

ACTS SUPPLEMENT

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Act 19 *National Agricultural Research Act* 2005

THE NATIONAL AGRICULTURAL RESEARCH ACT, 2005.

ARRANGEMENT OF SECTIONS.

Section.

PART I—PRELIMINARY.

1. Citation
2. Interpretation
3. Purpose of this Act
4. Objects of agricultural research

PART II—INSTITUTIONAL ARRANGEMENTS.

5. Establishment of the National Agricultural Research Organisation
6. Object of the Organisation
7. Functions of the Organisation
8. Other functions of the Organisation
9. The members of the council
10. Disqualification from appointment as member of the council
11. Tenure of office of council members
12. Remuneration of council members.
13. Meetings of the members of the council
14. Functions of the council
15. Secretariat and staff of Organisation
16. Functions of director general
17. Vacation of office by the director general
18. Other staff
19. Committees of the council
20. The finance, scientific and users committees

PART III—PROVISION OF AGRICULTURAL RESEARCH SERVICES.

21. Provision of agricultural research services
22. Common function of agricultural research service providers
23. Registering of agricultural research service providers

Section.

24. Guidelines for carrying out agricultural research
25. Contracting of agricultural research service providers
26. Functions of universities and tertiary institutions
27. Functions of the private sector and civil society organisations

PART IV—ESTABLISHMENT OF PUBLIC
AGRICULTURAL RESEARCH INSTITUTES.

28. Establishment of public agricultural research institutes
29. Operations of a public agricultural research Institute
30. Establishment of other public agricultural research institutes
31. Functions of a public agricultural research institute
32. Composition of a management committee of a public agricultural research institute
33. Functions of the management committee
34. Tenure of office of the management committee
35. Remuneration of the management committee
36. Funds of the organisation and of a public agricultural research institute
37. Meetings of the management committee

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

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

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

39. Rights of patents, invention etc
40. Amendment of the Patents Act, Cap 216

PART VII—FINANCE.

41. Agricultural Research Trust Fund
42. Utilisation of the Agricultural Research Trust Fund
43. Funds of the organisation
44. Estimates

Section.

45. Use of Funds
46. Financial year
47. Books of account
48. Duty to operate on sound financial principles.
49. Power to open and operate bank accounts
50. Borrowing powers
51. Annual and other reports
52. Accounting officers

PART VIII—MISCELLANEOUS.

53. Official seal of the organisation
54. Powers of the Minister.
55. Service of documents
56. Protection of members and employees
57. Regulations
58. Delegations
59. Transfer of assets and liabilities.
60. Succession
61. Amendment of Schedules
62. Repeal and savings, Cap 205

SCHEDULES.**FIRST SCHEDULE—Currency Point****SECOND SCHEDULE—Meetings of the council****THIRD SCHEDULE—Public agricultural research institutes****FOURTH SCHEDULE—Meetings of the management committee****FIFTH SCHEDULE—Composition of interviewing panel**

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: 4th September, 2005.

Date of Commencement: 21st November, 2005.

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—

- “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;

- “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;

- “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;

“private agricultural research” means research that focuses largely on technological innovations that enable inventors, agricultural research service providers, private firms and others to capture all or some of the economic benefits generated by their innovation;

“public agricultural research” means research that focuses on public interests and research outputs of public goods nature;

“public agricultural research institute” means a public agricultural research institute established under section 28;

“research of national strategic interest” means agricultural research that Uganda cannot rely on third parties to conduct;

“technology transfer” means the transfer of knowledge, techniques and processes for their application; and

“zonal agricultural research and development institute” means a zonal agricultural research and development institute established under section 28.

3. Purpose of this Act

The purpose of this Act is to—

- (a) create an integrated agricultural research system that will facilitate the achievement of sustainable increases in economic, social and environmental benefits from agricultural research services and products by all the people of Uganda;
- (b) provide for a market-responsive and client oriented national agricultural research system that generates knowledge and information, and disseminates demand driven problem solving, profitable and environmentally sound technologies on a sustainable basis;

- (c) create options for financing and delivery of agricultural research services appropriate for the different categories of farmers and market needs of Uganda;
- (d) facilitate the involvement of the private sector, universities, the civil society and others in the governance, financing, management and conduct of agricultural research;
- (e) provide innovative mechanisms for allocation and execution of agricultural research contracts including devolution of responsibilities for contracting of agricultural research to client-led organs and the provision of agricultural research services to the most competent agricultural research service providers;
- (f) provide for the continued public sector participation in the governance, financing, management and conduct of agricultural research;
- (g) provide for coordination of implementation of agricultural research activities either singly or jointly, with one or more agricultural research service providers;
- (h) promote linkages, partnerships and collaboration among various categories of agricultural research service providers whether public, private, local, regional or international in the conduct, financing and development of agricultural research in Uganda; and
- (i) provide for sustainable institutional arrangements for the governance, financing, management and conduct of agricultural research in Uganda.

4. Objects of agricultural research

The objects of agricultural research in Uganda are to—

- (a) transform agricultural production into a modern science-based market oriented agriculture capable of greater efficiency, profitability and of sustaining growth in the agricultural sector while contributing to poverty eradication;

- (b) promote agriculture and related industry for the purposes of contributing to the improvement of the quality of life and livelihoods of the people, having regard to the protection of the environment; and
- (c) support the development and implementation of national policy with relevant information and knowledge.

PART II—INSTITUTIONAL ARRANGEMENTS

5. Establishment of the National Agricultural Research Organisation

(1) There is established an Organisation to be known as the National Agricultural Research Organisation.

(2) The organisation is a body corporate with perpetual succession and a common seal and may—

- (a) acquire, hold and dispose of moveable and immoveable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

(3) The organisation shall comprise the council as its governing body, committees of the council as its specialised organs, a secretariat for its day-to-day operations with the semi autonomous public agricultural research institutes under its policy guidance.

6. Object of the organisation

The organisation shall be the principal institution for the coordination and oversight of all aspects of agricultural research in Uganda.

7. Functions of the organisation

(1) The functions of the organisation shall be to—

- (a) provide strategic direction for publicly funded agricultural research in Uganda and act as a forum for agricultural researchers in Uganda;

- (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

and technology transfer in the agricultural sector so as to optimally utilise agricultural resources and improve production capacity of such resources;

- (j) provide leadership and advocacy for the promotion, protection and development of agricultural research in Uganda;
- (k) make grants or provide funds to any institution or person for the advancement of agricultural research and development on both competitive and non-competitive basis; and
- (l) perform such other functions as are conferred on the organisation by this Act or any other law for the purpose of promoting agricultural research and development.

(2) In carrying out its functions as a forum for agricultural researchers in Uganda, the organisation shall convene a meeting at least once a year of representatives of agricultural research service providers, farmers, private sector and civil society and other stakeholders for the purpose of discussing issues relevant to agricultural research and setting agricultural research priorities.

8. Other functions of the organisation

The organisation shall, in addition to its functions, in section 7, and subject to its objects—

- (a) advise the Minister on research, development and technology transfer in the field of agriculture;
- (b) co-ordinate, collect, collate and analyse data and information on agricultural research and ensure their publication and dissemination, and take inventory of all agricultural research in Uganda;
- (c) inspect facilities and any area where agricultural research is being carried out or intended to be carried out;
- (d) register potential agricultural research service providers in the public and private sectors; and

- (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—

- (a) for inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) for misbehaviour or misconduct;
- (c) for incompetence;
- (d) if a vote of no confidence is passed against a member of the council by the body that nominated him or her to the council;
- (e) absence without prior permission of the chairperson for more than four consecutive meetings of the council ;
- (f) bankruptcy or insolvency; or
- (g) conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months imprisonment.

12. Remuneration of council members

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

13. Meetings of the members of the council

The Second Schedule to this Act shall apply to meetings of the members of the council and other matters provided for in that Schedule.

14. Functions of the council

The council shall, subject to the provisions of this Act, carry-out the following functions—

- (a) formulate the policies and strategies of the organisation;
- (b) ensure that the objects and functions of the organisation are carried out;
- (c) manage the property, business, income, funds and other affairs of the organisation;

- (d) set targets and approve work plans and budgets for the organisation;
- (e) establish with the approval of the Minister the terms and conditions of service and approve rules and procedures for appointment, termination and discipline of staff of the organisation's secretariat and employees of public agricultural research institutes;
- (f) appoint and discipline members of staff of the organisation's secretariat;
- (g) appoint the directors and research scientists of the public agricultural research institutes, but in exercising this function, the council shall ensure full participation of the management committee of the respective public agricultural research institute in the entire process and the interviewing panel for this purpose shall be constituted in accordance with the fifth schedule; and
- (h) perform any other functions relating to the above as the Minister may direct.

15. Secretariat and staff of organisation

- (1) The organisation shall have a secretariat which shall be responsible for the day to day operations of the organisation.
- (2) The secretariat shall be headed by the director general who shall be appointed by the Minister on the recommendation of the council on such terms and conditions to be specified in the instrument of appointment.
- (3) The director general shall be a person with a minimum qualification of a masters degree with proven experience in public or private sector management and administration, and with relevant experience in agricultural research.
- (4) The director general shall hold office for four years and is eligible for re-appointment for one further term.

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.