



had made to enable students to pay tuition fees in instalments.

The applicant proceeds to state that he subsequently learnt from the 1st respondent that the University Council had at a special meeting on the 18th July 1997, approved certain changes to the regulations governing the payment of tuition fees with effect from the commencement of the 1997/98 academic year. The changes were to the effect that the fees for any one academic year must be paid by the first day of the first semester. He states at paragraph 15 -

I wish to state that I was not aware of the existence of the new position nor have I been informed in good time about the 2nd respondent's intended action to alter the terms and conditions of my offer of acceptance.

It was argued on behalf of the applicant, that the 2nd respondent was obliged to adhere to the provisions of paragraph 1.3 of annexure A for the duration of the applicant's course of study. It was submitted that the relationship between the applicant and the University was a contractual one and that the applicant had a legitimate expectation that he would be informed of any changes to that relationship.

The University Council is empowered to govern, manage and regulate the finances, investments, property, business and all other affairs of the University. See section 16 of the UNIVERSITY OF SWAZILAND ACT 1983. The Finance Committee of the University which is charged with the responsibility of advising the Council on all financial matters of the University may recommend for the approval of Council of the financial Regulations of the University and amendments thereto. The payment of tuition fees is a matter which is governed by the financial Regulations contained in the University Calendar. The Calendar for the academic year 1996/97, when the applicant first entered the University

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contained the following Regulation regarding the payment of tuition fees –

2.32 (a). The fees for any one academic year must be paid by the first day of the first semester although, under special circumstances and by arrangement with the Bursar, fees may be paid in equal instalments at the beginning of each semester.

It was clearly under this Regulation that the arrangements for the 1996/97 academic year, set out under paragraph 1.3 of annexure A, were framed. The Regulation governing the payment of tuition fees for the 1997/98 academic year is set out as follows in the Calendar –

2.32 The fees for any one academic year must be paid by the first day of the first semester in the following manner:

- a) Government-sponsored students, and those sponsored by reputable local and international organisations will have to provide written proof of sponsorship before they are allowed to proceed with the registration process.
- b) Other students shall be required to pay the full tuition fees at registration in August.

The arrangements for the 1996/97 academic year were specifically for that year. Nothing in the wording of annexure A could have led the applicant to believe that he would be allowed to pay his tuition fees by way of instalments, for the duration of his studies with the University. As a student, the applicant was obliged to acquaint himself with the financial Regulations and to realise that he could not, in the 1997/98 academic year, expect the same indulgence as had been extended to him in the 1996/1997 academic year.

It was for these reasons that I dismissed the application.

B. DUNN

JUDGE.