from time to time by the Council;
  - (b) in the case of a person seconded to the service of the University from the service of any other University or similar institution or the public service, on such terms and conditions as may be agreed between the Council and the seconding body.
- (2) The Council may, subject to such conditions as it may impose, delegate, to any person or committee, the power to appoint any member of the staff of the University.
- (3) All members of the staff of the University shall be subject to the general authority of the Council and of the Vice-Chancellor.

## Part VIII – Students of the University

### 23. Students

The students of the University shall be those who—

- (a) will have paid their fees for that year by the date and in the manner stipulated in the Statutes;

- (b) are properly registered with the University; and
- (c) are receiving regular instruction in the University;

Provided that this section shall operate with effect from the 1997/1998 academic year.

*[Amended A.3/1997]*

## **24. Students' Representative Council**

- (1) There shall be a Students' Representative Council which shall be constituted in accordance with the Statutes.
- (2) The Council shall, by Statute and on the recommendation of the Senate approve the constitution and determine the functions, rights, privileges and other matters relating to the Students' Representative Council.

## **Part IX – Financial provisions**

### **25. Funds, assets and liabilities**

The funds, assets and liabilities of the University shall consists of—

- (a) the funds, assets and liabilities transferred in accordance with [section 31](#);
- (b) moneys or property that may from time to time be donated, lent or granted to the University;
- (c) property and investments acquired by or vested in the University and all money earned or arising therefrom;
- (d) all moneys or property that may in any manner become payable or vested in the University in respect of any matter regarding its power and duties.

### **26. Financial year**

The financial year of the University shall be the period from the first of April in one year to the thirty-first of March in the following year or in respect of the first accounting period, a period whether shorter or longer than twelve months as the Council may determine.

### **27. Estimates**

- (1) Before the commencement of each financial year the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year.
- (2) Estimates shall be approved by the Council before the commencement of the financial year to which they relate.
- (3) No expenditure shall be incurred for the purposes of the University that has not been approved by the Council.

### **28. Accounts and audit**

- (1) The Council shall cause to be kept proper books and records of account of the income, expenditure and assets and liabilities of the University.
- (2) Within six months of the end of the financial year, the Council shall submit to the University's auditors the accounts of the University together with—
  - (a) a statement of income and expenditure at the end of such year; and
  - (b) a statement of the assets and liabilities of the University during such year.

- (3) The accounts of the University shall be audited annually by an auditor appointed by the Council and such auditor shall report directly to the Council.
- (4) An annual report shall be compiled and submitted to Minister and the Council.
- (5) The Minister shall lay the annual report and the audited accounts before Parliament at its first sitting after he has received them.

## **Part X – Repeal, transitional & consequential provisions**

### **29. Repeal of the University of Botswana and Swaziland Order, 1976 and the University College of Swaziland Order, 1976**

The University of Botswana and Swaziland Order, No. 29 of 1976 and the University College of Swaziland Order, No. 30 of 1976 are hereby repealed.

### **30. Transitional**

- (1) Subject to this Act, the University may, until the 31st of December, 1984, confer on any person who has by examination or other test attained the appropriate standard of proficiency, any degree, diploma or certificate which would have qualified such person for the award in the former University.
- (2) Until statutes and regulations have been made under this Act, the statutes and regulations, deeds and administrative directives made or given under the Orders repealed by [section 29](#), shall, subject to such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act, as the relevant authority may determine, continue to have effect.
- (3) Members of the academic staff and all officers and employees of the former University in receipt of salaries or other payment, shall hold substantially the same offices in the University as they held in the former University immediately before the commencement of this Act and on terms and conditions not less advantageous or on such varied terms and conditions as the Council may determine but without prejudice to any existing rights as to tenure of office, salary or other emoluments.

### **31. Transfer and vesting of assets and liabilities**

On the commencement of this Act, all assets and liabilities of the former University shall be dealt with in accordance with any agreement which may be entered into between the constituent colleges of such University.

### **32. Saving of agreements, deeds, actions, etc.**

All agreements, awards, contracts, deeds and other instruments and all proceedings which immediately before the commencement of this Act were existing or pending in favour of or against the College shall continue and may be carried into effect, enforced and prosecuted by or in favour of or against the University to the same extent or in like manner as if the University instead of the former University had been party to or interested in the same.