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UNIVERSITY OF SWAZILAND (AMENDMENT) BILL, 1997

(Bill No. 2 of 1997)

(To be presented by the Minister for Education)

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to amend the University of Swaziland Act, 1983 so as to -

- (a) expound on who is a student of the University;
- (b) ensure all the Campuses of the University have a student representative in the Council;
- (c) validate the decisions of the Council and the Senate of the University; and
- (d) provide for matters incidental thereto.

S.H. ZWANE
Attorney-General

A BILL

entitled

An Act to amend the University of Swaziland Act, 1983 to validate the decisions of the Council and Senate of the University.

ENACTED by the King and Parliament of Swaziland.

Short title.

1. This Act may be cited as the University of Swaziland (Amendment) Act, 1997 and shall be read as one with the University of Swaziland Act, 1983 (hereinafter called "the principal Act").

Amendment of section 9.

2. Section 9 of the principal Act is amended -

(a) in subsection (2) by replacing the words "after consultation with the Prime Minister" with the words "in consultation with the Prime Minister and the Minister";

(b) by replacing subsection (3) with the following new subsection -

"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."

Amendment of section 15.

3. Section 15 of the principal Act is amended by replacing subsection (1) with the following new subsection -

“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).”

Amendment of section 17.

4. Section 17 of the principal Act is amended in subsection (2) by replacing paragraph (h) with the following new paragraph -

“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.”

Amendment of principal Act.

5. The principal Act is amended -

- (a) after section 18 by adding the following new section -

“Validation of decisions of Senate and Council.

18bis. 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 inspite of any irregularity or deficiency in the composition of these bodies or irregularity or deficiency in the elections or appointments of their members;

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

- (b) by replacing section 23 with the following new section -

“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.