



THE REPUBLIC OF UGANDA

**THE NATIONAL AGRICULTURAL RESEARCH
ACT, 2005.**

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I SIGNIFY my assent to the bill.

Yoweri Museveni

President

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Date of assent: *4th Sept, 2005*

Act

National Agricultural Research Act

2005

THE NATIONAL AGRICULTURAL RESEARCH ACT, 2005.

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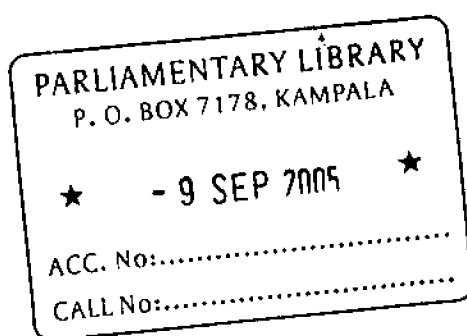
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THE REPUBLIC OF UGANDA

THE NATIONAL AGRICULTURAL RESEARCH ACT, 2005.

An Act to provide for the development of an agricultural research system for Uganda for the purpose of improving agricultural research services delivery, financing and management; establishment of a National Agricultural Research Organisation with its governing council and as body corporate to serve as the apex body for guidance and coordination of all agricultural research activities in the national agricultural research system, to repeal the National Agricultural Research Organisation Act, Cap 205 and to provide for other related and incidental matters.

DATE OF ASSENT:

Date of Commencement:

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Citation

This Act may be cited as the National Agricultural Research Act, 2005.

2. Interpretation

In this Act, unless the context otherwise requires—

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“adaptive research” means research designed to solve a specific problem for a specific decision maker or research designed to adjust a technology to specific environmental conditions, including the selecting or customising of technologies, processes, or knowledge to suit the needs of users in a specific location;

“agriculture” means the management and utilisation of natural resources to produce food, drink, fibre, wood and other products;

“agricultural” means the various kinds of activities and jobs or work connected, associated or based on agriculture;

“agriculturalist” means a person involved in the profession dedicated to the harnessing of plants and animals for food, drink, fibre, wood and other products and educating people how to do it for human use;

“agricultural product” means any plant or animal product or such other product as may be declared to be an agricultural product by the Minister for the purposes of this Act;

“agricultural research” means the furtherance, accumulation and improvement of knowledge in the agricultural and related sciences through original and other investigations and methods of a scientific or indigenous nature into the production, treatment or handling of an agricultural product, including research required for a better understanding of the process involved in or the environment necessary for the production of an agricultural product with the advancement of agriculture as its object;

“agricultural research service provider” means any person whether in the public or private sector who conducts or manages agricultural research in accordance with this Act; and includes a public agricultural research institute, universities, tertiary institutions, farmers groups, civil society organisations, private sector organisations and any other entity as may be determined by the council;

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“applied research” means research on a subject with a broad range of problems facing a society as a whole or research that creates new technologies;

“basic research” means research designed to improve a discipline and advance the frontiers of knowledge or research that creates new scientific knowledge and may consist of research to develop or improve theories, techniques or measurements with known or unknown relevance;

“chairperson” means the chairperson of the council appointed under section 9;

“currency point” has the value given to it in the First Schedule to this Act;

“council” means the governing body of the National Agricultural Research Organisation;

“development” means the activities by which knowledge acquired through research is scaled-up and utilised;

“director general” means the director general appointed under section 15;

“farmer” means a person who gathers or raises plants, livestock, poultry and fish as food, drink, wood, fibre and other products for human use;

“farmers’ fora” means institutions comprising of democratically elected representatives from farmers’ groups at the sub-county, district or national level;

“farmers’ organisations” means organisations recognised by the council and are formed by those engaged in either production or processing or marketing of a specific agricultural commodity;

“farmer groups” means groups constituted by farmers who have common agricultural interests and is recognised by the council;

“Fund” means the Fund established under section 41;

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“industry” means any enterprise involved in the processing of agricultural products in such fields as shall be approved in accordance with this Act;

“innovative agricultural research” means agricultural research that may not be considered immediately relevant but which may open up opportunities for the future and is funded under the innovative fund;

“invention” includes the development, in whatever way, of new animal breeds, plant cultivars and other organisms living or non-living;

“management committee” means the management committee of a public agricultural research institute;

“Minister” means the Minister to whom the President has assigned responsibility for agricultural research;

“NAADS” means the National Agricultural Advisory Services established by the National Agricultural Advisory Services Act, 2001;

“national agricultural research system” means a cross section of stakeholders whether in public or private sector; and comprises of the organisation, public agricultural research institutes, universities and other tertiary institutions, farmer groups, civil society organisation, private sector and any other entity engaged in the provision of agricultural research services;

“national strategic research” means research responding to national research questions or priorities and identifying the processes, principles and technological elements required for successful adaptation of technologies and increasing the efficiency of applied and adaptive research;

“organisation” means the National Agricultural Research Organisation established under section 5;

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- (b) coordinate and oversee, in collaboration with the Uganda National Council for Science and Technology and other lead agencies, the development, consolidation and implementation of agricultural research policy and national research strategies, plans and budgets relating to publicly funded agricultural research;
- (c) set national priorities and harmonise agricultural research activities of the national agricultural research system, constituent institutions and public agricultural research institutes, civil society organisation, private sectors and farmer organisations and promote delivery of quality and efficient agricultural research services;
- (d) advise and coordinate formulation of policy and legislative proposals, research standards, codes of ethics, conduct and practice; and guidelines for delivery of agricultural research services;
- (e) provide guidelines, guidance and ensure delivery of quality agricultural research by agricultural research service providers;
- (f) in collaboration with other relevant agencies, provide policy guidance to local governments on matters relating to agricultural research;
- (g) carry out monitoring and evaluation of national agricultural research programmes, projects and activities to ensure adherence to the set work plans, standards and regulations;
- (h) mobilise funds for agricultural research and manage the agricultural research trust fund including raising funds for research of national strategic interest;
- (i) coordinate and promote cooperation and collaboration between Uganda and other countries, institutions, scientific or professional societies and other agricultural research service providers, with regard to agricultural research, development

- (e) maintain a central register of agricultural research and development.

9. The members of the council

(1) The council shall consist of the following members—

- (a) an eminent Ugandan scientist who shall be a chairperson appointed by the Minister;
- (b) four representatives of farmers, at least two of whom shall be women elected in a manner prescribed by the Minister by recognised Farmers' Groups or organisations and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
- (c) a representative from the private sector;
- (d) a representative of the Uganda Non-Governmental Organisations Forum;
- (e) three persons with experience in agricultural research representing the Universities, public agricultural research institutes and private agricultural research providers at least one of whom shall be a woman;
- (f) a representative of the local authorities nominated by the Uganda Local Authorities Association;
- (g) the Permanent Secretary of the Ministry responsible for agricultural research;
- (h) the Permanent Secretary of the Ministry responsible for finance;
- (i) the director general, *ex-officio*;
- (j) the Executive Director NAADS, *ex-officio*; and
- (k) the Executive Secretary of Uganda National Council for Science and Technology, *ex-officio*.

(2) The chairperson and members of the council shall be persons of high moral character and proven integrity who have had experience of and shown capacity in agricultural research, environment, management, administration, agriculture, marketing, the training of agriculturalists, economic, business and financial management, law, rural development, social science, and development or technology transfer in the field of agriculture.

(3) The Minister shall in consultation with the relevant bodies appoint the members of the council and shall, in appointing the members of the council, ensure that there is a balance of skills, experience and gender.

(4) The members of the council other than the director general shall hold office on terms and conditions specified in their instruments of appointment.

(5) The director general shall be the secretary to the council.

(6) Membership of the council shall be on part time basis.

10. Disqualification from appointment as member of the council

A person shall not be appointed member of the council who—

- (a) is an undischarged bankrupt; or who has made any assignment or arrangement with his or her creditors; or
- (b) is incapacitated by mental or physical illness that renders him or her incapable of performing the function of the office; or
- (c) is a person convicted of an offence of a moral turpitude.

11. Tenure of office of council members

(1) A member of the council, other than the director general, shall hold office for three years and is eligible for re-appointment for one more term.

(2) A member of the council may, at any time, resign his or her office by letter addressed to the Minister.

(3) The Minister may, at any time, remove a member of the council, except the director general, from office—

16. Functions of director general

(1) The director general is the chief executive of the secretariat and is responsible for the day-to-day operations and administration of the secretariat.

(2) Subject to this Act and to the general supervision and control of the council the director general is responsible for—

- (a) tendering advice to the council;
- (b) coordinating and implementing policies, programmes and activities of the organisation and reporting on them to the council;
- (c) the proper management of the funds, property and affairs of the organisation;
- (d) managing the various funds created by this Act;
- (e) coordinating and monitoring of agricultural research programmes and the award of contracts given under the Agricultural Research Trust Fund established under this Act and any other agricultural research activities contracted directly by the organisation;
- (f) the management and control of the staff of the organisation's secretariat;
- (g) the development of an operating plan and strategies to guide the organisation in achieving its objectives;
- (h) the development of management plans and strategies for utilisation in agricultural research;
- (i) the development of an efficient and cost effective internal management structure; and
- (j) performing any other duty that may be assigned to him or her by the council or under this Act.

(3) The director general, in the performance of his or her functions, is answerable to the council.

17. Vacation of office by the director general.

The director general shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt, insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence involving dishonesty, fraud or moral turpitude;
- (d) he or she is removed from office by the members of the council for—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind; or
 - (ii) misbehaviour or misconduct; or
 - (iii) incompetence.

18. Other staff

(1) The organisation shall engage such other officers and employees as may be necessary for the proper and efficient discharge of its objects and functions.

(2) The officers and employees appointed under this section shall hold office on terms and conditions that the council may determine.

(3) Without prejudice to the generality of subsection (2), the organisation may provide for the payment to its officers and employees of salaries, allowances, pension, gratuities or other retirement benefits and may require them to contribute to any pension, provident fund or superannuation scheme.

19. Committees of the council

(1) The council may appoint such committees as it may determine to assist it in the carrying out of its functions and may delegate to any committee such functions as it may consider fit and subject to such condition as it may determine.

(2) The committee appointed under subsection(1) shall consist of a chairperson who shall be a member of the council and four other persons whether members of the council or not.

(3) The council shall prescribe the procedure of any committee appointed by it under this section.

20. The finance, scientific and users committees

(1) Without prejudice to the provisions of section 19, there is established the following standing committees of the council whose members shall be appointed in accordance with section 19—

- (a) finance committee;
- (b) scientific committee; and
- (c) users committee.

(2) In appointing the committees, the council shall ensure that there is adequate representation of farmers on the finance committee and that the user committee is composed of farmers and other users of result of agricultural research.

(3) The finance committee shall—

- (a) ensure that financial and other resources are mobilised and effectively deployed;
- (b) review and recommend for approval annual budget and financing plan of the organisation and public agricultural research institutes;

PART III—PROVISION OF AGRICULTURAL RESEARCH SERVICE

21. Provision of agricultural research services

Under the national agricultural research system, agricultural research services shall be provided by agricultural service providers who shall comprise of public agricultural research institutes, universities, tertiary institutions, private sector organisations, civil society organisations, farmers groups and any other entity with appropriate capacity as may be determined by the council.

22. Common functions of agricultural research service providers

(1) The functions of agricultural research service providers shall include—

- (a) carrying out agricultural research whether basic, applied, adaptive or strategic;
- (b) utilisation of the technologies and expertise in its possession arising out of publicly funded agricultural research including making it generally available;
- (c) mobilising teams to carry out agricultural research;
- (e) participating in problem identification and prioritisation;
- (f) establishment and control of facilities in fields of research, development and technology transfer which are of interest to them or which the organisation may from time to time delegate to them;
- (g) the training of agricultural researchers and others;
- (h) hiring or letting of services for the management and conduct of agricultural research;
- (i) establishing and maintaining collaboration with other agricultural research service providers, organisation and agricultural research institutes both at national and international levels;

(2) The Minister shall, on the recommendation of the council by regulations, provide the system of registering of agricultural research service providers and the fees payable and other matters connected with it.

(3) Any person who contravenes this section, commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

24. Guidelines for carrying out agricultural research

(1) The council shall issue guidelines and such directives as may be necessary for the conduct and management of agricultural research.

(2) Any person who fails to comply with the guidelines or directives issued under subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty four currency points or imprisonment not exceeding one year or both.

25. Contracting of agricultural research service providers

(1) The council may contract or enter into an arrangement with an agricultural research service provider to carry out agricultural research on any agricultural product or activity.

(2) An agricultural research service provider under this Act shall carry out agricultural research activities in accordance with a performance contract from the organisation, or from a public agricultural research institute, or from a local government and in accordance with code of conduct issued by the organisation.

(3) Notwithstanding anything to the contrary in this Act, research, development and technology transfer shall under subsection (1) be undertaken on such conditions as may be agreed upon between the organisation and the agricultural research service provider, including any institution, Government or Local government, on whose behalf the research, development and technology transfer are to be undertaken.

26. Functions of universities and tertiary institutions

Subject to the Universities and Tertiary Institutions Act, 2002 and in addition to the provisions of section 22(1), the function of universities and tertiary institutions in the provision of agricultural research shall be—

- (a) training the personnel who shall act as agricultural research service providers;
- (b) acting as centres of excellence, especially for basic scientific research;
- (c) providing services as managers of agricultural research at any level;
- (d) conducting strategic research on contract from the organisation and the private sector; and
- (e) undertaking adaptive research on a competitive basis from organisation, local governments, civil society and the private sector.

27. Functions of the private sector and civil society organisations

(1) In addition to the provision of section 22(1), the private sector and civil society organisations shall—

- (a) participate in the articulation of demand and supply of agricultural research services;
- (b) mobilise and provide funds, personnel and facilities for agricultural research; and
- (c) provide advice and information to support the development and implementation of a given policy.

(2) The organisation may contract the universities, private sector and civil society organisations to provide a variety of agricultural research services such as—

- (a) providing services as managers of agricultural research at any level;

29. Operation of a public agricultural research institute

(1) A public agricultural research institute shall be autonomous in its operations relating to the implementation of its programmes, allocation and management of its resources in accordance with its approved annual programmes and budget as approved by the council.

(2) Each public agricultural research institute shall have a management committee.

(3) Each public agricultural research institute shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its own name and do things as body corporate may lawfully do.

30. Establishment of other public agricultural research institutes

Subject to section 60, the Minister may, on the advice of the council, establish such other public agricultural research institutes, as may be deemed necessary for the purposes of carrying out agricultural research.

31. Functions of a public agricultural research institute

In addition to the functions prescribed in section 22, the specific functions of a public agricultural research institute shall be as follows—

- (a) planning, conducting national strategic agricultural research which is of public interest and in case of zonal agricultural institute, conducting applied and adaptive research of zonal importance;
- (b) acting as a centre of excellence and reference on specified agricultural research programmes and enterprises;
- (c) conducting relevant training and skills development programmes for other agricultural research service providers;
- (d) maintaining core technical, administrative research staff and facilities;
- (e) providing technical back-stopping to advisory service providers in collaboration with NAADS;

- (f) establishing and maintaining regular contacts and collaboration with other research and technology institutes both at national and international levels; and
- (g) exploring new opportunities in agricultural research and development.

32. Composition of management committee of a public agricultural research institute

(1) A management committee of a public agricultural research institute shall consist of persons provided for in subsections (2) and (3).

(2) In case of a National Agricultural Research Institute, it shall comprise of—

- (a) the director of the institute who shall be an *ex-officio* member;
- (b) a representative of the Ministry responsible for agricultural research;
- (c) three representatives of the farmers, at least one of whom shall be woman elected in a manner prescribed by the Minister by recognised Farmers' Groups or farmers' organisation and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
- (d) a representative of the agricultural advisory service providers;
- (e) an eminent scientist not affiliated to any of the public agricultural research institutes; and
- (f) two other persons of integrity and who had experiences of and proven capacity in economic, finance, development, business or administration.

(3) In case of the Zonal Agricultural Research and Development Institutes, it shall comprise of the following—

- (a) three representatives of farmers at least one of whom shall be a woman elected in a manner prescribed by the Minister by recognised farmers' group or farmers' organisations and one of whom shall be a person with disabilities elected in a manner prescribed by the Minister;
 - (b) a representative chosen by the agricultural advisory service providers from within the area served by a particular zonal agricultural research and development institute;
 - (c) the director of the zonal agricultural research and development institute, *ex-officio* member;
 - (d) a representative from the district local governments served by a particular zonal agricultural research and development institute; and
 - (e) two other persons of integrity and had experiences of and proven capacity in economic, finance, business, development or administration.
- (4) The members of the management committee shall recommend to the council for appointment a person as their chairperson.
- (5) The chairperson and members of the management committee shall be persons of high moral character and proven integrity who have experience of, and shown capacity in agriculture, agricultural research, business and administration.
- (6) The council shall appoint the members of the management committee and membership of the management committee shall be on part time basis.
- (7) The council shall, in appointing the members of the management committee, ensure that there is a balance of skills, gender and experience among the members of the management committee.
- (8) The members of the management committee shall hold office on terms and conditions specified in their instruments of appointment.

(9) The Minister may, by statutory instrument alter the composition of a management committee of a public agricultural research institute as and when necessary.

33. Functions of the management committee

The management committee of a public agricultural research institute shall—

- (a) formulate the policies of a public agricultural research institute and mobilise sufficient resources for the proper functioning of a public agricultural research institute;
- (b) ensure that the objects and functions of a public agricultural research institute are carried out in line with policy and guidelines provided by the council;
- (c) approve work plans and prepare budgets for a public agricultural research institute;
- (d) appoint and discipline all support staff of a public agricultural research institute;
- (e) provide technical support and guidance to a public agricultural research institute in the delivery of agricultural research services;
- (f) convene a meeting twice a year of agricultural researchers from the respective public agricultural research institute, farmers, NAADS service providers, local authorities and other relevant stakeholders for the purpose of discussing matters relevant to the conduct of the respective institutes-program of agricultural research;
- (g) establish and maintain linkages between the respective public agricultural research institute and National Agricultural Advisory Services;
- (h) establish an appropriate incentive scheme for the employees of a public agricultural research institute;

(e) if the member is bankrupt or insolvent or enters into a composition scheme with his or her creditors; or

(f) if the member is convicted of an offence involving dishonesty, fraud or moral turpitude.

35. Remuneration of management committee

The chairperson and the members of management committee shall be paid such remuneration as the Minister may in consultation with the Minister responsible for public service determine in relation to that member.

36. Funds of a public agricultural research institute

(1) The funds of a public agricultural research institute shall consist of—

(a) money appropriated by the Parliament for the purposes of a public agricultural research institute;

(b) monies received by virtue of the contracts and the functions performed by the institute as agricultural research service provider;

(c) loans, donations or contributions from any person, local government, institution or private company; and

(d) money which may become payable to the institute in the performance of its functions.

(2) All revenue collected by or payable to a public agricultural research institute shall form part of the revenue of the public agricultural research institute and, having regard to its capacity to generate income from its own operations and its annual business plans and budget, the Minister after consultation with the Minister responsible for finance shall determine, in respect of each public agricultural research institute the amount of revenue which shall remain the property of the public agricultural research institute.

37. Meetings of the management committee

The Fourth Schedule has effect in relation to meetings of the management committee and other matters provided for in that Schedule.

PART V—FARMERS' FORA AND OTHER FARMERS' GROUPS OR ORGANISATIONS

38. Farmers' fora and other farmers' groups or organisations

The farmers' fora referred to and established under Part IV of the National Agricultural Advisory Services Act, 2001 and other farmer groups or organisations recognised by the organisation shall carry out the following functions for the purpose of this Act—

- (a) identify and prioritise agricultural research needs;
- (b) monitor the effectiveness of agricultural research activities;
- (c) advise on the use and integration of local knowledge in agricultural research;
- (d) collaborate with agricultural research service providers in agricultural research and development activities;
- (e) assist local communities to benefit from agricultural research;
- (f) perform such other functions relating to agricultural research as the organisation may require or delegate to them; and
- (g) inform the organisation of the ideas, desires and opinions of the people in their respective areas on all matters relating to agricultural research.

PART VI—DISCOVERIES, INVENTIONS AND IMPROVEMENTS BY AGRICULTURAL RESEARCH SERVICES PROVIDERS

39. Rights of patents, inventions etc

(1) All rights of patent in discoveries, inventions and improvements on proprietary inputs both technological and material, transformational systems, selectable markers, promoters, genetic research including diagnostic probes, shall vest in the organisation in cases of agricultural research from public funds.

(2) Subject to subsection (1), the rights in all discoveries and innovations and in all improvements in respect of processes, apparatus and machinery made by—

- (a) persons assisting the organisation with any investigation or research shall vest in the organisation; or
- (b) persons to whom bursaries or grants-in-aid have been granted by the organisation, shall vest in the organisation.

(3) For the purpose of this section, the intellectual property rights is limited to tools and methods used in agricultural research.

(4) The organisation may make discoveries, inventions and improvements referred to in subsection (2) available for use in the public interest subject to such conditions or the payment of such fees or royalties as the organisation may determine.

(5) Where any discovery, invention or improvement is vested in the organisation under subsection (1), the organisation may award to the person responsible for the discovery, invention or improvement such bonus as agreed, or make provision for financial participation by that person in the profits derived from the discovery, invention or improvement to such extent as the organisation may determine, after consultation with the Minister and in accordance with the existing laws relating to intellectual property rights.

(6) The organisation or an agricultural research service provider may apply for a patent in respect of any discovery, invention or improvement referred to in subsection (1), and shall for the purposes of Patents Act and Plant Variety Protection Act be regarded as the assignee of the discoverer or inventor in question.

(7) The Minister in consultation with the council shall prescribe by regulations the manner for protecting intellectual property, innovations, improvements and inventions arising out of agricultural research.

40. Amendment of the Patents Act, Cap 216

For purposes of patenting results of a discovery, invention or improvement, made under section 39, section 7 of the Patents Act is amended by repealing paragraph (b) of subsection (2).

PART VII—FINANCE

41. Agricultural Research Trust Fund

(1) There is established a fund to be known as the Agricultural Research Trust Fund.

(2) Subject to the provisions of this Act, the Agricultural Research Trust Fund shall be managed by the council.

(3) The monies to constitute the Agricultural Research Trust Fund shall consist of—

- (a) moneys appropriated by Parliament;
- (b) loans obtained by Government;
- (c) grants from donors;
- (d) any surplus made from the operations of the council and declared to the Minister responsible for finance;
- (e) any monies paid into the Fund under this Act; and
- (f) any other source approved by the Minister in writing in consultation with the Minister responsible for finance.

42. Utilisation of the Agricultural Research Trust Fund

(1) The Fund shall be utilised as follows—

- (a) for funding of core activities of research of national strategic interest;
- (b) to create endowment, with which to support competitive funds;
- (c) for funding of national and zonal competitive agricultural research contracts; and

(d) for funding of innovative agricultural research.

(2) The Minister shall, on the recommendation of the council, by regulations provide for—

- (a) management of the Fund;
- (b) eligibility criteria for research funding; and
- (c) adequate representation of farmers on the body administering the Fund.

43. Funds of the organisation

(1) The funds of the organisation consist of—

- (a) money appropriated by Parliament;
- (b) money received by virtue of contracts and the functions performed by the organisation;
- (c) donations or contributions which the organisation may receive from any person, institution, government or any other source;
- (d) interest on investments by the organisation;
- (e) fees prescribed by the organisation for processing of registration applications charged under this Act, royalties and such other fees, including fees payable annually by registered persons as may be prescribed under this Act;
- (f) ten percent of the cess collected on agricultural produce export;
- (g) money borrowed by the organisation under this Act or any other law; and
- (h) grants and gifts from Government and grants, gifts or donations from other sources acceptable to the Minister and the Minister responsible for finance.

(2) The organisation shall utilise its funds for defraying expenses in connection with the performance of its functions and the exercise of its powers.

(3) The organisation may, in respect of any work performed or services rendered by it under this Act, or for the use of its facilities or rights consequent upon any discoveries, inventions or improvements, charge such fee or make such other financial arrangement as it may deem fit.

44. Estimates

(1) The director general shall, not less than two months before the beginning of each financial year, prepare and submit to the council for its approval, estimates of income and expenditure for that financial year.

(2) The director general may also, at any time before the end of the financial year, prepare and submit to the council for approval, any estimates supplementary to the estimates under subsection (1).

(3) The council shall submit the estimates approved by it under this section to the Minister for his or her approval and the Minister shall submit the estimates to the Minister responsible for finance, for inclusion in the annual estimates of Government for a financial year.

(4) No expenditure shall be made out of the funds of the organisation unless the estimates in respect of the expenditure have been approved in the manner provided by this section.

(5) The organisation and a public agricultural research institute shall not incur any expenditure exceeding its budget without the approval of the Minister.

45. Use of Funds

(1) The funds of the organisation and a public agricultural research institute may be applied for the—

- (a) payment or discharge of its expenses, obligations or liabilities incurred in connection with the performance of its functions or exercise of its powers under this Act, and

(b) payment of any remuneration or allowances payable under this Act.

(2) Subject to subsection (1), the funds of the organisation and a public agricultural research institute may be invested in—

(a) fixed deposits with a bank approved by the council, or a management committee;

(b) treasury bills and securities of the Government; or

(c) such other manner as may be approved by the council or the management committee after consultation with the Minister.

(3) Funds of the organisation or a public agricultural research institute may not be invested in any business licensed under this Act.

(4) Where, at the end of a financial year of the organisation or of a public agricultural research institute, and after—

(a) setting aside the amount required for its capital expenditure and operations;

(b) making provision for bad and doubtful debts;

(c) making provision for depreciation of assets; and

(d) taking into consideration any other contingencies;

any surplus is made from its operations, the organisation and a public agricultural research institute shall declare the surplus to the Minister responsible for finance and it shall be paid into the Fund.

46. Financial year

The financial year of the organisation and a public agricultural research institute shall be the twelve months beginning on the 1st July of each year and ending on the 30th June in the following calendar year.

47. Books of account

(1) The organisation shall keep proper accounts of its income and expenditure and records in relation to them.

(2) For the purpose of proper accounting, each public agricultural institute shall keep separate accounts which shall be maintained in a manner and form approved by the organisation and in accordance with the Government accounting regulations for the time being in force.

(3) The organisation shall, within three months after the end of each financial year, cause to be prepared and submitted to the Auditor-General for auditing by the Auditor-General or an auditor appointed by the Auditor-General, a statement of accounts of the organisation for that financial year in a form approved by the Auditor General.

(4) The Auditor-General or an auditor appointed by him or her is entitled to inspect all books, papers and other records of the organisation and a public agricultural research institute relating to all matters dealt with in any statement of accounts required to be prepared under subsection (3) and is entitled to any information and explanation required in relation to those financial records.

(5) The Auditor-General shall, within three months after receiving the accounts of the organisation under subsection (3), cause them to be audited and reported on in accordance with article 163 of the Constitution.

48. Duty to operate on sound financial principles.

The organisation and a public agricultural research institute shall, in discharging its functions under this Act, operate in accordance with sound financial and commercial practice and shall ensure that expenditure do not exceed revenue.

49. Power to open and operate bank accounts

(1) Subject to section 40 of the Public Finance and Accountability Act, 2003 the organisation and a public agricultural research institute shall open and maintain such bank accounts as are necessary for the performance of their functions.

(2) The organisation and a public agricultural research institute shall ensure that all moneys received by or on behalf of the organisation or a public agricultural research institute are banked as soon as practicable after being received.

(3) The organisation and a public agricultural research institute shall ensure that no money is withdrawn from or paid out of any of the bank accounts without the approval of authorised person.

50. Borrowing powers

The organisation and a public agricultural research institute may, with the approval of the Minister given in consultation with the Minister responsible for finance, borrow money from any source as may be required for meeting its obligations or for the discharge of the functions of the organisation and a public agricultural research institute under this Act.

51. Annual and other reports

(1) The organisation shall, one month after the end of each financial year, submit to the Minister, a statement of its activities in the preceding financial year, containing such information as the Minister may require.

(2) The organisation shall also submit to the Minister, such other reports on its activities or on any other matter as the Minister may, from time to time, require.

52. Accounting officers

(1) The director general shall be the accounting officer charged with the responsibility of accounting for all money received, its utilisation and the use and care of the properties of the council.

(2) The head of each public agricultural research institute shall be the sub-accountant charged with the responsibility for accounting for all money received, its utilisation and the use and care of all the properties of the institute he or she heads.

(3) A sub accountant referred to in subsection (2) shall for accounting purpose be directly answerable to the accounting officer referred to in subsection (1).

PART VIII—MISCELLANEOUS

53. Official seal of the organisation

(1) The official seal of the organisation shall be in a form determined by the council.

(2) The official seal shall, when affixed to any document, be authenticated by the signatures of the director general and one other member of the council.

(3) In the absence of the director general, the person performing the functions of the director general shall sign.

(4) An instrument or contract which if executed or entered into by a person other than a body corporate would not require to be under seal may be executed or entered into on behalf of the organisation by the director general, or by any member of the council or any other person if that member of the council or other person has been duly authorised by resolution of the council to execute or enter into the instrument or contract as the case may be.

(5) Every document purporting to be an instrument or contract executed or issued by or on behalf of the organisation in accordance with this section shall be deemed to be so executed or issued until the contrary is proved.

54. Powers of the Minister

The Minister may give general directions in writing to the organisation and a public agricultural research institute with respect to the policy to be observed and implemented and the organisation and public agricultural research institute shall comply with those directions.

55. Service of documents

(1) Any notice or document may be served on the organisation by delivering it at the office of the director general or by sending it by registered post to the director general.

(2) Any notice or document may be served on a public agricultural research institute by delivering it at the office of the head of the institute or by sending it by registered post to the head of a particular institute.

56. Protection of members and employees

(1) A member of the council, an employee of the organisation or any person performing any function of the organisation under the direction of the organisation shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

(2) A member of the management committee or an employee of a public agricultural research institute or any person performing any function of a public agricultural research institute under the direction of the management committee shall not be personally liable to any civil proceedings for any act done in good faith in the performance of those functions.

57. Regulations

(1) The Minister may, by statutory instrument, after consultation with the council, make regulations for the better carrying into effect the provisions of this Act.

(2) Notwithstanding the general effect of subsection (1), the Minister may after consultation with the council make regulations—

- (a) prescribing the procedure and criteria for the allocation of grants both on competitive and non-competitive basis;
- (b) for the registration, conduct of agricultural research service providers and the payment of fees by agricultural research service providers;
- (c) for the setting of standards and a code of conduct of the agricultural research service providers;
- (d) for the management of public agricultural research institutes;
- (e) prescribing the procedure and criteria for the election of district local governments and the chairpersons of the management committee;
- (f) for the registration and management of agricultural research service providers;
- (g) prescribing anything which is authorised or required to be prescribed under this Act;

60. Succession

(1) Any agreement or similar arrangement made under the National Agricultural Research Organisation Act repealed by section 62 shall continue in force until terminated in accordance with the terms and conditions of the agreement or arrangement.

(2) The organisation shall, on the effective date of its operations, accept into its employment every person who, immediately before the commencement of the Act, was an employee of the secretariat of the National Agricultural Research Organisation and who was given an option to serve by the organisation and has opted to serve as an employee of the organisation.

(3) A person who is not accepted as an employee of the organisation is entitled to terminal benefits and pensions in accordance with the existing terms and conditions of the employment.

(4) Any person employed immediately before the commencement of this Act with a public agricultural research institute shall, after the commencement of this Act continue to be employed with the corresponding public agricultural research institute on terms not less favourable than before.

(5) Where a doubt exists as to which institute under this Act correspond to an institute existing immediately before the commencement of this Act, the matter shall be determined by the Minister.

61. Amendment of Schedules

The Minister may, by statutory instrument, and with the approval of Cabinet, amend the Schedules to this Act.

62. Repeal and savings, Cap 205

(1) The National Agricultural Research Organisation Act is repealed and the National Agricultural Research Organisation established under it is dissolved.

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(2) Any licence or other authorisation granted under the repealed National Agricultural Research Organisation Act and any thing done under that Act may continue to take effect as if done under this Act.

(3) Any statutory instrument made under the repealed National Agricultural Research Organisation Act and in force on the coming into operation of this Act so long as it is consistent with this Act, shall continue in force until revoked or amended under this Act.

SCHEDULES.

SECOND SCHEDULE

SECTION 13

MEETINGS OF THE COUNCIL

1. Meetings of the council

(1) The chairperson shall convene every meeting of the council at times and places as the council may determine, and the council shall meet for the discharge of business at least once in every three months.

(2) The chairperson may, at any time, convene a special meeting of the council and shall also call a meeting within fourteen days, if requested to do so in writing by at least eight members of the council.

(3) Notice of a council meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the council and in the absence of the chairperson, the members present shall elect one of their number to preside at the meeting.

2. Quorum

The quorum for a meeting of the council is eight members.

3. Decisions of council

All questions proposed at a meeting of the council shall be decided by a majority of the votes of the members present, and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

4. Power to co-opt

(1) The council may invite any person who, in the opinion of the council, has expert knowledge concerning the functions of the council, or who is likely to be of assistance to the council to attend and take part in the proceedings of the council.

(2) A person attending a meeting of the council under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have any right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the council shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the council who is in any way directly or indirectly interested in a contract made or proposed to be made by the council, or in any other matter which falls to be considered by the council, shall disclose the nature of his or her interest at a meeting of the council.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the council with respect to that matter; or

(b) take part in any decision of the council with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Council may regulate its procedure

Subject to this Act, the council may regulate its own procedure or any other matter relating to its meetings.

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THIRD SCHEDULE

SECTION 28(1)

PUBLIC AGRICULTURAL RESEARCH INSTITUTES

PART I—NATIONAL AGRICULTURAL RESEARCH INSTITUTES

1. National Crops Resources Research Institute;
2. National Fisheries Resources Research Institute;
3. National Forestry Resources Research Institute;
4. National Livestock Resources Research Institute;
5. National Agricultural Research Laboratories; and
6. Serere National Semi Arid Resources Research Institute.

PART II—ZONAL AGRICULTURAL RESEARCH AND DEVELOPMENT INSTITUTES

1. Abi Zonal Agricultural Research and Development Institute;
2. Bulindi Zonal Agricultural Research and Development Institute;
3. Kachwekano Zonal Agricultural Research and Development Institute;
4. Mukono Zonal Agricultural Research and Development Institute;
5. Ngetta Zonal Agricultural Research and Development Institute;
6. Nabuin Zonal Agricultural Research and Development Institute;
7. Mbarara Zonal Agricultural Researches and Development Institute.
8. Buginyanya Zonal Agricultural Research and Development Institute; and
9. Rwebitaba Zonal Agricultural Research and Development Institute.

MEETINGS OF MANAGEMENT COMMITTEE

1. Meetings of the management committee

(1) The chairperson shall convene every meeting of the management committee at such times and places as the management committee may determine, and the management committee shall meet for the discharge of business at least once in every three months.

(2) The chairperson may, at any time, convene a special meeting of the management committee and shall also call a meeting within fourteen days if requested to do so in writing by at least four members of the management committee.

(3) Notice of a management committee shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the management committee and in the absence of the chairperson, the members present shall elect one of their number to preside at the meeting.

2. Quorum

(1) The quorum for a meeting of the management committee shall be one-third of the members of the management committee.

(2) All decisions at a meeting of the management committee shall be by a majority of the votes of the members present, and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

3. Power to co-opt

(1) The management committee may invite any person who, in the opinion of the management committee, has expert knowledge concerning the functions of the public agricultural research institutes, to attend and take part in the proceedings of the management committee.

(2) A person attending a meeting of the management committee under this section may take part in any discussion at the meeting on which his or her advice is required, but shall not have any right to vote at that meeting.

4. Validity of proceedings not affected by vacancy

The validity of any proceedings of the management committee shall not be affected by a vacancy in its membership, or by any defect in the appointment or qualification of a member.

5. Disclosure of interest of members

(1) A member of the management committee who is in any way directly or indirectly interested in a contract made or proposed to be made by the management committee or in any other matter which falls to be considered by the management committee, shall disclose the nature or extent of his or her interest at a meeting of the management committee.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not participate in any deliberation, or take part in any decision of the management committee with respect to that matter.

(4) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

6. Management committee may regulate its procedure

Subject to this Act, the management committee may regulate its own procedure or any other matter relating to its meetings.

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FIFTH SCHEDULE

SECTION 14

1. Appointment of directors and research scientists

The appointment of the director and scientists of the public agricultural research institute shall be by the council but with full participation of the management committees of the public agricultural research institutes.

2. Composition of the interviewing panel

The following persons shall constitute a panel for the selection process of the directors and scientists of the public agricultural research institutes—

- (a) a representative of the respective public agricultural research institutes;
- (b) a representative from the public service commission;
- (c) a representative from the Ministry responsible for agricultural research; and
- (d) a representative from the scientific committee of the council.

Cross References

The Constitution.

The National Agricultural Research Organisation Act, Cap 205.

The Patents Act, Cap 216.

The Public Finance and Accountability Act, Act No 6 of 2003.



THE REPUBLIC OF UGANDA

This printed impression has been carefully compared by me with the bill which was passed by Parliament and found by me to be a true copy of the bill.

A handwritten signature in black ink, appearing to be 'S. ...'.

.....
Clerk to Parliament

Date of authentication: 30 - 8 - 2005