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19/11/2010
By Hon. Charles W.
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**BILLS
SUPPLEMENT No. 8**

14th June, 2010.

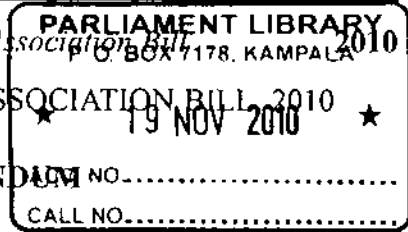
BILLS SUPPLEMENT

to the Uganda Gazette No. 36 Volume CIII dated 14th June, 2010.

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Bill No. 11

Uganda Forestry Association Bill



THE UGANDA FORESTRY ASSOCIATION BILL, 2010

MEMORANDUM NO.....
CALL NO.....

1. The object of this Bill is to empower the Uganda Forestry Association as a body corporate with perpetual succession and a common seal, with power to sue and to be sued in its corporate name.

2. The Bill seeks to maintain and improve the standards of conduct and ethics of the forestry profession in Uganda.

3. The Bill further seeks to protect and assist the public in Uganda in all matters touching, ancillary or incidental to forestry as a profession.

4. The Bill seeks to create a responsible body to grant practicing certificates to qualified foresters to enhance professionalism and accountability in the forestry sector.

5. The Bill seeks to set a disciplinary committee appointed by a council to discipline erring members of the Uganda Forestry Association.

HON. CHARLES NGABIRANO,
Member of Parliament Rwampara.

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THE UGANDA FORESTRY ASSOCIATION BILL, 2010.

ARRANGEMENT OF CLAUSES

Clause.

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PART II- ESTABLISHMENT OF THE ASSOCIATION

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19. Alteration of resolutions
20. Convening and procedure
21. Custody and use of seal
22. Minutes

A Bill for an Act

ENTITLED

THE UGANDA FORESTRY ASSOCIATION ACT, 2010.

A Bill to make provision for the incorporation of the Uganda Forestry Association and to make provision for its powers, duties and responsibilities, to provide for a council responsible for the management of the association, to provide for the disciplining of foresters and the maintenance of professional standards and to provide for other related matters.

BE IT ENACTED by Parliament as follows:

PART I—INTERPRETATION

1. Interpretation

In this Bill, unless the context otherwise requires—

- (a) “association” means the Uganda Forestry Association established under Section 2 (i);
- (b) “certificate” means certificate issued under section 5(2);
- (c) “council” means the council established under section 8;
- (d) “commissioner” means Commissioner for Forestry or Head of Forestry in the Ministry of Water and Environment;

- (e) “disciplinary committee” means a disciplinary committee established under section 11;
- (f) “forestry” means the management and conservation of forests and trees and includes the management of land that does not have trees growing on it, but which forms part of an area reserved for or dedicated to forestry;
- (g) “forester” means someone qualified to practice forestry under this Bill;
- (h) “member” in relation to the association means a registered member of the association;
- (i) “prescribed” means prescribed by or under this Bill;
- (j) “President” means the President of the Association elected under section 8;
- (k) “practicing certificate” means certificate granted under section 9 (b);
- (l) “Special Resolution” means a resolution passed by a majority of not less than two thirds of such members of the association as, being entitled to do so, vote in person or by proxy at a general meeting of the association duly convened with prior notice of the intention to propose such resolution.

PART II—ESTABLISHMENT OF THE ASSOCIATION

2. Establishment of the Uganda Forestry Association.

There is established the Uganda Forestry Association, a body corporate with perpetual succession and a common seal, with power to sue and to be sued in its corporate name.

3. Functions of the association.

The functions for which the association is established are to—

- (a) maintain and improve the standards of conduct and learning of the forestry profession in Uganda;

- (b) facilitate the acquisition of knowledge by members of the forestry profession and users;
- (c) represent, protect and assist members of the forestry profession in Uganda as regards conditions of practice of forestry as a profession and otherwise;
- (d) protect and assist the public in Uganda in all matters touching, ancillary or incidental to the forestry sector;
- (e) acquire, hold, develop or dispose of properties of all kinds, whether movable or immovable and to derive capital or income from the property, for all or any of the foregoing objects;
- (f) raise or borrow money for all or any of the foregoing objects in such manner and upon such security as may from time to time be determined by the association;
- (g) invest and deal with monies of the association not immediately required in such manner as may from time to time be determined by the association;
- (h) ensure a sustainable forestry sector that is accorded its rightful role in contributing to the socio-economic development through production of indispensable goods and services;
- (i) promote the effective protection, production and utilization of Uganda forest resources and in accordance with relevant laws including international conventions/agreements;
- (j) promote, in the Republic of Uganda and elsewhere, the generation of scientific knowledge, information and the dissemination and application of science and technology, and related discipline in forestry;
- (k) prescribe or regulate the conduct of foresters in Uganda; and
- (l) do all such other things as are incidental or conclusive to the attainment of the foregoing functions or any of them.

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PART III—MEMBERSHIP

4. Membership.

(1) Any person who holds a degree, diploma and other qualifications in Forestry awarded by a University or Institution recognized by the National Council for Higher Education.

(2) The Commissioner of Forestry shall be an ex-official member of the association.

(3) The Council may elect as honorary members of the association such person as it may think fit either for life or for such period as the council may in any way deem appropriate.

5. Enrolment.

(1) Any person who is eligible for membership of the association under section 4 may make an application to the council for enrolment as a full member and the council shall, if it is satisfied that the applicant is an eligible person, direct the Executive Secretary to enroll the applicant as a full member of the association on payment of the enrolment fee and the annual subscription.

(2) The Executive Secretary shall enroll the applicant and issue an enrolment and practicing certificate to the person enrolled.

6. Disqualification from enrolment.

(1) A person shall not be enrolled or continue to be a member of the association—

- (a) if he or she has been adjudged by a competent court to be of unsound mind;
- (b) if he or she is an un-discharged bankrupt; and
- (c) if he or she has been convicted of a serious criminal offence or an offence involving fraud or dishonesty.

(2) Any person who is not enrolled under this Act shall not be eligible for both private and public practice in Uganda.

7. Financing.

Members of the association shall pay into the funds of the association—

- (a) such annual subscription as may from time to time be prescribed except that no honorary member shall be liable to pay any such subscription;
- (b) consultancies; and
- (c) donations and grants
- (d) monies from investments of the Association

PART IV—COUNCIL.**8. Constitution of the Council.**

(1) For the proper management of the affairs of the association, there shall be a council consisting of a President, a Vice President, an Executive Secretary, Treasurer, and the Commissioner for Forestry and six other members.

(2) The President, Vice President, Executive Secretary, the Treasurer and the six members shall be elected by the association in a general meeting every after two years.

9. Functions of the Council.

The functions of the council shall be to—

- (a) approve members for admission into the association;
- (b) issue certificates to be issued under this Bill;
- (c) maintain and publish the roll of members of the association;
- (d) supervise the registration and maintain the register of practicing foresters of Uganda and to publish their names in the Gazette;
- (e) ensure the maintenance of professional standards among members of the association and to take steps to acquaint the members with methods and practices necessary to maintain those standards;

- (f) regulate the conduct and promote good ethical standards and discipline of members of the association;
- (g) prescribe fees and subscriptions payable by members of the association;
- (h) make bye-laws of the association;
- (i) appoint from time to time committees consisting of members of the association and may in accordance with this Act or by any other regulations made under this Act, delegate to any such committee all or any of the powers of the council;
- (j) make provision for standards and ethics of the forestry profession;
- (k) participate in the curriculum review of Forestry Training Institutions in order to link training needs to forestry practice; and
- (l) do anything that is incidental to the functions of the association.

10. Procedure.

The procedure of the council and of every committee appointed under clause 9 (i) shall be as may from time to time be prescribed, by the Council and approved by the general meeting.

PART V—DISCIPLINARY COMMITTEE AND INQUIRIES

11. Establishment of disciplinary committee.

(1) There is established a disciplinary committee consisting of five members, one of whom shall be the Chairperson.

(2) Members of the disciplinary committee shall be appointed by the council from members of the association, but the chairperson shall be appointed from among members of the council.

(3) A member of the disciplinary committee shall hold office for two years and shall be eligible for reappointment.

(4) If after an inquiry, the committee appointed by the council is satisfied that a member or former member is incompetent or has committed professional misconduct or has contravened this Act or the bye laws, made by the Council the committee, by order, may do one or more of the following—

- (a) reprimand the member or former member;
- (b) suspend the member from membership;
- (c) expel the member from membership;
- (d) cause cancellation of a members' certificate for a special period not exceeding two years;
- (e) impose payment of a fine;
- (f) order payment of cooperation by a member to any person who may have suffered loss as a result of the misconduct; and
- (g) cause the name of the member to be struck off the roll of foresters.

12. Report to the Council.

The Committee shall on conclusion of every case handled under section 11 make a report of its findings, in writing, to the council, and the council shall after scrutiny and review of the report, deliver to the complainant and the member to whom the complaint relates a copy of the report of the committee as soon as is practicable.

13. Appeal to the High Court.

(1) A member or complainant aggrieved by the decision or order of the committee may appeal against the decision or order of the committee to the High Court within three months from the date on which the report of the committee was delivered to that member or complainant.

(2) An appeal made under this section shall be—

- (a) made by petition in writing under the hand of the member or complainant; and

- (b) heard and decided upon by a judge of the High Court after summary hearing.

14. Implementation of the Committee's orders.

(1) The council shall be responsible for the implementation of the committee's orders.

(2) Where the council strikes off the name of a member from the roll, the certificate of enrolment and practice of a member shall be cancelled and the council shall require that person to return the certificate to the council.

PART VI—MISCELLANEOUS PROVISIONS

15. General meetings.

(1) The Council shall in each year and in any case not later than the 31st day of March, hold an annual general meeting.

(2) The council may have an extra ordinary general meeting at any time in the year when the council finds that there are issues that must be considered by general meeting.

16. Requisitioning an extra ordinary general meeting.

(1) One third of all paid up members of the association may at anytime requisition an extra ordinary general meeting by notice in writing, specifying the object of the proposed meeting, and deposited with the Executive Secretary of the association.

(2) The Council shall, where notice is given under sub section (1), convene a general meeting with thirty days of receipt of the notice.

(3) If the council fails to convene a meeting within one month of the notice the requisitioning members may convene the general meeting within one month after the expiry of the period given to the Council.

17. Voting.

(1) At every general meeting of the association, every member present shall have one vote and the Chairperson of that meeting shall also have a casting vote.

(2) A member not present at a general meeting may on any resolution before that meeting vote by proxy in such manner and subject to such conditions as may be prescribed.

18. General meeting to act by simple majority.

Except for any purpose for which a special resolution is expressly required by this Act or by any regulation made under this Act, all resolutions of the association in general meeting shall be by simple majority vote.

19. Alteration of Resolutions.

No resolution of the association in general meeting shall be altered or rescinded within nine months after the passing of the resolution otherwise than by a special resolution of the association.

20. Procedure of General Meeting.

The procedure at the general meeting, shall as may from time to time be determined by the council.

21. Custody and use of seal.

The common seal of the association shall be kept in such custody and used in such manner as may from time to time to determined by the council.

22. Minutes.

The council shall cause proper minutes of all general meetings of the association, and of all meetings of the council, and of committees appointed by the council to be taken and recorded and shall make all such minutes available for inspection by any member of the association at any reasonable time on demand.

23. Accounts to be kept and audited.

(1) The Council shall cause proper accounts of all funds, property and assets of the association to be kept and to be audited as on the 31st day of December in every year by an auditor appointed annually by the association in a general meeting.

(2) The auditor appointed under this section shall not be a member of the association.

24. Report and Accounts.

As soon as convenient after the 31st day of December in each year, the council shall present to the association in a general meeting a full report of the activities of the association, including the activities of the council and of any committee appointed by the council, together with accounts duly audited as provided in Section 23, in respect of the twelve months preceding that date.

25. Regulations.

The council may subject to this Act, and to approval by special resolution, of the general meeting make regulations prescribing all or any of the following matters—

- (a) annual subscription;
- (b) manner of application for membership of the association;
- (c) resignation of members;
- (d) powers exercisable by the council and committees and the delegation of powers;
- (e) manner of convening meetings of the council, the committees and quorums and procedure;
- (f) manner of voting at meetings of the association and by proxy;
- (g) manner of election, removal and replacement of the President and other members of the council;
- (h) such other matters as may be deemed by the association to be necessary for the proper conduct and regulation of the affairs of the association.