

(Acts No. 2)

84(65)(09415)

Act No. 4 of 1960

THE ROYAL COLLEGE, NAIROBI, ACT, 1960

Assented to by the East Africa High Commission in Her Majesty's name and on Her Majesty's behalf this 20th day of December, 1960.

F. CRAWFORD,

Chairman of the East Africa High Commission.

AN ACT TO MAKE PROVISION FOR THE TRANSFORMATION OF THE ROYAL TECHNICAL COLLEGE OF EAST AFRICA INTO A UNIVERSITY COLLEGE TO BE CALLED THE ROYAL COLLEGE, NAIROBI, FOR THE REPEAL OF THE ROYAL TECHNICAL COLLEGE OF EAST AFRICA ACT, 1954, FOR THE GOVERNMENT, CONTROL AND ADMINISTRATION OF THE ROYAL COLLEGE, NAIROBI, AND FOR OTHER MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH

Date of Commencement: The whole Act except section 26, subsection 2: By Notice

Section 26, subsection 2: 31st December, 1960

ENACTED by the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

PRELIMINARY

1. (1) This Act may be cited as the Royal College, Nairobi, Act, 1960, and shall, subject to the provisions of subsection (2), come into operation upon such date as the High Commission may by notice in the Gazette appoint.

Short title and commencement.

(2) Subsection (2) of section 26 shall come into operation on the publication of this Act in the Gazette.

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

Interpretation.

“Academic Board” means the Royal College, Nairobi, Academic Board established under section 9;

“academic staff” means the academic staff as defined in section 15;

“administrative staff” means the administrative staff as defined in section 16;

“Chairman” means the Chairman of the Council appointed under section 7;

“College” means the University College at Nairobi, Kenya, to be known as the Royal College, Nairobi;

“college term” means each period in each college year during which the College is in session;

“college year” means such period of twelve months as the Council may determine;

“Council” means the Royal College, Nairobi, Council established under section 4;

“Council for Overseas Colleges” means the Council for Overseas Colleges of Arts, Science and Technology set up in the United Kingdom;

“decrees” means decrees made by the Council under section 25;

“Endowment Fund” means the Endowment Fund referred to in section 21;

“Faculties” means such Faculties as are determined by the Council in accordance with section 12;

“financial year” means the period of twelve months commencing on 1st July in each year and terminating on 30th June in the succeeding year, unless the Council otherwise determines in accordance with the provisions of section 23;

“Gandhi Memorial Academy Society” means the Society registered in Kenya under that name;

“Inter-University Council” means the Inter-University Council for Higher Education Overseas set up in the United Kingdom;

“Librarian” means the Librarian of the College appointed under section 15;

“Principal” means the Principal of the College appointed under section 13;

“Professor” means a person appointed under section 15 to be a Professor of the College;

“Registrar” means the Registrar of the College appointed under section 16;

“regulations” means regulations made by the Academic Board under a power conferred by decrees;

“Royal Technical College of East Africa” means the Royal Technical College of East Africa, with which was incorporated the Gandhi Memorial Academy, established by the Royal Technical College of East Africa Act, 1954;

“rules” means rules made by the Council under section 25;

“Treasurer” means the Hon. Treasurer of the College appointed under section 7;

“Vice Chairman” means the Vice Chairman of the Council appointed under section 7;

“Vice Principal” means the Vice Principal of the College appointed under section 14;

“Visitor” means the Visitor to the College appointed under section 5.

AIMS OF THE ROYAL COLLEGE, NAIROBI

3. It is hereby declared that the Royal College, Nairobi, which shall be open to all persons without distinction of race or creed, shall be governed and administered in accordance with the provisions of this Act with a view to providing in East Africa facilities for university education, including technological and professional education, and for research:

Aims of the College.

Provided that regard shall be had to any similar facilities provided in East Africa by any other institution of higher education.

CONSTITUTION AND FUNCTIONS OF THE COUNCIL AND THE VISITOR

4. (1) There shall be established a body to be known as the Royal College, Nairobi, Council and the government, control and administration of the College shall be vested in the Council in accordance with the provisions of this Act.

Establishment of Council and functions thereof.

(2) It shall be the duty of the Council in the exercise of its powers and the performance of its functions to act in such manner as appears to it best calculated to promote the aims and interests of the College.

(3) The functions of the Council shall, subject to the provisions of this Act, include the carrying on of all such activities and the doing of all such things as are necessary or

advantageous and proper for the government, control and administration of the College and of the assets of the College and, in particular but without prejudice to the generality of the foregoing, shall include—

- (a) the authorization of appropriate and necessary expenditure within the funds available to the College;
- (b) the fixing of scales of fees and boarding charges;
- (c) the preparation of an annual report on the working of the College and the preparation of the annual estimates and of such annual statements as are required by this Act;
- (d) the making of rules under section 25 relating to the terms and conditions of service, including the appointment, dismissal, salary and retiring benefits, of members of the academic staff and of the administrative staff;
- (e) the power to review the instruction and teaching in the College;
- (f) the making of provision for scholarships and student-ships;
- (g) the making of arrangements with the University of London and with any other University with a view towards enabling students of the College to qualify for degrees and diplomas of any such University;
- (h) the making of arrangements with any professional body with a view towards enabling members of the College to take or be exempted from the examinations of any such body as are a prerequisite to membership of any such body;
- (i) the consultation with the governing body of any other institution for higher education established in East Africa with a view to ascertaining and achieving a common purpose most beneficial to the development of higher education in East Africa.

5. (1) There shall be a Visitor to the College who shall have the right from time to time to direct an inspection of the College and an enquiry into the teaching, research and

(2) The Visitor shall be appointed by the Secretary of State and shall hold office for such period as the Secretary of State may determine.

(3) In the event of the absence of the Visitor from the Territories or of his inability for any reason to perform the functions and exercise the powers of his office, the Secretary of State may appoint a person to act temporarily for the Visitor during the period of such absence or inability.

6. (1) The Council shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold, charge and dispose of property, moveable and immoveable.

Incorporation of Council, etc.

(2) The seal of the Council shall not be used except in pursuance of a resolution of the Council and shall be authenticated by the signature of the Principal, or one other member of the Council authorized to act in that behalf, and the Secretary, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairman, the Principal, any other member of the Council authorized in that behalf, or the Secretary.

(4) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

7. (1) The Council shall consist of the Chairman, the Vice Chairman, the Treasurer, two *ex officio* members and 26 other members appointed in accordance with the provisions of this section.

Membership of Council.

(2) The Chairman, Vice Chairman and Treasurer shall be appointed by the High Commission and shall hold office for such period, not exceeding two years, as the High Commission may determine, but shall be eligible for re-appointment.

(3) The *ex officio* members shall be the Principal and Vice Principal.

(4) Of the 26 other members—

(a) two members shall be appointed by the Inter-University Council;

(b) two members shall be appointed by the Council for Overseas Colleges;

(c) (i) three members shall be appointed by the Governor of Kenya;

(ii) three members shall be appointed by the Governor of Tanganyika;

(iii) three members shall be appointed by the Governor of Uganda;

(iv) one member shall be appointed by the British Resident, Zanzibar;

(d) seven members shall be appointed by the Academic Board from among the members of that Board;

(e) (i) one member shall be appointed by the City Council of Nairobi;

(ii) two members shall be appointed by the Gandhi Memorial Academy Society;

(iii) one member shall be appointed by the Association of Chambers of Commerce and Industry of Eastern Africa;

(iv) one member shall be appointed by the East African Institution of Engineers.

(5) (a) The members appointed under paragraphs (a) and (b) of subsection (4) shall hold office for such period, not exceeding two years, as the appointing authority may determine, but shall be eligible for re-appointment.

(b) The ten members appointed under paragraph (c) of subsection (4) shall hold office until the end of the year succeeding that in which this Act commences and shall thereupon retire, but shall be eligible for re-appointment.

(c) The 12 members appointed under paragraphs (d) and (e) of subsection (4) shall hold office until the end of the year in which this Act commences and shall thereupon retire, but shall be eligible for re-appointment.

(d) The vacancies which result by reason of the retirement of members under the provisions of paragraphs (b) and (c) of this subsection shall, at least one month before the occurrence thereof, be notified by the Registrar to the authorities

which appointed the retiring members and such authorities shall make appointments filling such vacancies with effect from the beginning of the ensuing year and the members so appointed shall hold office for a period of two years from the date of the commencement of their appointments, and so on likewise thereafter:

Provided that if any vacancy arises by reason of any circumstance other than that referred to in subsection (8) the Registrar shall notify such vacancy to the appointing authority and such authority shall take steps to fill such vacancy for the remainder of the period of membership of the person who has ceased to be a member.

(6) The Council may co-opt, for such period as the Council may determine, not more than four persons as co-opted members; and any such co-opted members may take part in the deliberations of the Council in all respects as if they were members.

(7) The Registrar shall *ex officio* be the secretary of the Council but shall not, as secretary, have a right to vote at any meeting of the Council.

(8) Any member of the Council, other than an *ex officio* member, may resign from the Council by notice in writing to that effect addressed in the case of the Chairman, to the High Commission, and in any other case to the Chairman, and as from the date specified in such notice as the effective date of resignation such member shall cease to be a member; and thereupon, except in the case of a co-opted member, the Registrar shall inform the authority that appointed such member of the fact of the vacancy and such authority shall take steps to fill such vacancy for the remainder of the period of membership of the member who resigned.

(9) The visitor may, on the recommendation of the Council and subject to the prior approval of the Secretary of State, by order amend the provisions of sub-sections (1), (2), (4) and (5) so as to vary the membership of the Council; and any such order may contain such supplementary provisions (including provisions for the retirement of members) as may be necessary to give the full effect to the purposes of such order.

8. (1) Unless the Council otherwise determines, a meeting of the Council shall be held at least once in each college term at such time and place as the Chairman may appoint.

Meetings and
procedure of
the Council.

(2) The Chairman may at any time call a meeting of the Council and shall call a meeting within 28 days of receiving a request for that purpose addressed to him and signed by ten members of the Council.

(3) The Chairman or, in his absence, the Vice Chairman shall preside at all meetings of the Council at which he is present and, in the absence of both the Chairman and the Vice Chairman, the members present and constituting a quorum shall elect a temporary chairman from amongst those members appointed under paragraph (c) of subsection (4) of section 7.

(4) At any meeting of the Council 15 members shall form a quorum.

(5) Subject to the provisions of subsections (7) and (8), every question shall be decided by the majority of the members present and voting:

Provided that, subject to the provisions of subsection (8), no question before the Council shall be decided unless at least ten members, other than the Chairman of the meeting, vote thereon.

(6) The Chairman of the meeting shall have an original and a casting vote.

(7) The Council may, at the discretion of the Chairman, transact any business by the circulation of papers and any decision so taken shall be submitted for information at the next meeting of the Council:

Provided that any member of the Council may require that a question shall not be determined by circulation of papers but shall be deferred for discussion at a meeting of the Council, and thereupon such matter shall be so deferred.

(8) The Council may, subject to such limitation as it may think fit, delegate any of its powers or duties to the Chairman or to committees consisting of such members of the Council and other persons as it may think fit; and the Council may empower any such committee to act jointly with any committees appointed by the Academic Board:

Provided that the Council shall not delegate to the Chairman or to a committee the power to approve without further reference to the Council the annual estimates of expenditure.

(9) (a) The Council shall establish a committee thereof, to be known as the Gandhi Memorial Academy Board, which shall have the rights, powers and duties possessed by or imposed on the Gandhi Memorial Academy Board by the Trust Deed of the Gandhi Smarak Nidhi Fund dated 27th April, 1955, and which shall, for such purposes, be deemed to be the successor of the Gandhi Memorial Academy Board established by section 14 of the Royal Technical College of East Africa Act, 1954.

(b) The Gandhi Memorial Academy Board shall consist of—

- (i) a chairman, who shall be appointed by the Council from among its members;
- (ii) four members appointed by the Gandhi Memorial Academy Society;
- (iii) two members appointed by the Council from among its members,

and each such member shall hold office for such period, not exceeding two years, as may be determined at the time of his appointment, but shall be eligible for reappointment.

(10) The Chairman shall be *ex officio* a member of every committee of the Council and, in the absence of a specific appointment, shall be chairman of each such committee:

Provided that in the absence of the chairman of any such committee the members present and constituting a quorum may elect a temporary chairman from among their number.

(11) Unless the Council otherwise determines, a quorum of any committee of the Council shall be the nearest whole number above half the membership of the committee.

(12) The Council shall cause minutes of its proceedings to be kept by the secretary and such minutes shall be confirmed, subject to any necessary amendment, by the chairman of a subsequent meeting.

(13) Subject to the provisions of this section, the Council shall have power to regulate by such means as it may think fit its own procedure and the procedure of any committee of the Council.

(14) The Visitor may, on the recommendation of the Council, by order amend the provisions of subsections (4) and (5) so as to vary the quorum of the Council or the number of votes necessary before a question may be decided, as the case may be.

CONSTITUTION AND POWERS OF THE ACADEMIC BOARD

9. (1) There shall be established a body to be known as the Royal College, Nairobi, Academic Board which shall be responsible to the Council for the academic management of the College.

(2) The Academic Board shall, subject to the provisions of this Act, have the following powers—

- (a) the regulation of admission of persons to the courses of study in the College and their continuance at such courses;
- (b) the direction and regulation of the teaching and instruction within the College;
- (c) the submission to the Council, whether with or without the prior request therefor of the Council, of all draft decrees relating generally to the academic management of the College;
- (d) the making of recommendations to the Council in relation to terms and conditions of service of the members of the academic staff and in relation to the creation of academic posts, and the consultation generally with the Council in accordance with the provisions of this Act;
- (e) the making of regulations under any power conferred by decrees;
- (f) the appointment of examiners;
- (g) the awarding of certificates, diplomas and other marks of distinction, and the revocation of any such awards, in accordance with any decrees or regulations;
- (h) the grant of scholarships and studentships, and the revocation of any such grants, in accordance with any decrees or regulations;
- (i) the general control of—
 - (i) research in the College;

- (ii) the buildings and equipment assigned to teaching and research and the library and museums,

in accordance with any decrees or regulations.

10. (1) The Academic Board shall consist of the chairman of the Academic Board, the *ex officio* members thereof and the other members elected or appointed thereto in accordance with the provisions of this section.

Membership, etc
of Academic
Board.

(2) The Principal shall *ex officio* be chairman of the Academic Board.

(3) The *ex officio* members of the Academic Board shall be—

(a) the Vice Principal;

(b) all Professors and heads of departments; and

(c) the Librarian.

(4) The other members of the Academic Board shall be—

(a) one member, who shall hold office for two years, elected by the Wardens of the Halls of Residence from among themselves;

(b) two members, who shall hold office for two years, elected by those members of the academic staff who are not Professors or heads of departments by such procedure as those members of that staff may determine;

(c) such additional members of the academic staff, not exceeding five, as may be appointed by the Council, on the nomination of the Academic Board, for such period, not exceeding two years, as may be specified at the time of appointment.

(5) The Registrar shall *ex officio* be the secretary of the Academic Board but shall not, as secretary, have a right to vote at any meeting of the Board.

(6) Any member of the Academic Board, other than an *ex officio* member, may resign from the Academic Board by notice in writing to that effect addressed to the Principal, and as from the date of the receipt by the Principal of such notice such member shall cease to be a member; and thereupon the Registrar shall inform the authority that appointed such

member of the fact of the vacancy and such authority shall take steps to fill such vacancy for the remainder of the period of membership of the member who resigned.

(7) The Visitor may, on the recommendation of the Council made on the advice of the Academic Board, by order revoke or amend the provisions of this section so as to vary the membership of the Academic Board; and any such order may contain such supplementary provisions as may be necessary to give full effect to the purposes of such order.

Meetings and
procedure of
Academic
Board.

11. (1) Unless the Academic Board otherwise determines, meetings of the Academic Board shall be held at least three times in each college term at such time and place as the chairman of the Academic Board may appoint.

(2) The chairman of the Academic Board may at any time call a meeting of the Academic Board and shall call a meeting within ten days of receiving a request for that purpose addressed to him and signed by not less than ten members of the Academic Board.

(3) The chairman of the Academic Board or, in his absence, the Vice Principal shall preside at all meetings of the Academic Board at which he is present and, in the event of the absence of both the chairman of the Academic Board and the Vice Principal, the members present and constituting a quorum shall elect a temporary chairman from among their number.

(4) At any meeting of the Academic Board a quorum shall be the nearest whole number above half the membership of the Academic Board.

(5) The Chairman of the meeting shall have an original and a casting vote.

(6) The Academic Board may, subject to such limitation as it may think fit, delegate any of its powers or duties to committees consisting of such members of the Academic Board and other persons as it may think fit; and the Academic Board may empower any such committee to act jointly with any committee appointed by the Council.

(7) Subject to the provisions of this section, the Academic Board shall have power to regulate by such means as it may think fit its own procedure and the procedure of any committee of the Academic Board.

12. (1) The Council may, after consultation with the Academic Board, by decrees group the full time and part time teaching members of the academic staff into Faculties according to their academic subjects.

Council to determine Faculties, etc.

(2) For each Faculty there shall be a Dean elected, by such procedure as the Faculty may determine, by the members of the Faculty from among the members of the Academic Board in that Faculty; and the Dean shall hold office annually.

(3) For each Faculty there shall be a Faculty Board, the membership, powers and functions of which shall be determined by decrees made by the Council after consultation with the Academic Board; and the Dean of each Faculty shall be *ex officio* chairman of the Faculty Board.

STAFF PROVISIONS

13. (1) There shall be a Principal of the College who shall be appointed by the Council, after consultation with the Visitor, on such terms and conditions as the Council may determine; and the Principal may for good cause be removed from his office by the Council with the approval of the Visitor.

Appointment, powers and duties of Principal.

(2) The Principal shall be the chief administrative and academic officer of the College and shall have a general responsibility to the Council for promoting and maintaining the efficiency and good order of the College.

14. (1) There shall be a Vice Principal of the College who shall be appointed by the Council and who shall hold office for such period as the Council may determine.

Appointment, powers and duties of Vice Principal.

(2) The Vice Principal may, subject to any direction to the contrary by the Council, exercise such of the powers and perform such of the duties of the Principal as the Principal may determine.

15. (1) The academic staff of the College shall be appointed by the Council and shall consist of the Vice Principal, all full time and part time members of the College who are engaged in teaching or research, and the Librarian.

Academic staff.

(2) All members of the academic staff shall be appointed by the Council either—

(a) on such terms and conditions of service as may be determined by the Council by rules made under section 25; or

(b) in the case of a member seconded to the service of the College from the service of any University, University College or similar institution, the Government of any of the Territories, or any other public service, on such terms and conditions as may be agreed between the Council and the seconding body.

Administrative staff.

16. (1) The administrative staff of the College shall be appointed by the Council and shall consist of the Registrar, the Bursar, and such other members of the staff of the College as the Council may determine.

(2) All members of the administrative staff shall be appointed by the Council either—

(a) on such terms and conditions of service as may be determined by the Council by rules made under section 25; or

(b) in the case of a member seconded to the service of the College from the service of any University, University College or similar institution, the Government of any of the Territories or any other public service, on such terms and conditions as may be agreed between the Council and seconding body.

General terms of appointment.

17. All members of the staff of the College shall—

(a) be subject to the general authority of the Council and of the Principal;

(b) be deemed to be employed on a full time basis save where it is otherwise specifically provided in relation to any particular member of the staff.

Council may delegate power of appointment.

18. The Council may, subject to such restrictions as it may impose, delegate to any person the power of appointment of any member of the staff of the College.

Council may make temporary appointment during absence, etc

19. (1) In the event of the absence of both the Principal and the Vice Principal from the Territories, or in the event of the inability of both of them for any reason to perform the functions of their offices, the Council may appoint a member of the academic staff to have and exercise the powers and to perform the duties of the Principal.

(2) In the event of the absence of any member, other than the Principal, of the staff of the College from the Territories, or in the event of the inability of any such member for any

reason to perform the functions of his office, the Council may appoint a suitable person to have and exercise the powers and to perform the duties of such member during such absence or inability.

FINANCIAL PROVISIONS

20. All the funds, assets and property, moveable and immoveable, of the College shall be vested in the Council and shall be managed and utilized by the Council, in accordance with the provisions of this Act, in such manner and for such purposes as, in the opinion of the Council, would promote the best interests of the College:

Assets, etc.
vested in
Council.

Provided that the Council shall not charge or dispose of any immoveable property vested in it without the prior approval of the Visitor, which approval the Visitor is hereby authorized to give subject to such conditions, if any, as he may think fit.

21. (1) All the moneys of the Council shall be paid into one or other of the following accounts—

Funds, etc.
of Council
and utilization
thereof.

- (a) the Endowment Fund;
- (b) the special account;
- (c) the capital account;
- (d) the revenue account.

(2) (a) There shall be paid into the Endowment Fund all such moneys as are received by the Council and as are declared specifically to be payable into that Fund.

(b) The Council shall not, save with the prior approval of the Secretary of State, expend any capital moneys of the Endowment Fund, and shall pay into the revenue account all interest received from the investment of the moneys of the Endowment Fund.

(3) (a) There shall be paid into the special account all such moneys as are received by the Council for special purposes and as are not payable into the Endowment Fund or the other accounts.

(b) The capital moneys, and the interest therefrom, of the special account shall be used and applied for the special purposes for which such moneys were donated and in accordance with the conditions of the donation:

Provided that if the conditions of the donation do not permit the capital moneys thereof to be expended, the Council may nevertheless, with the prior approval of the Secretary of State, expend such capital moneys, or any portion thereof, if, in the opinion of the Council, it is in the best interests of the College to do so.

(4) (a) There shall be paid into the capital account all such moneys as are received by the Council for the purpose of capital expenditure for the construction and improvement of the College.

(b) The capital moneys, and the interest therefrom, of the capital account shall be used and applied on capital expenditure for the construction and improvement of the College.

(5) (a) There shall be paid into the revenue account—

- (i) the interest received from the investment of the moneys in the Endowment Fund;
- (ii) all fees, charges, dues and other amounts payable by or in respect of students;
- (iii) all revenue grants by the Governments of the Territories or by any other Government or person;
- (iv) all sums transferred under this Act from the Endowment Fund or any other account to the revenue account;
- (v) all other sums received by the Council and not payable into the Endowment Fund or any other account.

(b) The money standing to the credit of the revenue account shall be used and applied for the management and working of the College in such manner and for such purposes as, in the opinion of the Council, are best suited to promote the interests of the College.

(6) Subject to the provisions of section 20, the Council may borrow, either by way of overdraft from a banker or otherwise, such sums as it may from time to time require for the administration of the College.

22. (1) The moneys standing to the credit of the Endowment Fund shall be invested by the Council in such securities as trustees are authorized to invest in under any enactment of any of the Territories:

Investment etc.,
of moneys.

Provided that where any sums received by the Council for payment into the Endowment Fund are in the form of stocks and shares of a kind other than such securities, then the Council may in its discretion retain such stocks or shares and not convert them into such securities.

(2) The moneys, or any portion thereof, standing to the credit of any of the accounts, other than the Endowment Fund, of the Council may be invested by the Council in such securities as the Council may think fit or may be placed on deposit at such banks as the Council may determine.

23. (1) The Council may determine which period of 12 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 Council before the commencement of such year:

Annual
estimates

Provided that, in the event of any change in the financial year and for the purposes of the transition from one financial year to another, the transitional period, whether more or less than 12 months, shall be regarded as if it were a financial year.

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

- (a) for the payment of all salaries, passages and other charges in respect of the staff of the College;
- (b) for the payment of all pensions, gratuities and other charges in respect of retiring benefits, which are payable out of the accounts of the Council;
- (c) for the proper maintenance of the buildings and grounds of the College;
- (d) for the proper maintenance and replacement of the equipment of the College;

(e) for the creation of such reserve funds within the revenue account to meet future or contingent liabilities in respect of retiring benefits, insurance, replacement of buildings or equipment or such other contingencies as the Council may think fit.

(3) Unless the Council otherwise determines, no expenditure shall be incurred for the purposes of the College save in accordance with the provisions of such annual estimates.

(4) A copy of such annual estimates and notification of any decision of the Council to incur expenditure in excess of such estimates shall be forwarded for information to each of the Governments making grants to the College.

Annual statement, report and audit.

24. (1) The Council shall cause to be prepared annually—

- (a) a statement of the income and expenditure during the previous financial year;
- (b) a statement of the assets and liabilities of the Council on the last day of such year; and
- (c) a report on the working of the College during such year.

(2) The accounts of the Council and such statements duly certified by the Principal, shall be submitted to and be audited by auditors; and for such purpose the Council shall annually appoint suitably qualified persons to audit such accounts and statements.

(3) Copies of such statements, of the annual report of the Council, and of the auditor's report shall be forwarded to the Secretary of State, the Visitor, the High Commission and each of the Governments making grants to the College.

MISCELLANEOUS PROVISIONS

25. (1) The Council shall, subject to the provisions of this Act, have power—

- (a) to make decrees generally for the government, control and administration of the College and for the better carrying into effect of the purposes of this Act;
- (b) to make rules in respect of the matters specified in subsection (3) (d) of section 4.

Decrees and Orders

(2) The Academic Board may make regulations in accordance with any power conferred by decrees.

(3) Where under the provisions of this section—

(a) decrees are made, they shall be published in the Gazette;

(b) rules are made by the Council or regulations are made by the Academic Board, they shall be published in such manner as the Council may determine.

26. (1) The transitional provisions set out in the Schedule to this Act shall, notwithstanding anything to the contrary in this Act, have effect for the purpose of the transition to the provisions of this Act from the provisions of the enactment repealed by this Act.

Transitional provisions.

(2) In order to enable all necessary preliminary arrangements for the transformation of the Royal Technical College of East Africa into a University College to be made prior to the commencement of the other provisions of this Act, the Governing Council of such College may take all such steps, including the appointment of members of the academic staff and the erection of buildings, as such Governing Council may consider desirable for such purpose; and where in pursuance of the powers contained in this subsection—

(a) any expenditure is incurred, then such expenditure shall be charged on and be paid from the funds of such College as if such expenditure had been incurred for the purposes of such College;

(b) any member of the academic staff is so appointed, then he shall be appointed on such terms and conditions as such Governing Council may consider appropriate and on such commencement he shall be deemed to have been appointed under section 15.

27. (1) The Royal Technical College of East Africa Act, 1954, is hereby repealed.

Repeal
4 of 1954.

(2) The following subsidiary legislation made under the Royal Technical College of East Africa Act, 1954, is hereby revoked—

(a) The Determination of Faculties Decrees, 1954;

L.N. 68 of 1954.

(b) The Royal Technical College (Reception of Students) Notice, 1956;

L.N. 9 of 1956.

- L.N. 16 of 1956. (c) The Royal Technical College (Membership of Council) Order, 1956;
- L.N. 97 of 1956. (d) The Royal Technical College (Membership of Board of Studies) Decrees, 1956;
- L.N. 48 of 1956. (e) The Royal Technical College (College Year and Terms) Decrees, 1956.

SCHEDULE

1. There shall be transferred to and vested in the Council all the funds, assets and property, moveable and immoveable, which immediately prior to the commencement of this Act were vested in the Governing Council of the Royal Technical College of East Africa; and the Council shall cause all the moneys so transferred and vested to be paid into the appropriate fund or accounts in accordance with the provisions of section 21.

2. So far as is consistent with the provisions of this Act, there shall be transferred to, vested in and imposed on the Council all the rights, powers, liabilities and duties, whether arising under any law or by contract, which, immediately prior to the commencement of this Act, were vested in, imposed on or enforceable by or against the Governing Council of the Royal Technical College of East Africa:

Provided that the provisions of an agreement made on 12th November, 1954, between the Governing Council of the Royal Technical College of East Africa and the Gandhi Memorial Academy Society shall cease to have effect as from the date of the commencement of this Act if, within three months of such commencement, the Council and the said Society enter into an agreement in the terms, subject to such modifications as may be agreed between the Council and the said Society, of a draft copies of which have been deposited with the Chairman of the Governing Council of the Royal Technical College of East Africa and the President of the said Society and, for the purposes of identification, initialed on the 27th June, 1960, by the said Chairman, the Registrar of the Royal Technical College of East Africa, the said President and the Honorary Secretary of the said Society.

3. All actions, suits or legal proceedings pending by or against the Governing Council of the Royal Technical College of East Africa shall be carried on and prosecuted by or against the Council and no such action, suit or legal proceedings shall abate or be prejudicially affected by the provisions of this Act.

4. Subject to the provisions of paragraph 2 of this Schedule, references in any law or in any instrument of whatsoever nature to the Governing Council of the Royal Technical College of East Africa or to the Royal Technical College of East Africa shall be respectively construed as references to the Council or to the College, as the case may be.

SCHEDULE—(Contd.)

5. The first Chairman shall be P. J. Rogers, Esq., C.B.E., the first Principal shall be Dr. J. M. Hyslop, and the first Vice-Principal shall be Dr. H. P. Gale, O.B.E.; and each of such persons shall be deemed to have been appointed to his office in accordance with the provisions of this Act.

6. Subject to any decision of the Council to the contrary, all persons who were members of the staff of the Royal Technical College of East Africa immediately prior to the commencement of this Act shall be members of the staff of the College and shall be deemed to have been appointed under the provisions of this Act upon the same terms and conditions as those upon which they were serving immediately prior to such commencement.

7. Until it is otherwise determined by the Council by a notice published in the Gazette, the persons who were members of the Board of Studies, established under the Royal Technical College of East Africa Act, 1954, immediately prior to the commencement of this Act together with such additional members of the Academic staff as may be determined by the Principal shall constitute a body to perform the functions of the Academic Board in accordance with the provisions of this Act; and for the purposes of subsection (4) (d) of section 7 such body shall appoint seven persons to the Council and such seven persons shall be deemed to have been appointed in accordance with the provisions of such section.

8. The annual estimates of the Royal Technical College of East Africa for the financial year in which this Act comes into operation shall be deemed to be the annual estimates of the College for the remainder of such financial year prepared and approved in accordance with the provisions of section 23.

9. Notwithstanding anything in this Act, the Council shall provide at the College all such facilities as are necessary to enable persons who were taking courses at the Royal Technical College of East Africa immediately prior to the commencement of this Act to complete such courses on the same terms and conditions applicable to such courses as existed immediately prior to such commencement.

Act No. 5 of 1960

**THE EAST AFRICAN CUSTOMS MANAGEMENT
(AMENDMENT) ACT, 1960**

Assented to by the East Africa High Commission in Her Majesty's name and on Her Majesty's behalf this 20th day of December, 1960.

F. CRAWFORD,
Chairman of the East Africa High Commission.

**AN ACT TO AMEND THE EAST AFRICAN CUSTOMS
MANAGEMENT ACT, 1952**

Date of Commencement : By Notice

ENACTED by the East Africa High Commission with the advice and consent of the Legislative Assembly thereof as follows:—

1. This Act may be cited as the East African Customs Management (Amendment) Act, 1960, and shall be read and construed as one with the East African Customs Management Act, 1952, hereinafter referred to as the principal Act, and shall come into operation upon such date as the High Commission by notice in the Gazette appoint.

2. Subsection (1) of section 9 of the principal Act is hereby amended in the followings respects—

(a) by the deletion of the full stop at the end of paragraph (g) thereof and the substitution therefor of a semi-colon; and

(b) by the insertion therein following paragraph (g) of the following new paragraph as paragraph (h)—

“(h) transit sheds.”

3. Subsection (1) of section 36 of the principal Act is hereby amended by the deletion therefrom of the words “in the Gazette” and the substitution therefor of the words “in such manner as the Commissioner may see fit”.

4. Subsection (2) of section 48 of the principal Act is hereby amended by the deletion therefrom of the words “in the Gazette” and the substitution therefor of the words “in such manner as the Commissioner may see fit”.

Short title and commencement.

Act 12 of 1952.

Amendment to section 9 (1) of the principal Act.

Amendment to section 36 (1) of the principal Act.

Amendment to section 48 (2) of the principal Act.

5. The principal Act is hereby amended by the insertion therein immediately after section 64 of the following new section as section 64A:—

Amendment to the principal Act by the insertion of a new section 64A.

“Entry of cargo for export.

64A. (1) Save as otherwise provided in the Customs laws, the whole of the cargo to be loaded for export on any aircraft or vessel shall be entered by the owner of such cargo in the manner prescribed.

(2) Where any owner delivers an entry under this section he shall furnish therewith to the proper officer full particulars, supported by documentary evidence, of the goods referred to in the entry.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence against the Act; and any goods in respect of which such offence has been committed shall be liable to forfeiture.”

6. Paragraph (b) of subsection (2) of section 97 of the principal Act is hereby amended by the substitution of a colon for the full stop at the end thereof and by the addition thereto of the following proviso—

Amendment to section 97 of the principal Act.

“Provided that if the rate of duty on the goods at the time of their importation into the Territories was the same in each Territory, no difference shall be collected or refunded when such difference arises from a subsequent change in the rate of duty if a similar change has been made in each Territory.”

7. Subsection (1) of section 100 of the principal Act is hereby amended by the insertion therein between the words “the goods shall” and the words “be exempt from” of the words and commas “, save as otherwise provided in the Customs laws,”.

Amendment to section 100 (1) of the principal Act.

8. Subsection (1) of section 126 of the principal Act is hereby amended by the insertion therein between the words “then such act” and the words “may be performed” of the words and commas “, unless the contrary appears,”.

Amendment to section 126 (1) of the principal Act.

9. Section 191 of the principal Act is hereby amended by the deletion of subsection (3) thereof and the substitution therefor of the following:—

Amendment to section 191 of the principal Act.

“(3) Regulations made under this section shall be laid before the Assembly at the next meeting after the

publication of such regulations; and if the Assembly within a period of seven days after such regulations are so laid resolves that such regulations shall be annulled, such regulations shall cease to have effect as from the date of such resolution but without prejudice to the validity of anything previously done thereunder, or to the making of new regulations."

Act No. 6 of 1960**THE APPROPRIATION (1960-1961) (NON-SELF-CONTAINED SERVICES) ACT, 1960**

Assented to by the East Africa High Commission in Her Majesty's name and on Her Majesty's behalf this 20th day of December, 1960.

F. CRAWFORD,

Chairman of the East Africa High Commission.

AN ACT TO APPLY A SUM OF MONEY FOR THE EXPENDITURE OF THE HIGH COMMISSION, OF THE ASSEMBLY, AND OF THE NON-SELF-CONTAINED SERVICES THE ADMINISTRATION OF WHICH HAS BEEN TAKEN OVER BY THE HIGH COMMISSION FOR THE FINANCIAL YEAR ENDING THE 30TH JUNE, 1961.

Date of Commencement: 1st July, 1960

WHEREAS an amount of four million, seven hundred and forty-seven thousand, one hundred and ninety-two pounds is required for the expenditure of the High Commission, of the Assembly and of the Non-self-contained Services the administration of which has been taken over by the High Commission for the financial year ending 30th June, 1961:

AND WHEREAS the amount of one million, five hundred and sixty-seven thousand, one hundred and thirty-one pounds has on 2nd June, 1960, been granted by the Legislative Council of Kenya for such purposes:

AND WHEREAS the amount of one million and seventy-eight thousand, five hundred and thirty-eight pounds has on 20th May, 1960, been granted by resolution of the Legislative Council of Tanganyika for such purposes:

AND WHEREAS the amount of eight hundred and twenty-five thousand, nine hundred and six pounds has on 3rd June, 1960, been granted by resolution of the Legislative Council of Uganda for such purposes:

AND WHEREAS other amounts have been received or are receivable from other sources for such purposes:

AND WHEREAS all such amounts have been paid or are payable into the Fund:

NOW, THEREFORE, be it enacted by the East Africa High Commission with the advice and consent of the Legislative Council thereof as follows:—

1. This Act may be cited as the Appropriation (1960-1961) (Non-self-contained Services) Act, 1960, and shall be deemed to have come into operation on 1st July, 1960.

Short title and commencement.

Interpretation. 2. In this Act, the "Fund" means the fund established under section 42 of the Order in Council.

Expenditure. 3. The Fund is hereby charged with the sum of four million, seven hundred and forty-seven thousand one hundred and ninety-two pounds towards the expenditure of the High Commission, of the Assembly, and of the Non-self-contained Services the administration of which has been taken over by the High Commission for the financial year ending 30th June, 1961.

Appropriation. 4. The moneys granted by this Act shall be appropriated for the purposes and services specified in the Schedule.

Authority to pay on warrant of Financial Secretary. 5. The Accountant General of the Non-self-contained Services is hereby authorized upon a warrant under the hand of the Financial Secretary to pay out of the Fund for the purposes and services specified in the Schedule a sum not exceeding in the aggregate four million, seven hundred and forty-seven thousand, one hundred and ninety-two pounds for the financial year ending 30th June, 1961.

SCHEDULE		£
1.	Office of the Administrator (General)	137,764
2.	Office of the Administrator (Legal)	28,167
3.	Office of the Administrator (Finance, Economic Co-ordination and Accounts)	175,936
4.	East Africa Central Legislative Assembly	15,620
5.	East African Agriculture and Forestry Research Organization	167,269
6.	East African Fishery Research Organization ..	22,876
7.	East African Industrial Research Organization ..	49,513
8.	Desert Locust Survey	413,387
9.	East African Marine Fisheries Research Organization	36,703
10.	Lake Victoria Fisheries Service	4,911
11.	East African Leprosy Research Centre	10,179
12.	East African Literature Bureau	42,486
13.	East African Institute of Malaria and Vector-borne Diseases	45,020
14.	East African Institute for Medical Research ..	63,191
16.	Royal East African Navy	94,638
17.	East African Office in London	40,935
20.	East African Statistical Department	186,326
21.	East African Trypanosomiasis Research Organization	112,582
22.	East African Veterinary Research Organization ..	163,117
23.	East African Virus Research Institute	53,079
24.	East African Directorate of Civil Aviation	623,371
25.	East African Meteorological Department	419,903
27.	Miscellaneous Services	105,899
28.	East African Customs and Excise Department ..	960,308
29.	East African Income Tax Department	774,012

£4,747,192

Act No. 7 of 1960

**THE EAST AFRICAN INCOME TAX
(MANAGEMENT) (AMENDMENT) ACT, 1960**

Assented to by the East Africa High Commission in Her Majesty's name and on Her Majesty's behalf this 20th day of December, 1960.

F. CRAWFORD,

Chairman of the East Africa High Commission.

**AN ACT TO AMEND THE EAST AFRICAN INCOME
TAX (MANAGEMENT) ACT, 1958**

*Date of Commencement: The whole Act except
sections 2 (b), 3, 4, 5, 6, 7 (a), 12, 14 and 16:*

1st January, 1961

Sections 2 (b), 5, 6 and 7 (a): 1st January, 1958

Sections 3 and 4: 1st January, 1960

Sections 12 and 14: 31st October, 1961

Section 16: 1st January, 1962

ENACTED by the East Africa High Commission with the advice and consent of the Legislative Assembly thereof, as follows:—

1. (1) This Act may be cited as the East African Income Tax (Management) (Amendment) Act, 1960, and shall be read and construed as one with the East African Income Tax (Management) Act, 1958, hereinafter referred to as the principal Act.

Short title,
construction and
commencement.

(2) Subject to subsections (3), (4), (5) and (6), the provisions of this Act shall come into operation on 1st January, 1961.

(3) The provisions of paragraph (b) of section 2, of sections 5 and 6, and of paragraph (a) of section 7 shall be deemed to have come into operation on 1st January, 1958, and shall have effect in relation to assessments for the year of income 1958 and for each subsequent year of income.

(4) The provisions of sections 3 and 4 shall be deemed to have come into operation on 1st January, 1960, and shall have effect in relation to assessments for the year of income 1960 and for each subsequent year of income.

(5) The provisions of sections 12 and 14 shall have effect in relation to tax the due date for the payment of which is on or after 31st October, 1961.

(6) The provisions of paragraph (a) of section 16 shall come into operation on 1st January, 1962.

Amendment of
section 2 of
principal Act.

2. Section 2 of the principal Act is hereby amended—
- (a) in the definition of “debenture”, by the insertion immediately after the figure “7” of the words and figures “and of section 65”;
- (b) by the deletion of the definition of “due date” and the substitution therefor of the following—

“due date” means the date on or before which any tax is payable under this Act or pursuant to any notice issued under this Act;’.

Amendment of
section 14 of
principal Act.

3. Subsection (2) of section 14 of the principal Act is hereby amended by the deletion of the full stop at the end of paragraph (m) and the substitution therefor of a semi-colon and the addition thereafter of the following new paragraph—

“(n) in the case of a resident person carrying on the business of a shipowner, two-fifths of any capital expenditure incurred in such year of income on the purchase, and subsequent refitting for the purpose of such business, of any power-driven ship of more than 495 tons gross where the expenditure on such refitting is incurred prior to the user of such ship by the purchaser and represents not less than 25 per cent of the total capital expenditure so incurred; and where any such deduction is made then no initial deduction in respect of such expenditure shall be made under the Second Schedule.”

Amendment of
section 21 of
principal Act.

4. Section 21 of the principal Act is hereby amended—
- (a) by the deletion of the proviso to subsection (1) and the substitution therefor of the following proviso—

“Provided that—

- (i) where any person occupies premises for residential purposes for part only of a year of income, then his income for that year of income in respect of such occupation shall be proportionately reduced; and
- (ii) the income of an employee (which expression shall not include a director of a company who is not a whole-time service director) in respect of the occupation by him of premises provided by

his employer shall not exceed one-eighth of his gains or profits from his employment referable to the period of such occupation.”;

- (b) by the deletion of the proviso to subsection (3) and the substitution therefor of the following proviso—

“Provided that where the annual value of any premises as ascertained for any year of income under this subsection is greater than the annual rent which a willing tenant might reasonably be expected to pay for such premises in a free market in such year of income if he undertook to bear the usual obligations of a tenant and if the owner undertook to bear the cost of insurance and to be responsible for the maintenance of such premises, then the annual value of such premises for such year of income shall be such annual rent.”

5. Section 37 of the principal Act is hereby amended by the deletion of subsection (2) and the substitution therefor of the following—

Amendment of
section 37 of
principal Act.

- “(2) For the purposes of this section, in relation to any accounting period a company shall be deemed to be a subsidiary company if—

(a) by reason of the holding, either directly or through a nominee, of shares therein, the control of the company is, during the whole of a period of 12 months after the end of such accounting period, in the hands of another company, not being a controlled company, or of two or more other companies none of which is a controlled company; and

(b) throughout such period of 12 months such controlling company or companies enjoyed the beneficial interest in those shares.”

6. The proviso to subsection (2) of section 43 of the principal Act is hereby amended—

Amendment of
section 43 of
principal Act.

- (a) in subparagraph (i), by the insertion immediately after the words “pension fund” at the end thereof of the words “or under any enactment granting pensions in respect of service with the Government of any of the Territories or of the High Commission”;

- (b) in subparagraph (ii), by the insertion immediately after the words "pension fund" of the words "or under any enactment granting pensions in respect of service with the Government of any of the Territories or of the High Commission";
- (c) in subparagraph (iii), by the insertion immediately after the words "pension fund" at the end thereof of the words "or is in pensionable employment under the Government of any of the Territories or the High Commission".

Amendment of
section 45 of
principal Act.

7. Section 45 of the principal Act is hereby amended—

- (a) in subparagraph (viii) of paragraph (c) of subsection (2) by the insertion immediately after the words "approved provident fund" of the words "or under any enactment granting pensions in respect of service with the Government of any of the Territories or of the High Commission,";
- (b) in paragraph (a) of subsection (3) by the addition immediately after subparagraph (iv) of the following new subparagraph—

"(v) does not provide that all sums payable under the scheme shall be paid in East Africa;".

Amendment of
section 46 of
principal Act.

8. Section 46 of the principal Act is hereby amended by the deletion therefrom of subparagraph (i) of paragraph (c) of subsection (2).

Amendment of
section 102 of
principal Act.

9. Section 102 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of
section 103 of
principal Act.

10. Section 103 of the principal Act is hereby repealed and replaced by the following—

"Assessment
of person
about to
leave or
having left
the
Territories.

103. Where—

- (a) the Commissioner has reasonable cause to believe that any person—
- (i) may leave the Territories within a short time; or
- (ii) has left the Territories and his absence is unlikely to be only temporary; and
- (b) such person has not been assessed to tax on income chargeable to tax for a year of income,

then the Commissioner may, according to the best of his judgment, determine the amount of the income of such person for such year of income and assess him accordingly; but such assessment shall not affect any liability otherwise incurred by such person under this Act."

11. The principal Act is hereby amended by the addition immediately after section 104 of the following new section—

New section
104A added
to principal Act.

"Service of
notice of
assessment

104A. The Commissioner shall cause a notice of assessment to be served, either personally or by registered post, on each person assessed; and such notice shall state the amount of income assessed and the amount of tax payable and shall inform the person assessed of his rights under section 109.

12. Section 120 of the principal Act is hereby amended by the deletion of subsection (1) and the substitution therefor of the following subsection—

Amendment of
section 120 of
principal Act.

"(1) Subject to subsection (3), if any tax is not paid on or before the due date an additional sum equal to 5 per cent of the tax then payable shall thereupon become payable by way of penalty."

13. Section 123 of the principal Act is hereby amended—

Amendment of
section 123 of
principal Act.

(a) by the insertion in the marginal note after the word "leaving" of the words "or having left";

(b) in subsection (1), by the deletion of the word "personally" and the substitution therefor of the words "either personally or by registered post";

(c) by the deletion of subsection (2) and the substitution therefor of the following—

"(2) Where the Commissioner has reason to believe that any person who has been assessed to tax otherwise than under section 103—

(i) may leave the Territories within a short time without having paid such tax; or

(ii) has left the Territories without having paid such tax and his absence is unlikely to be only temporary,

then, notwithstanding anything in sections 118 and 119, he may, whether or not the due date for the payment of such tax has arrived, by notice in writing served, either personally or by registered post, on the person assessed, require—

(a) that payment of the whole, or such part as remains unpaid, of the tax assessed be made within such time as may be specified in the notice; or

(b) that security to his satisfaction be given for such payment.”;

(d) in subsection (3), by the insertion immediately after the word and figure “subsection (4)” of the words and figures “or under section 121”;

(e) in subsection (4), by the deletion of the words “Where any person has failed to comply with the notice served” and the substitution therefor of the words “Where any person in the Territories has failed to comply with a notice served personally”.

14. Subsection (1) of section 124 of the principal Act is hereby amended by the deletion of paragraph (a) and the substitution therefor of the following—

“(a) payment of any tax has not been made on or before the due date; or”.

15. Subsection (1) of section 125 of the principal Act is hereby amended by the deletion of the words “a Regional Commissioner or any Assistant Commissioner” and the substitution therefor of the words “an officer of the rank of assessor or above”.

16. Subsection (3) of section 144 of the principal Act is hereby amended—

(a) by the deletion of the words “demand note”; and

(b) by the insertion of the words “or title” immediately after the word “name”.

17. Part I of the First Schedule to the principal Act is hereby amended in Head A by the substitution of the figures “1965” for the figures “1960” in item 19.

Amendment of
section 124 of
principal Act.

Amendment of
section 125 of
principal Act.

Amendment of
section 144 of
principal Act.

Amendment of
First Schedule
to principal Act.