

CHAPTER 315

THE COLLEGE OF BUSINESS EDUCATION ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 315

THE COLLEGE OF BUSINESS EDUCATION ACT

An Act to establish a Governing Body for the government of the College of Business Education and for purposes connected therewith.

[7th August, 1965]

[GN. No. 93 of 1965]

[R.L. Cap. 589]

Acts Nos.

31 of 1965

17 of 1968

38 of 1974

2 of 2010

6 of 2020

GN. No.

1 of 2022

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the College of Business Education Act.

Interpretation

Acts Nos.

17 of 1968 s. 2

38 of 1974 s. 2

6 of 2020 s. 9

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

“College” means the College of Business Education;

“College year” means such period of twelve months as the Governing Body may determine;

“committee” means any committee formed by the Governing Body pursuant to section 7(2);

“financial year” means the period of twelve months commencing on the first day of July in any year unless the Governing Body determines any other period of twelve months under section 15;

“Governing Body” means the Governing Body of the College established by section 5;

“member”, in relation to the Governing Body, includes the Chairman;

“Minister” means the Minister responsible for industry and trade; and

“Rector” means the Rector of the College appointed under section 9(1);

College

3. The College shall be governed and administered in accordance with the provisions of this Act.

Functions of
College
Acts Nos.
38 of 1974 s. 3
6 of 2020 s. 10

4.–(1) The functions of the College shall be-

- (a) to provide facilities for the study of, and for training in the principles, procedures and techniques of business administration;
- (b) to conduct training programmes leading to recognised professional and sub-professional qualifications in business administration relevant to middle-level managerial positions in trade and industry;
- (c) to advance learning and knowledge through teaching and research;
- (d) to provide technical and professional services;
- (e) to promote, facilitate and sponsor research in technological, social, economic and cultural spheres for the welfare and development of mankind within and outside the United Republic;
- (f) to conduct and administer examinations and confer degrees, diplomas, certificates and other awards;
- (g) to engage in any other educational activity which, in the opinion of the Governing Body, is necessary, expedient or conducive for the promotion of business education in the United Republic.

(2) In providing education and training under this section, the College shall ensure that such education and training affords trainees with requisite skills for self-employment and manning of key positions in both public and private sectors.

[s. 3A]

PART II

ESTABLISHMENT OF GOVERNING BODY

Establishment
and incorporation
of Governing
Body
Act No.
6 of 2020 s. 11

5.–(1) There is hereby established a Body to be known as the Governing Body of the College of Business Education and the governance and administration of the College shall be vested in the Governing Body.

(2) The Governing Body established under subsection (1) shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding, investing and disposing of movable and immovable property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act;
- (d) entering into any contract or other transaction; and
- (e) doing or suffer from doing all such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding subsection (2), the provisions of section 26 of the Office of the Attorney General (Discharge of Duties) Act shall have effect in relation to powers of the Attorney General to intervene in any suit or matter by or against the Governing Body.

[s. 4]

Cap. 268

Composition
and tenure of
Governing Body
Act No.
6 of 2020 s. 12

6.–(1) The Governing Body shall consist of eight members as follows-

- (a) a Chairman to be appointed by the President;
- (b) the Rector; and
- (c) six other members to be appointed by the Minister as follows:
 - (i) a representative from the Ministry responsible for commerce;

- (ii) the officer incharge of higher learning education from the Ministry responsible for higher education;
- (iii) a Law Officer representing the Attorney General;
- (iv) a representative of the private sector apex association;
- (v) a representative from any professional body relating to any of the core programmes undertaken by the College; and
- (vi) one member from amongst persons with qualifications and experience in commerce

(2) For purposes of subsection (1)(c)(iv), the apex association shall propose three names from member associations to the Minister.

(3) At least two of the members appointed under subsection (1) shall be women.

(4) The Rector shall provide secretariat to the Governing Body.

(5) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, proceedings of the Governing Body and other related matters.

(6) The Governing Body may co-opt any person to attend its meetings and deliberate on any matter as the Governing Body may determine, but such person shall not have the right to vote.

(7) The Minister may, by order published in the *Gazette*, amend any of the provisions of the Schedule.

[s. 5A]

Functions of
Governing Body
Act No.
6 of 2020 s. 13

7.-(1) The functions of the Governing Body shall be to govern and administer the College and, in particular but without prejudice to the generality of the foregoing, to-

- (a) authorise appropriate and necessary expenditure within the funds available to the College;
- (b) appoint a Deputy Rectors and other persons to the staff of the College;

- (c) prescribe the fees to be paid by students of the College;
- (d) to establish branches, campuses, centres or other departments, as the case may be, for purposes of extending the services of the College; and
- (e) grant scholarships, studentships and bursaries to students of the College, and revoke any such grants.

(2) The Governing Body may, from among its members, form such number of committees as it considers necessary for purposes which, in the opinion of the Body, would be better administered through committees.

(3) The Governing Body may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Body or the Rector any of its functions or powers vested in it by this Act or any other written law.

(4) Notwithstanding subsection (3), the Governing Body shall not delegate its functions or powers to-

- (a) appoint Deputy Rectors;
- (b) prescribe fees, charges and commissions;
- (c) borrow or lend money; and
- (d) appoint management staff of the College.

[s. 6]

Directions by
Minister
Act No.
6 of 2020 s. 14

8. The Minister may give the Governing Body directions of a general or specific character and the Body shall, subject to the provisions of this Act, give effect to such directions.

[s. 6A]

Appointment
and functions of
Rector
Act No.
6 of 2020 s. 14
Cap. 129

9.-(1) The Minister shall, upon advice of the Governing Body and subject to the National Council for Technical and Vocational Education and Training Act, appoint a suitable person to be a Rector of the College.

(2) The Rector shall be the chief administrative and academic officer and accounting officer of the College and shall, for that purpose, be responsible for-

- (a) the proper administration of the College; and
- (b) enforcing rules made by the Governing Body.

(3) The Rector shall, in the performance of his functions, be responsible to the Governing Body.

[s. 6B]

PART III FINANCIAL PROVISIONS

Vesting of assets **10.** On the coming into operation of this Act, there shall vest in the Governing Body, by virtue of this section and without further assurance-

- (a) all funds, assets and property vested or held in the name of the College immediately before such coming into operation; and
- (b) all rights and liabilities of the College then subsisting under any valid and enforceable contract entered into by it or on its behalf.

[s. 7]

Management of assets **11.** All the funds, assets and property, movable and immovable of the College shall be managed and utilised by the Governing Body in accordance with the provisions of this Act in such manner and for such purposes as, in the opinion of the Governing Body, will promote the best interests of the College.

[s. 8]

Funds of College Act No. 6 of 2020 s. 15 **12.** The funds of the College shall consist of-

- (a) money appropriated by the Parliament;
- (b) any grants, donations, bequests or other contributions made to the College; and
- (c) all other sums which may in any manner become payable to or vested in the College in respect of any matter incidental to the carrying out of its functions.

[s. 9]

Borrowing
powers

13. The Governing Body may borrow sums required by it for meeting any of its obligations or for the purpose of carrying out any of its functions, and may charge all or any of its assets including movable and immovable property to secure such sums.

[s. 10]

Investment

14. The Governing Body may invest such part of the funds of the College as are not required for the carrying out of the functions of the Governing Body.

[s. 11]

Annual estimates

15.-(1) The Governing Body may determine which period of twelve months shall constitute the financial year of the College and shall cause to be prepared annually, estimates of the revenue and expenditure of the College for the ensuing financial year, and such estimates shall be approved by the Governing Body before the commencement of such year:

Provided that, in the event of any change in the financial year and for purposes of the transition from one financial year to another, the transitional period, whether more or less than twelve months, shall be regarded as if it were a financial year.

(2) In such annual estimates, the Governing Body shall make provision for all the estimated expenditure during the financial year, and in particular for-

- (a) the payment of all salaries, passages, pensions, gratuities and other retiring benefits and other charges in respect of the staff of the College;
- (b) the payment of all fees or expenses in respect of members of the Governing Body;
- (c) the construction, improvement, maintenance and replacement of the buildings, grounds and equipment of the College; and
- (d) the creation of such reserve funds to meet future or contingent liabilities as the Governing Body may think fit.

(3) Expenditure shall not be incurred for the purpose of the College except in accordance with the provisions of the annual estimates or any supplementary estimates, both of which shall be subject to the approval of the Minister.

[s. 12]

Accounts and
audit

16.—(1) The Governing Body shall keep or cause to be kept proper accounts and such accounts together with—

- (a) a statement of income and expenditure during the previous financial year; and
- (b) a statement of the assets and liabilities of the Governing Body on the last day of such year,

shall, as soon as practicable after the end of each financial year, be submitted to and audited by such auditors as the Governing Body shall appoint.

(2) The Rector shall, as soon as is practicable after the end of each College year, cause to be prepared a report on the working of the College during such year, and such report, signed by the Rector, shall be submitted to the Governing Body.

[s. 13]

PART IV

MISCELLANEOUS PROVISIONS

Rules
Act No.
6 of 2020 s. 16

17.—(1) The Governing Body may, subject to the provisions of this Act, make rules for the governance, control and administration of the College.

(2) The provisions of paragraph (e) of section 32 of the Interpretation of Laws Act shall not apply in respect of rules made under this section.

[s. 14]

Members of
Governing Body
not personally
liable

18. A member of the Governing Body shall not be personally liable for any act or thing done or omitted to be done by him as such in good faith and without negligence for purposes of the College.

[s. 15]

Acts Nos.
38 of 1974
2 of 2010
GN. No.
1 of 2022

SCHEDULE

(Made under section 6(5))

TENURE OF OFFICE OF MEMBERS, PROCEEDINGS OF THE GOVERNING BODY AND OTHER RELATED MATTERS

Interpretation	<p>1. For the purpose of this Schedule-</p> <p>(a) “appointing authority” in relation to the Chairman of the Governing Body, the President and in relation to any other member, the Minister; and</p> <p>(b) “member” includes the Chairman.</p>
Tenure of members	<p>2. Members of the Governing Body shall hold the office for three years and, unless their membership is otherwise terminated due to misconduct or non attendance at three successive meetings of the Body without reasonable excuse, shall be eligible to be reappointed for one further term.</p>
Termination of appointment of members	<p>3.-(1) Where any member absents himself without reasonable excuse from three consecutive meetings of the Governing Body, the Governing Body shall advise the appointing authority of the fact and the appointing authority may-</p> <p>(a) where such member is a member by virtue of his holding any other office, after consultation with the Ministry or organisation in which such other office exists, terminate the appointment of such member as member and appoint the holder of any other suitable office in the same Ministry or organisation to be a member in his stead;</p> <p>(b) where such member is a member by virtue of his having been nominated by any person, authority or organisation, direct such person, authority or organisation to terminate the appointment of such member and nominate another member in his stead.</p> <p>(2) Save with the consent in writing of the Minister, a person whose appointment as a member is terminated under this paragraph shall not be eligible for re-appointment on the Governing Body for a period of two years from the date of such termination.</p>
Quorum procedure and meetings	<p>4.-(1) The Governing Body shall meet quarterly or at such times as may be necessary or expedient for the transaction of business.</p> <p>(2) At any meeting of the Governing Body, four members thereof shall constitute a quorum.</p> <p>(3) At any meeting of the Governing Body, the Chairman shall preside, or in the absence of the Chairman, the Vice Chairman shall preside, or if no Vice Chairman has been elected or if the Vice Chairman is absent, the members present at the meeting shall elect one of the members to be Chairman for that meeting.</p>

(4) In the event of an equality of votes the Chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(5) Minutes in proper form of each meeting of the Governing Body shall be kept and shall be confirmed by the Governing Body at the next ordinary meeting and signed by the Chairman of the meeting.

(6) All acts, matters and things authorised or required to be done by the Governing Body shall be decided by resolution at a meeting of the Governing Body at which a quorum is present.

(7) A decision of the majority of members present and voting at a meeting of the Governing Body shall be deemed to be a decision of the Governing Body.

(8) The Governing Body shall have powers to decide on matters by way of circular resolution of relevant papers among the members and the expression of views of the majority of them in writing:

Provided that, any member shall be entitled to require that the decision be deferred and the subject matter be considered at a meeting of the Governing Body.

(9) The seal of the Governing Body shall be affixed by the Chairman or the Rector.

Vice Chairman	5. The Governing Body may elect any member thereof to be Vice Chairman of the Body.
Vacancies, etc., not to invalidate proceedings	6. Subject to the provisions of paragraph 4, relating to a quorum, the Governing Body may act notwithstanding any vacancy in the membership thereof and an act or proceeding of the Governing Body shall not be invalid by reason only of some defect in the appointment of a member or some person who purports to be a member.
Decision of Governing Body	7. A decision of the majority of members present and voting at a meeting of the Governing Body shall be deemed to be a decision of the Governing Body.
Members to be reimbursed	8. The members may, where the Governing Body so determines, be reimbursed for all reasonable expenses incurred by them in the course of discharging their duties.
Body may regulate its proceedings	9. Subject to the provisions of this Schedule, the Governing Body may regulate its own proceedings.

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