

UNIVERSITY OF MAURITIUS ACT

Act 17 of 1971 – 1 July 1971

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UNIVERSITY OF MAURITIUS ACT

1. Short title

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

2. Interpretation

In this Act—

“academic staff” means all persons holding appointments made under section 7 (2) as Professors, Associate Professors, Senior Lecturers, Lecturers, or Assistant Lecturers of the University, or holding any other post stipulated by the Senate as an academic staff post;

“Board of a Faculty” means a Board of a Faculty set up under section 19;

“Chancellor” means the Chancellor of the University referred to in section 8;

“Consultative Committee” means the Consultative Committee referred to in section 14A;

“Convocation” means the Convocation of the University referred to in section 13;

“Council” means the Council of the University referred to in 15;

“Court” means the Court of the University referred to in section 14;

“Faculty” means a Faculty of the University referred to in section 17;

“Librarian” means the Librarian of the University referred to in the Statutes;

“library” means the library of the University;

“Pro-Chancellor” means the Pro-Chancellor referred to in section 10;

“Pro-Vice-Chancellor” means the Pro-Vice-Chancellor referred to in section 12;

“Registrar” means the Registrar of the University referred to in the Statutes;

“Regulations” means the Regulations of the University made under section 21;

“Senate” means the Senate of the University referred to in section 16;

“Statutes” means the Statutes of the University made under section 20;

“student” means a person registered as a student of the University in accordance with the Statutes and the Regulations;

“University” means the University of Mauritius referred to in section 3;

“Vice-Chancellor” means the Vice-Chancellor of the University referred to in section 11;

“Visitor” means the Visitor of the University appointed under section 9;

“year” means a period of 12 months beginning on such date as may be prescribed in the Statutes.

[S. 2 amended by Act 47 of 1992; s. 30 (a) of Act 27 of 2012 w.e.f. 22 December 2012.]

3. Constitution of University

(1) The University of Mauritius shall be a body corporate.

(2) Membership of the University shall be prescribed by the Statutes.

(3) Subject to the University of Technology, Mauritius Act and the Université des Mascareignes Act, no person, without the authority of the University, may use the name of the University and any person who contravenes this subsection shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.

[S. 3 amended by Act 2 of 2000; s. 37 (4) of Act 4 of 2012 w.e.f. 6 September 2012.]

4. Objects of University

The University shall—

- (a) provide facilities for and engage in teaching and research and thereby promote the advancement of learning and knowledge;
- (b) in particular, provide university education responsive to the social, administrative, scientific, agricultural and technological needs of Mauritius; and
- (c) hold out, on such terms as it thinks fit and within the limits of its resources, to suitably and academically qualified persons who in its opinion are able and willing to benefit from the facilities it offers, the opportunity of acquiring education befitting a university of the highest standing.

5. —

6. No discrimination

No discrimination on account of nationality, race, caste, religion, place of origin, political opinion, colour, creed or sex shall be shown against any person in determining whether he or she is to—

- (a) be appointed to the academic or other staff of the University;
- (b) be registered as a student of the University; or
- (c) graduate from, or hold any advantage or privilege of, the University.

7. Functions of University

(1) Subject to this Act, the Statutes and the Regulations, the University shall have such functions and powers as, in its opinion, are necessary to further most effectively, so far as its resources permit, the objects of the University referred to in section 4 and to maintain its efficiency and well-being as an academic community.

(2) Without prejudice to the generality of the foregoing, the functions and powers of the University shall be to—

- (a) prescribe the conditions under which persons may be admitted to the University or any particular course of study;
- (b) award and confer degrees including honorary degrees, diplomas, certificates and other academic distinctions, under such conditions and in such manner as it may determine;
- (c) on good cause being shown, deprive persons of any degrees or other distinctions conferred on them, and revoke any diplomas or certificates granted to them;
- (d) prescribe the disciplinary provisions to which students shall be subject;
- (e) provide instruction in such branches of learning and study and for such persons, whether members of the University or not, as it thinks fit and make provision for research and for the advancement and dissemination of knowledge in such manner as it may determine;
- (f) provide such lectures and instruction for persons who are not members of the University as it may determine, and grant diplomas and certificates;
- (g) accept the examinations and periods of study passed by students at other universities or places of learning as equivalent to appropriate examinations and periods of study in the University, and withdraw such acceptance;
- (h) select and appoint persons as academic or other staff of the University, and make payments to other persons under such conditions as it may determine;
- (i) institute and award fellowships, scholarships, studentships, exhibitions, bursaries and prizes;

- (j) make provision for research and advisory services;
- (k) demand and receive fees; and
- (l) enter, for such purposes as it may determine, into agreements and other relations with other institutions or bodies, whether academic or otherwise, including the incorporation within the University of any other institution or body and the taking over of property, rights, privileges and liabilities of any such institution or body.

(3) (a) Nothing in this section or in any other enactment shall be construed as preventing the University from setting up an agency or a charitable trust where the Council, after consultation with the Senate, resolves that such an agency or a charitable trust would be conducive to the development of the University.

(b) Notwithstanding any other enactment, every agency or charitable trust set up under paragraph (a) shall—

- (i) include, among its members or trustees, the Chairperson of the Council who shall chair every meeting of the agency or charitable trust, and at least one member of the Council;
- (ii) submit to the Council its budget estimates and statement of expected revenue at the beginning of each financial year and ensure that the development, utilisation and management of its funds is conducted in accordance with any applicable enactment;
- (iii) submit such document or information in relation to its accounts as may be required by the Council on a quarterly basis;
- (iv) be subject to the oversight of the Director of Audit;
- (v) not be entitled to use any facilities funded by Government grants except with the approval of the Council, which shall specify the terms and conditions of such use;
- (vi) not run courses or enrol students unless it is duly registered and its programmes of studies are accredited by the Tertiary Education Commission; and
- (vii) have sole liability for students enrolled and staff recruited by it.

(c) The UOM Trust registered on 23 October 2006 shall be deemed to have been set up by the University under this Act and shall, notwithstanding any other enactment or instrument creating the trust, comply with paragraph (b).

[S. 7 amended by s. 30 (b) of Act 27 of 2012 w.e.f. 22 December 2012.]

8. The Chancellor

(1) There shall be a Chancellor of the University who shall be the Dean of the University and who shall have such powers and functions as specified in the Statutes.

(2) The Chancellor shall be appointed by the President acting on the advice of the Prime Minister.

(3) The Chancellor shall—

- (a) hold office for a period of 5 years;
- (b) be eligible for reappointment; and
- (c) be appointed on such other terms and conditions as specified in the Statutes.

[S. 8 amended by Act 47 of 1992.]

9. The Visitor

(1) Where necessary, a Visitor of the University shall be appointed and shall have such powers and functions as specified in the Statutes.

(2) The Visitor shall be appointed in the manner specified in the Statutes.

10. The Pro-Chancellor

(1) There shall be a Pro-Chancellor of the University who shall be *ex officio* Chairperson of the Council.

(2) The Pro-Chancellor shall be appointed and shall hold office on such terms and conditions as specified in the Statutes.

(3) Where the office of Chancellor is vacant or the person holding that office is for any reason unable to perform the functions of that office, the Pro-Chancellor shall perform those functions.

(4) Nothing in subsection (3) shall be construed as authorising the Pro-Chancellor to confer degrees, diplomas or other academic qualifications.

11. The Vice-Chancellor

(1) There shall be a Vice-Chancellor of the University who shall be the principal academic and administrative officer of the University and who shall have general responsibility to the Council for maintaining and promoting the good order and efficiency of the University.

(2) The Vice-Chancellor shall be appointed and shall hold office on such terms and conditions as specified in by the Statutes.

[S. 11 amended by Act 47 of 1992.]

12. The Pro-Vice-Chancellor

(1) There shall be two Pro-Vice-Chancellors of the University who shall be appointed in such manner and on such terms and conditions as specified in by the Statutes.

(2) Each Pro-Vice-Chancellor shall have such functions and duties as specified in the Statutes.

[S. 12 amended by Act 47 of 1992.]

13. The Convocation

(1) There shall be a body to be known as the Convocation of the University.

(2) The constitution of the Convocation and its powers and functions shall be as specified in the Statutes.

14. The Court

(1) There shall be a Court of the University which shall be the supervisory body of the University and shall have the right to receive reports on the working of the University.

(2) The constitution of the Court, its powers and functions, the manner of election and period of office of its members, the manner of filling vacancies in its membership and all other matters relative to the Court which it may be thought proper so to regulate, shall be as specified in the Statutes.

14A. Consultative Committee

(1) There shall be for the purposes of this Act a Consultative Committee which shall ensure ongoing collaboration between the University and the private sector.

(2) The Consultative Committee shall also be responsible for advising the University on—

- (a) the development of programmes of study and research, in line with the needs of the labour market;
- (b) the relevance of the curricula of programmes of study to the labour market needs;
- (c) effective quality assurance of the programmes of study; and
- (d) placements, internships and research.

(3) The composition and the procedure for the convening and holding of meetings of the Consultative Committee shall be as specified in the Statutes.

[S. 14A inserted by s. 30 (c) of Act 27 of 2012 w.e.f. 22 December 2012.]

15. The Council

(1) There shall be a Council of the University which shall be the executive body of the University and shall have the custody, control and use of the common seal of the University.

(2) The Council shall be responsible for the management and administration of the revenue and property of the University, and shall have general control over the conduct of the affairs of the University.

(3) The constitution and terms of membership of the Council shall be as specified in the Statutes.

16. The Senate

(1) There shall be a Senate of the University which shall be the academic authority of the University and shall, subject to the powers and functions of the Council as specified in this Act and the Statutes, be responsible for the academic work of the University both in teaching and in research, the award of degrees, other than honorary degrees, diplomas and other academic distinctions and the regulation and superintendence of the education and discipline of students.

(2) The constitution and terms of membership of the Senate and its powers and functions shall be as specified in the Statutes.

17. Faculties

There shall be in the University such Faculties and other Units as the Council may, after consultation with the Senate, institute.

[S. 17 amended by Act 47 of 1992.]

18. Deans of Faculties

(1) The Council shall appoint a member of the academic staff as the Dean of a Faculty.

(2) The functions, duties and terms and conditions of appointment of the Dean of a Faculty shall be as specified in the Statutes.

[S. 18 amended by Act 47 of 1992.]

19. Boards of Faculties

(1) A Board shall be established for each Faculty.

(2) The powers and functions, constitution and terms of membership of a Board shall be as specified in the Statutes.

(3) The Dean of a Faculty shall be *ex officio* Chairperson of the Board of that Faculty.

[S. 19 amended by Act 47 of 1992.]

20. Statutes

(1) The Council may, after consultation with the Senate, by special resolution make Statutes for—

- (a) any matter which is required by this Act to be specified in the Statutes;
- (b) the power and functions, constitution and terms of membership of such bodies as the Council or the Senate thinks proper to set up and to be regulated;
- (c) the functions, duties and terms of office of such officers as the Council thinks proper to appoint and to be regulated; and
- (d) all procedural or other matters the Council thinks proper to regulate by Statutes in furtherance of the objects of the University.

(2) In this section, “special resolution” means a resolution passed by a majority of not less than two thirds of the members of the Council present and voting at a meeting of the Council attended by not less than half the total membership of the Council, and notice of which, subject to the Statutes, has been given to each member of the Council not less than 14 days before the meeting is held.

21. Regulations

Subject to the Statutes, the Senate may make regulations relating to—

- (a) teaching, schemes of instruction, study and research;

- (b) the conditions under which persons may be permitted to follow and to continue to follow schemes of instruction, study and research;
- (c) the conduct and discipline of students;
- (d) the use of the library;
- (e) the conduct of examinations;
- (f) the award of degrees, diplomas and other academic distinctions.

22. Statutes and Regulations

Notwithstanding the Interpretation and General Clauses Act—

- (a) the Statutes and Regulations shall not be required to be laid before the Assembly;
- (b) the Statutes shall be published in the *Gazette* and shall come into operation on the day of their publication or on such later day as may be specified in the Statutes; and
- (c) the Regulations shall not be required to be published in the *Gazette* but shall be published in such manner, and shall come into operation on such day, as the Senate may determine.

23. Exemption from duty

Notwithstanding any other enactment—

- (a) the University shall be exempt from payment of any licence duty, any rate or charge leviable on immovable property or any tax leviable on income;
- (b) no stamp duty or registration fee shall be payable in respect of any document signed or executed by the University or under which the University is a beneficiary; and
- (c) the University may frank letters or postal packets or make remittances by money orders free of charge.

24. Donations and legacies

Article 910 of the Code Civil Mauricien shall not apply to the University.

25. Legal proceedings

(1) Service of process on or on behalf of the Registrar shall be equivalent to service on or on behalf of the University.

(2) Every document relating to the University shall be signed by the Chairperson of the Council or by any other person authorised in that behalf by the Council.
