



## EAST AFRICA HIGH COMMISSION

### THE ROYAL TECHNICAL COLLEGE OF EAST AFRICA ACT, 1954

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**A BILL ENTITLED  
AN ACT TO MAKE PROVISION FOR THE GOVERNMENT, CONTROL AND ADMINISTRATION OF THE ROYAL TECHNICAL COLLEGE OF EAST AFRICA**

WHEREAS by a Charter granted by the Governor of Kenya on the 7th September, 1951, the Royal Technical College of East Africa and the Governing Council for such College were established:

AND WHEREAS grants both of land and of money have been made for the purposes of the said College and certain of the buildings of the said College are now in the course of erection:

AND WHEREAS the said Charter granted unto the said College and the said Governing Council certain powers therein expressed to be exercised until such time as they are replaced by an Ordinance of Kenya:

L.N. 20 of 1953. AND WHEREAS by the Royal Technical College of East Africa (Addition to Schedule) Order, 1953, made by the High Commission with the approval, *inter alios*, of the Legislative Council of Kenya the Royal Technical College of East Africa is a matter in respect of which the High Commission with the advice and consent of the Assembly may make laws:

AND WHEREAS it is now expedient and desirable that the provisions of the said Charter be replaced by an Act made as aforesaid:

AND WHEREAS a Committee known as the Gandhi Memorial College Committee have raised or been promised certain funds for the purpose of the establishment of an educational institution as a memorial to Mahatma Gandhi and the said Committee have resolved that such purpose could best be achieved by placing such funds at the disposal of the said Governing Council to be used for the purposes of the said College and in particular for the purposes of the Faculties of Arts, Science and Commerce (collectively to be known as the Gandhi Memorial Society) of the said College:

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

PRELIMINARY

1. This Act may be cited as the Royal Technical College of East Africa Act, 1954, and shall come into operation upon such date as the High Commission may by notice in the Gazette appoint.



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

“academic staff” means the academic staff as defined in section 19;

“administrative staff” means the administrative staff as defined in section 20;

“Board of Studies” means the Board of Studies established under section 9;

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

“the Charter” means the Charter granted by the Governor of Kenya on the 7th September, 1951, to the College;

“College” means the College for higher technological and other education being constructed in Nairobi, Kenya, and to be known as the Royal Technical College of East Africa;

“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;

“connected institute” means any professional, research or other institute determined by the Council under section 12 to be connected with the College;

“connected school” means any school determined by the Council under section 12 to be connected with the College;

“Council” means the Governing Council of the College established under section 4;

“Dean” means the Dean of the College appointed under section 18;

“decrees” means decrees made by the Council under section 29;

“Endowment Fund” means the Endowment Fund established under section 25;

“Faculties” means such Faculties as are determined by the Council under section 11;

“financial year” means the period of twelve months commencing on the 1st January in each year unless the Council otherwise determines in accordance with the provisions of section 27;

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

“Gandhi Memorial Board” means the Gandhi Memorial Academy Board established under section 14;

“Principal” means the Principal of the College appointed under section 17;

“Registrar” means the Registrar of the College appointed under section 20;

“Secretary” means the Secretary of the Council;

“Vice-Chairman” means the Vice-Chairman appointed under section 7.

#### AIMS OF THE COLLEGE

Aims of the  
College.

3. (1) It is hereby declared that the College shall be governed and administered, in accordance with the provisions of this Act, with a view towards providing in East Africa for the economic development of the Territories—

(a) facilities for higher technological training;

(b) facilities for professional training;

(c) facilities for research; and

(d) facilities for vocational training, either in conjunction with any other training or separately therefrom,

in engineering, in science, in laboratory technology, in sanitary science, in pharmacy, in domestic science, in industry, in commerce, in accountancy, in economics, in arts, and in art and artistic crafts, either directly or through the medium of connected schools or connected institutes:

Provided that regard shall be had to any similar facilities provided in East Africa by any other institution for higher education financed in whole or in part by the Governments of each of the Territories so that there shall not be duplication by the College of such similar facilities unless such duplication is, in the opinion of the Council after consultation with such Governments, necessary in order to develop in a full and co-ordinated manner the facilities for higher education provided in East Africa by any such other institution and by the College.

(2) It is also hereby declared that the facilities provided by the College shall, subject to the provisions of this Act, be available to all persons without distinction of race or creed; and the College shall be governed and administered so as—

(a) to ensure to all students freedom of worship according to their religious beliefs; and

(b) to foster and encourage the principles of good citizenship and to develop and improve the moral character and deportment of the students.

#### CONSTITUTION AND FUNCTIONS OF THE COUNCIL AND VISITOR

Establishment of  
Council and  
functions  
thereof.

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



(2) It shall be the duty of the Council, in the exercise of its powers and in 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 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 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;
- (c) the appointment of the members of the academic and administrative staffs and in addition the appointment of such advisers as this Council may consider necessary or desirable;
- (d) the making of decrees relating to—
  - (i) the fixing of scales and fees and boarding charges;
  - (ii) the terms and conditions of service, including the appointment, dismissal, salary, and retiring benefits, of members of the academic and administrative staffs of the College;
- (e) the making, after consultation with the Board of Studies, of decrees relating generally to the academic management of the College and in particular to—
  - (i) the qualifications necessary for entrance to the College, the courses of instruction to be provided for students at the College, the duration and number of College terms, the award of certificates or diplomas to students of the College and the revocation of any certificates or diplomas so awarded;
  - (ii) the grant of scholarships and studentships, and the revocation of any such grant;
  - (iii) the making of provision for the connexion with the College of schools and institutes.

(4) It shall also be the duty of the Council in the exercise of its powers and in the performance of its duties in any matter relating to the Faculties of Arts, Science and Commerce or to the erection and management of any buildings erected as a memorial to Mahatma Gandhi to consult with the Gandhi Memorial Board.

Appointment and  
functions of  
Visitor.

5. (1) There shall be a Visitor to the College who shall have the powers and functions vested in him by this Act.

(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 Chairman shall act for the Visitor during the period of such absence or inability while at the same time exercising his functions as Chairman.

Incorporation of  
Council, etc.

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, movable and immovable.

(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 capacity and for all purposes may be described by its name.

Membership of  
Council.

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



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

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

(4) Of the twelve other members—

(a) (i) two members shall be appointed by the Governor of Kenya;

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

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

(b) (i) one member shall be appointed by the East African Association of Engineers;

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

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

(iv) one member shall be appointed by the Gandhi Memorial Board from among the members of the Board; and

(c) two members shall be appointed by the Board of Studies from among the members of the Board.

(5) (a) The six members appointed under paragraph (a) of sub-section (4) shall retire at the end of the year succeeding that in which this Act commences.

(b) The six members appointed under paragraphs (b) and (c) of sub-section (4) shall retire at the end of the year in which this Act commences.

(c) The vacancies which will result by reason of the retirement of members under the provisions of paragraphs (a) and (b) of this sub-section shall, one month before the occurrence thereof, be notified by the Secretary 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.

(6) The Council may co-opt not more than four additional members for such period as the Council may determine and any such co-opted members may take part in the deliberations of the Council but shall have no right to vote and shall not be regarded as members for the purposes of any quorum.

(7) The Registrar shall be *ex officio* 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 to the Chairman and as from the date of the receipt by the Chairman of such notice such member shall cease to be a member; and thereupon, except in the case of a co-opted member, the Secretary 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), (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 full effect to the purpose of such order.

Meetings and  
procedure of  
Council.

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.

(2) The Chairman may at any time call a meeting of the Council and shall call a meeting within twenty-eight days of a requisition for that purpose addressed to him and signed by nine 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 event of the absence of both the Chairman and Vice-Chairman, the members present and constituting a quorum shall elect a temporary Chairman from among those members appointed under paragraphs (a) and (b) of sub-section (4) of section 7.

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



(5) Subject to the provisions of sub-section (7), every question shall be decided by a majority of the members present and voting: Provided that no question before the Council shall be decided unless at least six 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) At such times as the Council is not in meeting the Chairman shall have power to act on behalf of the Council or he may direct that the business of the Council may be transacted by the circulation of papers, and in either of such cases any decision so taken by the Chairman or on the circulation of papers shall be reported to the Council at its next meeting: Provided that—

(a) the Council may determine what matters shall not be dealt with by the Chairman under the provisions of this sub-section;

(b) any member of the Council may require that a matter shall not be determined on the circulation of papers;

and in either of such cases any such matter shall be deferred for a decision at a meeting of the Council.

(8) The Council may, subject to such limitations as it may think fit, appoint committees consisting of such members of the Council and other persons as it may think fit and may authorize any such committee to perform any of the functions of the Council; and the Council may empower any such committee to act jointly with any committees appointed by the Board of Studies or by the Gandhi Memorial Board: Provided that—

(a) the Council shall not authorize a committee to approve, without further reference to the Council, the annual estimates of expenditure;

(b) any committee appointed to hear any disciplinary charge against any member of the staff shall consist only of members of the Council.

(9) 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.

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

(11) 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.

(12) 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.

(13) The Visitor may, on the recommendation of the Council, by order amend the provisions of sub-sections (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 FUNCTIONS OF THE BOARD OF STUDIES

Establishment of Board of Studies and functions thereof.

9. (1) There shall be established a body to be known as the Board of Studies of the College and it shall be the duty of the Board of Studies to advise the Council and the Principal in accordance with the provisions of this Act.

(2) The functions of the Board of Studies shall consist of—

- (a) the submission to the Council, whether with or without the prior request therefor of the Council, of draft decrees relating generally to the academic management of the College;
- (b) the making of recommendations to the Council in relation to the terms and conditions of service of members of the academic staff and in relation to the creation of academic posts;
- (c) the making of recommendations to the Council in relation to any matter on which, under the provisions of this Act, the Council is required to consult with the Board of Studies;
- (d) the making of recommendations to the Principal in relation to the academic management of the College, and in particular with respect to—
  - (i) the appointment of examiners;



(ii) the awarding of certificates, diplomas and other marks of distinction and the revocation of any such awards in accordance with any decrees;

(iii) the grant of scholarships and studentships and the revocation of any such grants in accordance with any decrees;

(e) the exercise of any powers and the performance of any duties conferred or imposed on it by any decrees.

(3) It shall be the duty of the Board of Studies in the performance of its functions in any matter relating to the Faculties of Arts, Science and Commerce to consult with the Gandhi Memorial Board.

**10.** (1) The Board of Studies shall consist of—

Membership of  
Board of Studies.

(a) the Principal, who shall be Chairman;

(b) the Dean;

(c) the Head of each Faculty;

(d) the Head of each connected school or connected institute.

(2) The Board of Studies may co-opt not more than two additional members for such period as the Board of Studies may determine and any such co-opted members may take part in the deliberations of the Board of Studies but shall have no right to vote and shall not be regarded as members for the purposes of any quorum.

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

(4) The Visitor may, on the recommendation of the Council made after consultation with the Board of Studies, by order amend the provisions of sub-section (1) so as to vary the membership of the Board of Studies and any such order may contain such supplementary provisions (including provisions for the election and retirement of members) as may be necessary to give full effect to the purpose of such order.

**11.** (1) The Council may, after consultation with the Board of Studies, by decrees group the members of the academic staff who are engaged in teaching or research into Faculties.

Council to  
determine  
Faculties.

(2) For each Faculty there shall be a Head of the Faculty appointed by the Council.

Connected schools and connected institutes.

12. The Council may, after consultation with the Board of Studies, by decrees determine whether any professional, research or other school or institute desiring connexion with the College shall be connected with the College, and, in such case, the nature of the connexion.

Meetings and procedure of Board of Studies.

13. (1) Meetings of the Board of Studies shall be held at least twice in each College term at such time and place as the Chairman of the Board of Studies may appoint.

(2) The Chairman of the Board of Studies may at any time call a meeting of the Board of Studies and shall call a meeting within ten days of a requisition for that purpose addressed to him and signed by half the members of the Board of Studies.

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

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

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

(6) The Board of Studies may, subject to such limitations as it may think fit, appoint committees consisting of such members of the Board of Studies and other persons as it may think fit and may authorize any such committee to perform any of the functions of the Board of Studies; and the Board of Studies may empower any such committee to act jointly with any committees appointed by the Council or by the Gandhi Memorial Board: Provided that the Board of Studies shall not authorize any committee thereof to exercise any powers conferred upon it by decrees.

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



CONSTITUTION AND FUNCTIONS OF THE GANDHI MEMORIAL  
BOARD

**14.** There shall be established a body to be known as the Gandhi Memorial Academy Board and it shall be the duty of the Gandhi Memorial Academy Board to advise the Council, the Principal and the Board of Studies in accordance with the provisions of this Act—

Establishment of the Gandhi Memorial Board and functions thereof.

- (a) in all matters relating to the Faculties of Arts, Science and Commerce;
- (b) in relation to the erection and management of any buildings erected as a memorial to Mahatma Gandhi.

**15.** (1) The Gandhi Memorial Board shall consist of—

Membership of the Gandhi Memorial Board.

- (a) a Chairman, who shall be appointed by the Council from among its members;
- (b) four members appointed by the Gandhi Memorial Academy Society;
- (c) two members appointed by the Council from among its members.

(2) The Gandhi Memorial Board may co-opt not more than three additional members for such period as the Gandhi Memorial Board may determine and any such co-opted members may take part in the deliberations of the Gandhi Memorial Board but shall have no right to vote and shall not be regarded as members for the purposes of any quorum.

(3) The Registrar shall be *ex officio* the Secretary of the Gandhi Memorial Board but shall not, as Secretary, have a right to vote at any meeting of the Gandhi Memorial Board.

**16.** (1) Meetings of the Gandhi Memorial Board shall be held at least once in each College term at such time and place as the Chairman of the Gandhi Memorial Board may appoint.

Meetings and procedure of the Gandhi Memorial Board.

(2) The Chairman of the Gandhi Memorial Board may at any time call a meeting of the Gandhi Memorial Board and shall call a meeting within ten days of a requisition for that purpose addressed to him and signed by at least half the members of the Gandhi Memorial Board.

(3) The Chairman of the Gandhi Memorial Board shall preside at all meetings of the Gandhi Memorial Board at which he is present and, in the event of his absence, the members present and constituting a quorum shall elect a temporary Chairman from among their number.

(4) At any meeting of the Gandhi Memorial Board the quorum shall be five.

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

(6) The Gandhi Memorial Board may, subject to such limitation as it may think fit, appoint committees consisting of such members of the Gandhi Memorial Board and other persons as it may think fit and may authorize any such committee to perform any of the functions of the Gandhi Memorial Board; and the Gandhi Memorial Board may empower any such committee to act jointly with any committees appointed by the Council or by the Board of Studies.

(7) Subject to the provisions of this section, the Gandhi Memorial 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 Gandhi Memorial Board.

#### STAFF PROVISIONS

**17.** (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.

(2) The Principal shall be the chief administrative and academic officer of the College and shall be responsible to the Council—

- (a) for the proper administration of the College in accordance with the policy of the Council;
- (b) for the academic management of the College in accordance with the policy of the Council;
- (c) for the proper enforcement of decrees;
- (d) for the discipline of the students of the College;

and for such purposes the Principal shall have, subject to the provisions of this Act, all such powers as are necessary or advantageous and proper.

(3) The Principal shall be entitled to be present and speak at any meeting of any committee or other body of the College, but shall not be entitled to vote thereat unless he is a member thereof.

Appointment,  
powers and  
duties of  
Principal.



18. (1) There shall be a Dean of the College who shall be appointed for each College year by the Council on the nomination of the Board of Studies from among the members of the academic staff on that Board; and the Dean shall hold office for the period of such College year and shall perform the duties of such office in addition to the duties of his office as a member of the academic staff.

Appointment,  
powers and  
duties of  
the Dean.

(2) A member of the Board of Studies who has been appointed Dean for any College year shall be eligible to be reappointed Dean for the following year, but subject to any such successive terms of office any such member who has been appointed Dean shall not be eligible for reappointment as Dean until the lapse of two College years from the termination of his appointment as Dean.

(3) In the event of a vacancy in the office of Dean during any College year, the Council may, on the nomination of the Board of Studies, appoint a member of such Board of Studies qualified for appointment under the provisions of this section to be Dean for the remainder of the period of such College year; and any such member so appointed shall be deemed for the purposes of sub-section (2) to have held office for the College year.

(4) The Dean may, subject to the directions of the Principal, exercise such of the powers and perform such of the duties of the Principal as the Principal may determine: Provided that nothing herein contained shall preclude the Council from the exercise of any powers contained in section 23.

19. (1) The academic members of the staff of the College shall be appointed by the Council and shall consist of 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 decrees; or

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

Administrative  
staff.

**20.** (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, other than the academic 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 decrees; or
- (b) in the case of a member seconded to the service of the College from the service of the Government of any of the Territories or from any other public service, on such terms and conditions as may be agreed between the Council and the seconding body.

General terms  
of appointment.

**21.** 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.

**22.** 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  
appointments,  
etc.

**23.** (1) In the event of the absence of the Principal from the Territories or in the event of his inability for any reason to perform the functions of his office, the Council may appoint a member of the academic staff to act temporarily for the Principal and to have and to exercise the powers and to perform the duties of the Principal during the period of such absence or inability.

(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 act temporarily for such member and to have and to exercise the powers and to perform the duties of such member during the period of such absence or inability.



## FINANCIAL PROVISIONS

24. All the funds, assets, and property, movable and immovable, 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 immovable 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.

25. (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 moneys standing to 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 24, 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.

Investment, etc.,  
of moneys.

26. (1) The moneys standing to the credit of the Endowment Fund shall be invested by the Council through the Crown Agents in such securities as the Crown Agents are authorized by the Secretary of State to purchase for funds in their charge:

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.



**27.** (1) The Council 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 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 twelve 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 of any decision of the Council to incur expenditure in excess of such estimates, shall be forwarded to the Secretary of State, the Visitor, the High Commission and each of the Governments making grants to the College.

**28.** (1) The Council shall cause to be prepared annually— Annual statement, report and audit.

- (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 the auditors appointed by the Council before such date following the end of the previous financial year as the Visitor may fix.

(3) Copies of such statements, of the annual report of the Council and of the auditors' 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

Decrees and orders.

**29.** (1) The Council may, subject to the provisions of this Act, 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.

(2) The Principal may make orders for the better carrying into effect of the powers or duties conferred or imposed on him under the provisions of this Act and such orders may be published in such manner as he may consider most convenient.

Power of Council to alter name of College.

**30.** The Council may, by order made with the approval of the Secretary of State and of the Visitor, change the name of the College; and thereupon any reference in this Act or in any legislation, judgment, decree, order, award, contract, or other document, to the Royal Technical College of East Africa shall be construed as a reference to the new name of the College as specified in any such order.

Inaugural and transitional provisions.

**31.** (1) The inaugural provisions set out in Part I of the Schedule to this Act shall, notwithstanding anything to the contrary in this Act, have effect for the purpose of enabling the Council to prepare the College for the reception of students.

(2) The transitional provisions set out in Part II of 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 Charter.

Revocation.

**32.** The Charter shall cease to have effect in relation to the College and is hereby replaced.



## SCHEDULE

## PART I—INAUGURAL PROVISIONS

1. The College shall not be available for the reception of students until such date as the Council may, by notice in the Gazette, appoint; and the several facilities to be provided by the College may be provided with effect from different dates and such dates shall be notified in such notice or in any subsequent notice.

2. Notwithstanding the provisions of sub-section (4) (c) of section 7, the two members of the Council to be appointed under the provisions of that sub-section shall, on the commencement of this Act, be appointed by the Principal from among the members of the academic staff and such members so appointed shall be deemed for all purposes to be members appointed by the Board of Studies from among the members of that Board in accordance with the provisions of such sub-section (4) (c): Provided that—

(a) if on such commencement the Principal considers that there is not at that time a sufficient number of members of the academic staff to justify any such appointments, then no such appointments shall be made;

(b) if on the retirement, in accordance with the provisions of sub-section (5) (b) of section 7, of any members appointed under the provisions of this paragraph the Board of Studies has not as yet been constituted, the Principal shall appoint two members of the academic staff to be the two members of the Council under the provisions of sub-section (4) (c) of section 7 and such members so appointed shall be deemed for all purposes to be members appointed by the Board of Studies from among the members of that Board in accordance with the provisions of sub-section (5) (c) of section 7.

3. Until such time as, in the opinion of the Council, a sufficient number of members of the academic staff has been appointed so as to enable the Board of Studies to be constituted, the Principal shall perform the functions of the Board of Studies referred to in sub-section (3) (e) of section 4, paragraphs (a), (b) and (c) of sub-section (2) and sub-section (3) of section 9, and sub-section (1) of section 11; and any decrees which are required to be made after consultation with the Board of Studies shall, until the Board of Studies is constituted, be deemed to have been so made if made after consultation with the Principal.

4. Notwithstanding the provisions of sub-section (4) (b) (iv) of section 7, the member of the Council to be appointed under the provisions of that sub-section shall, on the commencement of this Act, be appointed by the four members of the Gandhi Memorial Board appointed under the provisions of section 15 (1) (b) from among their number, and such member so appointed shall be deemed for all purposes to be the member appointed by the Gandhi Memorial Board from among the members of that Board in accordance with the provisions of sub-section (4) (b) (iv).

5. Until such time as the Gandhi Memorial Board is fully constituted, the functions of that Board shall be performed by the four members thereof appointed under the provisions of section 15 (1) (b).

6. Subject to any decrees made by the Council under the provisions of section 11, the members of the academic staff who are engaged in teaching or research shall, on the commencement of this Act, be grouped into the following six Faculties—

- (1) Engineering, which shall consist of such members conducting courses in civil, mechanical or electrical engineering, mathematics, architecture and building construction;
- (2) Science, which shall consist of such members conducting courses in physics, chemistry and biology;
- (3) Commerce, which shall consist of such members conducting courses in economics, commercial law and accountancy;
- (4) Arts, which shall consist of such members conducting courses in languages, geography, history, industrial social studies and technological teacher training;
- (5) Art and Artistic Crafts, which shall consist of such members conducting courses in drawing, painting, sculpture, photography, printing and artistic handicrafts;
- (6) Domestic Science, which shall consist of such members conducting courses in dietetics, cookery, needlework, catering and institutional management.

7. Notwithstanding the fact that on the commencement of this Act the first College year may not as yet have commenced, the Council may appoint any member of the academic staff to perform the functions of the Dean and such member shall, unless replaced by the Council, perform such functions until a Dean is appointed for the first College year in accordance with the provisions of section 18; and any such member so appointed under the provisions of this paragraph shall, if he is a member of the Board of Studies, be eligible for appointment as Dean for the first College year as if he had not previously performed the functions of such office.

8. Notwithstanding the fact that this Act may commence during a financial year and before the College is available for the reception of students, the Council shall as soon as practicable after such commencement prepare and approve the annual estimates for such financial year.

#### PART II—TRANSITIONAL PROVISIONS

1. There shall be transferred to and vested in the Council all the funds, assets and property, movable and immovable, which immediately prior to the commencement of this Act were vested in the Governing Council for the College established by the Charter or in the Trustee appointed by such Governing Council under the provisions of such Charter; and the Council shall cause all the moneys so transferred and vested to be paid into the appropriate accounts in accordance with the provisions of section 25:

Provided that, notwithstanding the provisions of sub-section (4) (b) of section 25, the interest on the moneys in the capital account accrued up to the day before the date notified as that upon which the College is available for the reception of students shall be transferred from such capital account and paid into the revenue account.

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 against, the Governing Council for the College established by the Charter.

3. All actions, suits, or legal proceedings, pending by or against the Governing Council for the College established by the Charter 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. All members of the staff of the College appointed under the provisions of the Charter who are members of such staff immediately prior to the commencement of this Act shall be deemed to have been appointed under the provisions of this Act.

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### MEMORANDUM OF OBJECTS AND REASONS

The Royal Technical College of East Africa, now in the course of construction at Nairobi, was established by a Charter granted by the Governor of Kenya on the 7th September, 1951, though it was always intended that the terms of the Charter should be replaced by legislation. It was originally visualized that this legislation would take the form of a Kenya Ordinance, but as the conception of the functions to be performed by the College broadened it was considered that the College would be more suitably governed under High Commission legislation. In March, 1953, the Royal Technical College of East Africa (Addition to Schedule) Order, 1953, was made by the High Commission with the approval of the Legislative Councils of each of the Territories and this Order added the Royal Technical College of East Africa to the matters with respect to which the High Commission may legislate with the advice and consent of the Assembly. This Bill accordingly is designed to provide for the government, control and administration of the Royal Technical College of East Africa and to replace the provisions of the Charter under which the College is at present established.

In about 1949 a group of persons in East Africa conceived the project of establishing a College in East Africa as a memorial to Mahatma Gandhi. For that purpose a Committee known as the Gandhi Memorial College Committee was subsequently formed and considerable sums of money were both raised and promised with a view towards establishing a College to be known as the Gandhi Memorial College for intermediate and in due course higher education. It became apparent, however, that the functions of the proposed College would overlap either with those of the existing Makerere College or those of the Royal Technical College which had been established by Charter in 1951. In these circumstances the members of the Gandhi Memorial College Council and the generous donors of the funds for the proposed College came to the conclusion, in the interests of higher and intermediate education in East Africa, that the broad purposes for which the funds were raised would best be served if the project for the Gandhi Memorial College were merged with the Royal Technical College and the funds placed at the disposal of the Royal Technical College for utilization particularly in the three Faculties of Arts, Science and Commerce. This generous gesture was gladly accepted by the Council of the Royal Technical College and it was



agreed that within the College there should be established a Gandhi Memorial Academy Board who would advise the Council and the Board of Studies in all matters relating to those three Faculties and the erection and management of any college buildings erected as a memorial to Mahatma Gandhi. This Bill accordingly is drafted so as to give effect to these proposals.

This Bill is to a large extent based upon the Makerere College Act (Cap. 16) as it is considered that, so far as practicable, the legislation under which these two institutions are established and governed should be similar. The Royal Technical College, like Makerere College, is intended to be an autonomous body, the government, control and administration of which is to be in the hands of the Governing Council.

*Clause 3* of the Bill sets out the aims of the College and these aims, broadly, are the provision in East Africa of professional, higher technological and vocational training in certain specified subjects conducive to the economic development of the Territories. It is to be noted that there is specific provision designed to ensure that the facilities provided by the College shall not duplicate those provided by any other institution for higher education in East Africa unless such duplication is, after consultation with the East African Governments, considered necessary in order to develop in a full and co-ordinated manner the facilities for higher education in East Africa. It is also specifically declared that the facilities provided by the College shall be available to all persons without distinction of race or creed.

*Clause 4* establishes the Governing Council of the College which is responsible for the Government, control and administration of the College. *Clause 6* provides that the Council shall be a body corporate and *clause 24* vests all the funds, assets and property of the College in the Council.

*Clause 7* provides that the membership of the Council shall consist of a Chairman and Vice-Chairman, to be appointed by the High Commission; two members to be appointed by the Governor of each of the Territories; one member to be appointed by each of the following bodies: the East African Association of Engineers, the Association of Chambers of Commerce and Industry of Eastern Africa, the City Council of Nairobi and the Gandhi Memorial Board; and two members to be appointed by the Board of Studies of the College. In addition the Principal and the Dean of the College are *ex officio* members of the Council. Power is given to the Council to make decrees generally for the government and control of the College and provision is also made in *clause 12* for the College to enter into close relations with professional, research and other schools and institutes.

*Clause 5* provides for the appointment of a Visitor who is to have the functions specified in various clauses. In particular, the Council would not be able to charge any of the immovable property of the College without the prior approval of the Visitor.

*Clause 9* provides for the establishment of the Board of Studies, the membership of which is set out in *clause 10*. The functions of the Board of Studies are, broadly, to advise the Council and the Principal in matters relating to the academic management of the College.



*Clause 14* provides for the establishment of the Gandhi Memorial Board whose duty it will be to advise the Council, the Principal and the Board of Studies on matters relating to the Faculties of Arts, Science and Commerce and on matters relating to the erection and management of buildings erected as a memorial to Mahatma Gandhi. By *clause 15* this Board is to consist of a Chairman and six members, the Chairman and two members being appointed by the Council from among its members and the other four members being appointed by a society which it is proposed to register in Kenya under the name of the Gandhi Memorial Academy Society.

*Clause 17* provides for the appointment of a Principal who is to be the chief administrative and academic officer of the College and who is responsible to the Council, *inter alia*, for the proper administration of the College in accordance with the policy of the Council. *Clause 18* provides for the appointment of a Dean, who holds office for each College year. The Dean is to be appointed from among the members of the Board of Studies and he may perform such of the functions of the Principal as the Principal may determine.

*Clauses 24 to 28* deal with the financial provisions relating to the College. Various accounts are set up and *clause 25* sets out what moneys are to be paid into each account and the purpose for which each account is to be utilized. This *clause* also enables the Council to borrow money. *Clause 26* deals with the investment of the funds of the Council and *clause 27* provides for the annual estimates to be prepared by the Council and for the expenditure of moneys in accordance with the provisions of those estimates. *Clause 28* provides for annual statements and reports to be prepared by the Council.

*Clause 30* enables the Council, with the approval of the Secretary of State and of the Visitor, to change the name of the College. It is considered that the use of the word "Technical" in the existing name may create an erroneous impression inasmuch as the primary functions of the College are the provision of higher technological and professional training.

*Clause 31* makes provision for various inaugural and transitional matters and *clause 32* provides that the provisions of the Bill are to replace those of the Charter under which the College is at present established.

It is not anticipated that this Bill, if enacted, would involve any additional expenditure from the High Commission Funds. It is proposed that the funds of the College will be made up from capital grants made by the territorial Governments and other bodies, from the funds raised by the Gandhi Memorial College Committee and now placed at the disposal of the Council, from donations and fees, and from recurrent annual grants made by the territorial Governments, but in no sense do the provisions of this Bill in any way charge the revenues of the Territories.

Nairobi,  
27th October, 1953.

C. D. NEWBOLD,  
*Legal Secretary.*