

ACT 324
GRAINS DEVELOPMENT AUTHORITY ACT, 1970

ARRANGEMENT OF SECTIONS

SECTION

1. Establishment of the Authority.
2. Governing body.
3. Functions of the Authority.
4. Terms of membership of the Board.
5. Meetings of the Board.
6. Staff.
7. Funds of the Authority.
8. Accounts and audit.
9. Remuneration.
10. Regulations.
11. Interpretation.

ACT 324

GRAINS DEVELOPMENT AUTHORITY ACT, 19701

AN ACT to establish and incorporate the Grains Development Authority, to provide for its functions and maintenance and to provide for related matters.

1. Establishment of the Authority

(1) There is hereby established a body corporate which shall be known as the Grains Development Authority.

(2) The Authority shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Authority may, for the performance of its functions, acquire and hold property, movable or immovable and dispose of the property and enter into a contract or any other transaction.

(4) Where there is a hindrance to the acquisition of property, the property may be acquired for the Authority under the State Property and Contracts Act, 1960 (C.A. 6) or under the State Lands Act, 1962 (Act 125), and that Act shall apply with the modifications that are necessary to provide for the vesting of the property acquired in the Authority and for the costs of the acquisition to be defrayed by the Authority.

1. The Act was assented to on 17th April 1970.

2. Governing body

(1) The governing body of the Authority is a Board consisting of

- (a) the chairman,
- (b) the Executive Secretary,
- (c) one representative of the Ministry responsible for Agriculture,
- (d) four other members representing farming, business, financial, consumer and any other interests whose representation on the Board will assist its work, and
- (e) two other members to be nominated by the farmers' associations.

(2) The members of the Board shall be appointed by the President in accordance with article 70 of the Constitution.

3. Functions of the Authority

(1) The functions of the Authority are,

- (a) to undertake the multiplication of improved seeds and supply them to farmers;
- (b) to organise grain and legume farmers into farmers' associations through which credit and production requisites can be channeled to the producers and to assist the farmers' associations to market their produce until they can manage most of the services themselves;
- (c) to create marketing facilities for grain and legume crops;
- (d) to collect statistical data on grains and legumes, to plan the production of these crops to meet local demand and for export; and
- (e) to co-ordinate and assist research into problems of grains and legumes and the organisation of extension work on them.

(2) Further to subsection (1) the Authority may

- (a) develop lands suitable for large scale production of grain and legume crops and give them out in viable farm units to farmers on conditions of tenure that will help the Board to achieve its objects and assure the farmers security of tenure; and
- (b) mobilise funds from local and foreign sources to run small scale schemes for farmers' associations which produce grain and legumes.

4. Terms of membership of the Board

(1) The chairman and members of the Board shall hold office for three years and are eligible for re-appointment.

(2) The chairman or any other member, may resign from the Board by notice in writing addressed to the President through the Minister.

(3) A member, including the chairman, may be removed from office by the President

- (a) for unsound mind;
- (b) for absence from three consecutive meetings of the Board without permission;

- (c) if proved guilty of serious misconduct in relation to the performance of a function as chairman or member of the Board;
- (d) if sentenced to death or to imprisonment for a term exceeding twelve months without the option of a fine or if convicted of an offence involving dishonesty;
- (e) if declared insolvent or bankrupt under a law in force in the Republic or in any other country; or
- (f) if disqualified or suspended from practising professionally by a competent authority otherwise than on personal initiative.

5. Meetings of the Board

- (1) The Board shall meet at least once every month and the times and places decided by the chairman.
- (2) The chairman shall, on the written request of not less than five members of the Board, call an extraordinary meeting at a time and place determined by the chairman.
- (3) The chairman shall preside at the meetings of the Board, and in the absence of the chairman a member of the Board, designated by the chairman, shall preside at the meeting.
- (4) Where a member is not designated, the members of the Board who are present shall elect one of their number to preside at the meeting.
- (5) The quorum at a meeting of the Board is five.
- (6) Subject to any other provision of this Act, questions proposed at a meeting of the Board shall be determined by a simple majority of the members present and voting, and where there is an equality of votes, the chairman or the person presiding shall have a casting vote.
- (7) The Board may request the attendance of a person to act as an adviser at a meeting of the Board but that person shall not vote on a question before the meeting and whose presence at the meeting does not count towards the constitution of a quorum.
- (8) The validity of the proceedings of the Board shall not be affected by a vacancy among its members or a defect in the appointment of a member.
- (9) Subject to this section the Board may regulate its own procedure.

6. Staff

- (1) In accordance with article 195 of the Constitution, the President shall appoint the officers and staff including the executive secretary as are necessary for the proper performance of the functions of the Authority.
- (2) The officers and staff shall be paid the salaries or remuneration approved by the Minister in consultation with the Minister responsible for Finance.
- (3) Public officers may be transferred or seconded to the Authority on the terms and conditions determined by the Board, in consultation with the Minister.
- (4) The Authority may engage the services of consultants, advisers and other persons on the conditions determined by the Board, in consultation with the Minister.

7. Funds of the Authority

(1) The funds of the Authority include

- (a) the grants received from the Government by the Authority for the performance of its functions,
- (b) the loans granted to the Authority by the Government or any other body or person, and
- (c) the moneys accruing to the Authority or the gifts given to it in the course of the performance of its functions under this Act.

(2) Moneys received by or on or behalf of the Authority shall be deposited to the credit of the Authority in a bank approved by the Board.

8. Accounts and audit

(1) The Authority shall keep proper books of accounts and prepare proper records in relation to them in the form approved by the Auditor-General.

(2) The Authority shall submit to the Minister the report of the Authority's financial affairs as required by the Minister.

(3) The books and accounts of the Authority shall be submitted for audit to the Auditor-General within three months after the end of every financial year.

(4) The Auditor-General shall make available to the Board or to the Minister the necessary reports.

9. Remuneration

Remuneration shall not be paid to a member of the Board by reason of membership of the Board, but a member shall be reimbursed for traveling, transport and subsistence expenses approved by the Board and incurred by the member in attending a meeting of the Board or an authorised conference abroad on behalf of the Authority.

10. Regulations

The Minister may, by legislative instrument, make Regulations to give effect to the provisions and principles of this Act which may include provisions relating to matters falling within the scope of the functions of the Authority.

11. Interpretation

In this Act, unless the context otherwise requires,

"Auditor-General" includes an auditor appointed by the Auditor-General;

"Authority" means the Grains Development Authority established by section 1;

"Board" means the governing body established under section 2;

"financial year" means the financial year of the Government.

"Minister" means the Minister responsible for Agriculture.