

## CHAPTER 233

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## CHAPTER 233

### THE AGRICULTURAL AND LIVESTOCK DEVELOPMENT FUND ACT.

*Commencement:* 26 March, 1976.

#### **An Act to establish an Agricultural and Livestock Development Fund and to provide for other matters connected therewith or incidental thereto.**

*Interpretation.*

#### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “board” means the governing body constituted under section 4;
- (b) “chairperson” means the person appointed as such under section 4(7);
- (c) “farmer” means a person who engages himself or herself in crop or livestock production;
- (d) “financial year” means the period of twelve months ending on the 31st day of December, or such other period of twelve months as the Minister may by writing under his or her hand authorise the fund to adopt as its financial year;
- (e) “fund” means the Agricultural and Livestock Fund established under section 2;
- (f) “general manager” means the person appointed as such under section 7;
- (g) “loan” means a loan advanced under this Act;
- (h) “member” or “member of the board” includes the chairperson.

*Establishment, seal and functions of the fund.*

#### **2. Establishment and seal of the fund.**

(1) There is established a fund to be known as the Agricultural and Livestock Development Fund.

(2) The fund shall be a body corporate having perpetual succession and a common seal, and may sue or be sued in its corporate name, and may,

in connection with the purposes of this Act, purchase, hold, manage and dispose of any property, and enter into such contracts as may be necessary or expedient.

(3) The application of the seal of the fund shall be authenticated by the signature of the chairperson, the general manager and a member of the board designated for that purpose by the board.

(4) In the absence of the chairperson, two other members may be appointed by the board to sign in his or her place, and any person performing the functions of the general manager may sign in the absence of the general manager.

(5) Every document purporting to be an instrument issued by the fund and to be sealed with the seal of the fund authenticated in the manner provided by this section shall be received and be deemed to be such an instrument without further proof unless the contrary is shown.

### **3. Functions of the fund.**

(1) The functions of the fund shall be to promote and develop the agricultural and livestock industries in Uganda by advancing loans to farmers or guaranteeing credits given to farmers.

(2) Without prejudice to the generality of subsection (1), the fund may, in the performance of its functions under this Act, do all or any of the following—

- (a) ensure that a loan given to a farmer is used for the purposes for which it was granted;
- (b) ensure the repayment of a loan advanced to a farmer by the fund at the time it is due;
- (c) ensure that the proceeds of the loan are only applied to development plans approved by the board;
- (d) make recommendations to appropriate authorities relevant to the functions of the fund;
- (e) approve development plans prepared and appraised by the general manager;
- (f) consider and approve loan applications by farmers;
- (g) assist farmers and ensure that their activities are carried out on sound agricultural practices;
- (h) give advice to farmers in respect of financial administration and

- accounting procedures;
- (i) ensure that proper books of account and records in relation to them are properly maintained by farmers;
- (j) assist farmers in developing agricultural and livestock industries through the production, processing and marketing of agricultural and livestock products;
- (k) operate schemes by multiplying seeds and breeding crops and livestock;
- (l) finance and manage any such scheme; and
- (m) do such other things as are necessary or incidental to the effective performance of the foregoing functions of the fund.

(3) The functions of the fund specified under this section shall be performed by the board.

*The board.*

**4. The board of the fund.**

- (1) The governing body of the fund shall be a board.
- (2) The board shall consist of a chairperson and seven other members.
- (3) The members of the board shall consist of—
  - (a) two persons who, in the opinion of the Minister, are representative of participating farmers;
  - (b) one person who is representative of the Ministry responsible for agriculture;
  - (c) one person who is representative of the Ministry responsible for animal resources;
  - (d) one person who is representative of the Ministry responsible for finance;
  - (e) one person who is representative of the Bank of Uganda; and
  - (f) one other member.
- (4) A member of the board other than the chairperson shall be appointed by the Minister upon such terms and conditions as may be specified in the instrument of appointment and shall serve for a period not exceeding three years.

(5) A member of the board may resign his or her office by writing under his or her hand addressed to the Minister, and the Minister may remove any member from office for inability to perform the functions of his or her office or for any other sufficient reason.

(6) Any member of the board ceasing to hold office shall be eligible for reappointment.

(7) The chairperson shall be appointed by the Minister from among the two participating farmers appointed under subsection (3)(a) on such terms and conditions as the Minister may determine.

## **5. Meetings of the board.**

(1) The board shall meet at least once every three months at such time and place as the chairperson may appoint, or upon the request in writing to the chairperson by at least three members of the board.

(2) The chairperson shall preside at all meetings of the board at which he or she is present, and in his or her absence such member of the board as the members present may appoint shall preside.

(3) The board may invite any number of persons to act as consultants or advisers at any of its meetings as it may think fit.

(4) Questions proposed at a meeting of the board shall be determined by a simple majority of the members present and voting; and in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

(5) Five members shall form a quorum at every meeting of the board.

(6) Any member of the board who has any personal interest in any transaction of the board or any matter before the board shall disclose the nature of his or her interest to the board and shall be disqualified from taking part in the deliberations of the board with respect to that transaction or matter, and the failure to make any disclosure required by this section may constitute a sufficient reason for the removal of the member from the board.

(7) Subject to the foregoing provisions of this section, the board may regulate its own procedure.

## **6. Remuneration of members, etc.**

The chairperson and the other members of the board and any other person attending any meeting of the board may be paid such remuneration or allowances as the Minister may, after consultation with the Minister responsible for finance, determine.

### *Staff.*

## **7. General manager.**

(1) The fund shall have a general manager, who shall be appointed by the Minister for such period and upon such terms and conditions as the Minister may determine.

(2) The general manager shall be the chief executive officer of the fund and shall devote the whole of his or her time to the duties of his or her office.

(3) Subject to this Act and the general control of the board on matters of policy, the general manager shall be responsible for the management of the monies, property and business of the fund and for the administration and organisation and the control of the staff of the fund.

## **8. Staff of the board.**

(1) The board may, with the approval of the Minister, from time to time, and on such terms and conditions as it thinks fit—

- (a) appoint such other officers and employees as may be necessary for the proper and efficient performance of the functions of the fund;
- (b) grant pensions, gratuities or other benefits on retirement or termination of service of the officers and employees of the fund and require them to contribute to any pension, provident fund or superannuation scheme.

(2) Public officers may be seconded to the board.

(3) Nothing done by an officer or employee of the fund shall, if it was done bona fide for the purpose of carrying any provisions of this Act into

effect, subject him or her to any civil liability.

*Financial provisions.*

**9. Monies of the fund.**

- (1) The monies of the fund shall consist of—
  - (a) any external loan from any source;
  - (b) any grant from the Government;
  - (c) any loan raised by the fund for the purposes of its functions under this Act;
  - (d) any borrowings;
  - (e) any monies that may become payable to the fund in the performance of its functions under this Act.

(2) All monies received by the fund shall be deposited to the credit of the fund in a bank approved by the Minister.

**10. Borrowing powers.**

(1) The fund may, subject to the approval of the Minister in consultation with the Minister responsible for finance, borrow sums required by it for meeting any of its obligations or performing any of its functions under this Act.

(2) An approval given under subsection (1) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) A person lending money to the fund shall not be bound to inquire whether the borrowing of money is within the power of the fund.

**11. Loans to farmers.**

The fund may advance a loan to a farmer, to enable him or her to engage more effectively in agricultural or livestock production, on such terms and conditions as to interest, repayment, security or otherwise and in such manner as the board may think fit.

## **12. Estimates.**

(1) The fund shall, within such period after the end of each financial year as the Minister shall determine, make and submit to the Minister for his or her approval estimates of the income and expenditure of the fund for the next ensuing year.

(2) No expenditure shall be made out of the monies of the fund unless the expenditure has been approved by the Minister under the estimates for the year in which such expenditure is to be made or in any other estimates supplementary to those estimates.

## **13. Fund to operate on sound financial principles.**

In the performance of its functions under this Act, the fund shall so conduct its business that taking one transaction with another, and taking one year with another—

- (a) its revenue is sufficient for meeting all charges, including interest on capital and loans properly chargeable to revenue account;
- (b) sufficient provision is made to provide for depreciation of assets; and
- (c) where any loss or bad debt arises in respect of any transaction, provision is made in respect of other transactions whether of a similar nature or otherwise, to offset the amount of such loss or debt.

## **14. Investment.**

The fund may invest any monies under its control in any investment or project approved by the Minister in consultation with the Minister responsible for finance.

## **15. Accounts and audit.**

(1) The fund shall keep proper books of account and proper records in relation to them.

(2) For the purposes of this section, proper books of account shall be deemed not to have been kept with respect to the business of the fund if there are not kept such books as are necessary to give a true and fair view of the state of the affairs of the fund and to explain its transactions.

(3) The accounts shall, in respect of every financial year, be subjected to audit by the Auditor General or an auditor appointed by him or her.

(4) The Auditor General shall deliver to the Minister a copy of the audited accounts of the fund not later than six months after the end of the financial year to which they relate.

(5) The Minister shall lay before Parliament a copy of the audited accounts delivered under subsection (4).

*Miscellaneous.*

**16. Minister's power of direction.**

The Minister may, subject to this Act, give to the fund written directions of a general or specific nature, and the fund shall be bound to comply.

**17. Annual reports.**

The fund shall, not later than six months after the end of each financial year, make and submit to the Minister a report showing the performance of the fund during that financial year, including the extent to which any direction given by the Minister during that financial year has been carried out.

**18. Regulations.**

The Minister may make regulations—

- (a) for the appointment, discipline and remuneration of the staff of the fund;
- (b) prescribing the procedure for applying for loans and the conditions which may be imposed on the advancing of a loan; and
- (c) generally for better carrying out the provisions and principles of this Act.

**History:** Decree 12/1976.

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