

LAND REFORM (RURAL LAND CORPORATION) REGULATIONS

Order 14 of 1980

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SUBSIDIARY LEGISLATION

LAND REFORM (RURAL LAND CORPORATION) REGULATIONS

To provide for the establishment of the Rural Land Corporation, for the functions of that Corporation, for that Corporation to have general management and control over certain rural land and for matters connected therewith.

INTERPRETATION

1. In these Regulations unless the context otherwise requires-
 - "the Corporation" means the Rural Land Corporation established under regulation 2;
 - "financial year" means the financial year of the Corporation which shall be the same as that of the government financial year;
 - "Minister" means the Minister for the time being responsible for land or any Minister acting on his behalf.

ESTABLISHMENT OF THE CORPORATION

2. (1) There is hereby established a body corporate to be known as the Rural Land Corporation.
(2) The Corporation shall have perpetual succession and a common seal and may sue and be sued in its Corporate name.

FUNCTIONS OF THE CORPORATION

3. The Corporation may exercise any of the following functions-
 - (a) manage land, plantations or residential properties;
 - (b) act as an agent for the Government or any other body or person;
 - (c) carry on business as an investment manager;
 - (d) manage any kind of business enterprise;
 - (e) engage in any business relating to land including its development for residential, industrial or commercial purposes;
undertake the business of farmers, ranchers, cultivators of timber, sawmillers and timber merchants;
 - (g) undertake the business of builders or civil engineers;
 - (h) process any crops grown on land including copra, cocoa and rice.

POWERS OF THE CORPORATION

4. The Corporation shall have the following powers-
 - (a) hold, buy and sell movable or immovable property including houses for employees of the Corporation;
 - (b) lease land to or from any person;
 - (c) promote or finance any undertaking;
 - (d) subject to such specific or general conditions as the Minister may make, borrow money by the issue of debentures or in any other manner including overdraft;
 - (e) lend money and guarantee loans;

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- (f) establish or participate in any pension scheme for the benefit of its employees and their dependents;
 - (g) carry out programmes of research;
 - (h) charge fees;
 - (i) employ any persons, firms or bodies;
 - (j) enter into agreements, leases, conveyances or transfer of land on behalf of the Government or any custom owners and a recital in any such agreement, lease, conveyance or transfer that the Corporation is acting on behalf of the Government or custom owners as the case may be shall be sufficient to indemnify any other party to such agreement, lease, conveyance or transfer;
 - (k) invest funds not immediately required for the purposes of its functions in bank deposits and such other investments as may be authorised by the Minister;
- such other powers as may incidental to the above mentioned powers or necessary to enable the Corporation to carry out its functions.

DELEGATION OF FUNCTIONS TO GENERAL MANAGER

- 5. (1) The Corporation may, by resolution or otherwise, delegate to the general manager with or without restrictions or conditions, as the Corporation thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the day to day operations of the Corporation.
- (2) Nothing in subregulation (1) shall permit the delegation of the power-
 - (a) to make major decisions of policy in connection with the functions of the Corporation;
 - (b) to authorise expenditure exceeding such amount as may, from time to time, be fixed by the Corporation.

COMPOSITION OF THE CORPORATION

- 6. (1) The Corporation shall consist of a chairman, a deputy chairman and not less than two nor more than eight other members all appointed by the Minister.
- (2) Subject to subregulation (1) members of the Corporation shall hold office for a period of 1 year and shall be eligible for reappointment.
A member of the Corporation may resign by not less than 30 days notice in writing to the Minister.
- (4) The Minister may remove a member from office by notice published in the *Gazette*.

ALLOWANCES FOR MEMBERS

- 7. Members of the Corporation who are not public officers shall be paid such allowances and expenses as the Minister may determine after consultation with the Minister responsible for finance.

SECRETARY TO THE CORPORATION

- 8. (1) There shall be a secretary to the Corporation who shall be an employee thereof and appointed by the Corporation in accordance with regulation 10.
- (2) The secretary or a person acting in that office shall attend all meetings of the Corporation and prepare minutes thereof.
The secretary shall-
 - (a) keep in safe custody the seal and all documents of the Corporation;
 - (b) receive all process served on the Corporation and carry out such other duties as the Corporation or chairman shall direct.

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MEETINGS OF THE CORPORATION

9. (1) Subject to subregulation (2), meetings of the Corporation shall be held at such times and places as the chairman or in his absence, the deputy chairman may from time to time appoint.
- (2) The first meeting shall be convened by the Minister.
- (3) The quorum at meetings shall be three members.
- (4) The chairman or in his absence the deputy chairman shall preside at every meeting of the Corporation.

The proceedings at any meeting shall not be invalidated by any vacancies in the membership provided the number of such vacancies does not exceed two.

- (6) The Corporation may invite any persons to participate in meetings but they shall have no vote.

Decisions of the Corporation shall be made by a majority vote of members present and voting, the chairman or the deputy chairman (as the case may be) shall have a casting vote.

- (8) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter relating to the Corporation he shall as soon as practicable disclose to the chairman of the Corporation the fact and nature of his interest.

Subject to such rules as the Minister may make by Order, the Corporation may make internal rules regulating its procedures for the chairmanship, calling, conducting and adjournment of meetings of the Corporation.

GENERAL MANAGER AND EMPLOYEES OF THE CORPORATION

10. (1) Subject to subregulation (2), the Corporation may from time to time, appoint, at such remuneration and upon such terms and conditions as it may think fit-
- (a) a general manager who shall be the chief administrative officer of the Corporation and all its operations;
- (b) the secretary to the Corporation; and
- (c) such other officers and employees as it may consider necessary for the proper and efficient discharge of the functions of the Corporation.
- (2) The appointment of the general manager shall require the prior approval of the Minister.

FUNDS OF THE CORPORATION

11. The funds of the Corporation shall consist of-
- (a) grants from the Government out of monies appropriated by Parliament for such purposes;
- (b) grants from other sources;
- (c) monies borrowed by the Corporation;
- (d) monies received by the Corporation in any other way in the course of the discharge of the functions.

FUNDS TO BE HELD IN TRUST

12. Any surplus funds generated by the Corporation in the course of carrying out its functions and powers shall be held by it in trust for those parties properly entitled thereto.

GUARANTEE OF LOANS

13. The Government may guarantee any loans to the Corporation.

CONTROL OF BORROWING

14. The Minister responsible for finance shall prescribe-
- (a) the aggregate maximum indebtedness that the Corporation may incur without his consent in writing; and
 - (b) the maximum individual sums that the Corporation may likewise borrow.

ACCOUNTS AND AUDITS

15. (1) The Corporation shall keep proper accounts and other records in respect of its receipts and expenditure and shall cause to be prepared an annual statement of account in respect of each financial year.
- (2) The accounts of the Corporation shall be audited annually by independent and properly qualified auditors approved in writing by the Minister responsible for finance and appointed by the Corporation.

As soon as is reasonable after the end of each financial year the Corporation shall transmit to the Minister and Minister responsible for finance audited accounts together with any report made by the auditors thereon and such explanations as the Corporation may consider appropriate.

ANNUAL REPORT

16. (1) The Corporation shall make an annual report of its activities to the Minister not less than 45 days before the commencement of the annual budget session of the Parliament.
- (2) A copy of the audited accounts for the previous financial year provided for in regulation 15 and provisional accounts for the current financial year shall be attached to the report.

The Minister shall submit the annual report together with such comments as he may have thereon to Parliament during the annual budget session.

SUBMISSION OF ESTIMATES FOR PURPOSE OF GRANTS

17. If the Corporation shall need a grant referred to in regulation 11(a) so that the Government may determine the amount thereof for inclusion in the budget, the Corporation shall not less than 90 days before commencement of the financial year during which the grant is required submit to the Minister responsible for finance estimates of expenditure and receipts for that year and of unexpended funds carried forward.

CONTRACTS

18. A contract which if made between natural persons would by law be-
- (a) required to be sealed shall be made varied or discharged by the Corporation under seal;
 - (b) required to be in writing signed by the parties may be made varied or discharged on behalf of the Corporation in writing signed by a person acting with its express or implied authority;
 - (c) valid if made by parol only may be made varied or discharged by parol on behalf of the Corporation by any person acting with express or implied authority.

EVIDENCE OF SEALING OF DOCUMENTS

19. The fact that a document bears the seal of the Corporation shall be prima facie evidence in any court or legal proceeding that the document has been properly executed on behalf of the Corporation.

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PREVIOUS CONTRACTS

20. All contracts and agreements in connection with, or in relation to the land or any business conducted thereon and subsisting before the coming into force of these Regulations shall have no effect against or in favour of the Corporation.

MINISTER'S DELEGATION OF POWERS

21. For the purpose of carrying out its functions, the powers contained in section 8 of the Land Reform Act, Cap. 123 are hereby delegated to the Corporation.

NO PERSONAL LIABILITY TO MEMBERS OR EMPLOYEES

22. No personal liability shall attach to any member or employee of the Corporation in respect of anything done or not done in good faith, and without negligence under the provisions of these Regulations.

MINISTER'S DIRECTIVES

23. The Minister may from time to time after consultation with the Corporation issue directives to the Corporation and the Corporation shall be obliged to carry out such directives.