

LAWS OF THE NEW SUDAN

THE AGRICULTURAL TECHNOLOGY TRAINING CENTRE ACT, 2004

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Provisional Order
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LAWS OF THE NEW SUDAN

THE AGRICULTURAL TECHNOLOGY TRAINING CENTRE ACT, 2004

An Act to provide for the establishment of an Agricultural Technology Training Centre in Nzara, its control and governance and to regulate activities of the same and other matters related thereto.

CHAPTER ONE
PRELIMINARY PROVISIONS

Section 1 Title and Commencement.

This Act may be cited as the Agricultural Technology Training Centre Act, 2004 and shall come into force on the date of signature.

Section 2. Definitions.

In this Act, unless the context otherwise requires, the following words and expressions shall carry the meanings assigned to them:-

“Agricultural Technology Training” means the practical application of scientific, economic, and social developmental principles to the preparation and delivery of training in agricultural technology, design, production, business, marketing and other related matters;

“Board” means the Management Board of the Centre established by section 9 (1) of this Act;

“Centre” means the Agricultural Technology Training Centre established by section 3 (1) of this Act;

“Chairperson” means the Chairperson of the Board;

“Diplomas/Certificates” means diplomas and certificates to be awarded by the Centre after completion of the prescribed training;

“Environmental Impact Assessment” means a systematic assessment to determine whether or not a project will have any adverse effect on the environment;

“Local Communities” includes individuals and households living in a defined geographical area, in close physical proximity to the Centre and its facilities;

“**New Sudan**” means for the time being, the area comprised of Bahr el Ghazal, Upper Nile, Equatoria, Nuba Mountains and Funj regions;

“**SPLM**” means the Sudan People’s Liberation Movement.

“**Principal**” means the Senior Executive Officer of the Centre appointed under section 24(1), of this Act;

“**Academic Staff**” means employees of the Centre whose functions and duties are to instruct and deliver lecturers to trainees at the Agricultural Technology Training Centre;

“**Regulations**” means regulations made and issued under section 38 of this Act;

“**Sustainable Management or Utilisation**” means the present use of resources which does not compromise the right of future generations to use the same;

“**Commissioner**” means the Commissioner for Agriculture, Forestry and Animal Resources.

CHAPTER TWO

ESTABLISHMENT, OBJECTIVES AND FUNCTIONS

Section 3. Establishment.

- (1) There shall be established in Nzara a Training Centre to be known as Agricultural Technology Training Centre.
- (2) The Centre shall be a body corporate and shall have the right to:-
 - (a) acquire, hold and dispose of moveable and immovable property;
 - (b) sue and be sued; and
 - (a) do all acts and things a body corporate may lawfully do.
- (3) The Centre shall be under the general guidance and supervision of the Secretariat of Agriculture, Forestry and Animal Resources.

Section 4. Objectives.

The objectives of this Act are to:-

- (1) Facilitate the achievement of sustainable economic development and bring social and environmental benefits from the agricultural sector to all the people of the New Sudan;
- (2) Ensure that agricultural technology training is carried out in a manner that meets the needs of the present generation, but without compromising the rights of the future generations and with due regard to environmental factors;
- (3) Improve the livelihood of local communities by drawing up strategies and taking actions that shall contribute to poverty eradication by the provision of agribusiness training;
- (4) Encourage the outreach of agricultural technology training from the Agricultural Technology Training Centre to ensure the widest possible public participation in agricultural technology activities;
- (5) Provide greater public awareness about the cultural, economic and social benefits of the agricultural technology sector;
- (6) Promote and popularise agricultural technology training, especially in schools and other educational establishments; and
- (7) Ensure that environmental benefits, costs and values are reflected in the design and provision of all training given by the Agricultural Technology Training Centre.

Section 5. Administration of the Centre.

The Agricultural Technology Training Centre shall comprise of:-

- (a) The Management Board; and
- (b) The Executive.

Section 6. Functions of the Centre.

The Centre shall:-

- (a) be responsible for the formulation and delivery of training services in the agricultural technology and its related subjects throughout the New Sudan;

- (b) identify and recommend to the Commissioner the adoption of such policies that shall support the development of the agricultural sector in general and training in agricultural technology in particular;
- (c) develop innovative approaches to the development of market-based training in agricultural technology;
- (d) prepare and implement agricultural training plans and report on the state of training in this sector and related subjects, as may be required by the Commissioner;
- (e) enter into agreements or similar arrangements with any person for the provision of training services on such charges and terms as may be agreed upon;
- (f) carry out or commission researches for the purposes of designing and delivering appropriate and sustainable agricultural technology training in the New Sudan;
- (g) provide training to private individuals, staff of commercial enterprises, non-governmental organisations and public officers for the development and sustainable management of the agricultural technology sector in the New Sudan; and
- (h) perform any other functions as may be conferred upon it by this Act.

Section 7. Official Seal of the Centre.

- (1) The official seal of the Centre shall be in a form to be determined by the Board.
- (2) The official seal, when affixed to any document, shall be authenticated by the signature of the Principal.
- (3) In the absence of the Principal, the deputy shall sign on behalf of the Principal.
- (4) Any agreement or contract executed or entered into by a person other than a body corporate shall not require to be under seal. It may be executed or entered into on behalf of the Centre by the Principal, or any other member of the Executive duly authorised by the Board to execute or enter into such agreements or contracts.

- (5) Every document purporting to be an agreement or contract executed, issued or entered into by or on behalf of the Centre, in accordance with the provisions of this section shall be deemed to have been executed, issued or entered into until the contrary is proved.

Section 8. Conditions for Admission.

- (1) The Centre shall provide both residential and outreach training activities that shall be open to all persons in the New Sudan.
- (2) The Centre may charge fees for training and related services that it provides, and the payment of such fees shall be a condition for admission for those required to pay fees.
- (3) English language shall be the official medium of instruction in the Centre, however, the Centre may choose languages of instruction appropriate to the training being provided.
- (4) The Centre shall award diplomas and certificates depending on the nature of the training provided.

**CHAPTER THREE
THE MANAGEMENT BOARD**

Section 9. Composition of the Board.

- (1) The Centre shall have a Management Board consisting of seven (7) members, at least two of whom shall be women, as follows:-
 - (a) the Chairperson;
 - (b) the Principal as an ex-officio member and Secretary of the Board; and
 - (c) five other members.
- (2) The Chairperson and members of the Board shall be persons of high moral standards, of proven integrity, and have had experience or shown capacity in agricultural technology training, education, environmental management, business or administration.
- (3) The Commissioner shall appoint the Chairperson and members of the Board, except the Principal whom he/she shall appoint on the recommendation of the Board.
- (4) The Commissioner, in appointing the Chairperson and members of the Board, shall ensure that there is be a balance of skills and experience among the members of the Board.

- (5) The Chairperson and members of the Board shall hold office on terms and conditions as shall be specified in their letters of appointment.

Section 10. Functions of the Board.

- (1) The Board shall be responsible for the general direction and supervision of the Centre.
- (2) Without prejudice to the generality of subsection (1) the Board shall:-
- (a) review and approve business plan, operating plans, budgets, reports and audited financial statements of the Centre;
 - (b) oversee the day to day operations of the Centre;
 - (c) provide guidance to the Principal and staff of the Centre; and
 - (d) establish and approve rules and procedures for the appointment, relieve, discipline and terms of service of the staff of the Centre.
- (3) The Board shall in the performance of its functions, be responsible to the Commissioner.

Section 11. Disqualification from Appointment to the Board.

A person shall not be appointed to the Board if he/she is undischarged, bankrupt, or made any assignment or arrangement with his/her creditors.

Section 12. Meetings of the Board.

- (1) The Chairperson shall convene meetings of the Board at times and places as the Board may determine, and the Board shall meet for the discharge of its business at least thrice a year.
- (2) The Chairperson may, at any time, convene a special meeting of the Board, and shall also call a meeting within twenty one days on the request of the Principal or at least three members of the Board.
- (3) Notice of a Board meeting shall be given to each member at least fourteen working days before the day of the meeting.
- (4) The Chairperson shall preside at all meetings of the Board and in the absence of the Chairperson the members present shall elect one of their number to preside at that meeting.

- (5) Notice of a Board meeting shall be in writing and delivered by hand, post or e-mail to each member.

Section 13. Quorum at Meetings.

- (1) The quorum for meetings of the Board shall be four members.
- (2) All decisions at meetings of the Board shall be taken by a majority vote of members present and voting, and in case of a tie, the Chair shall have a casting vote.
- (3) For purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under sub-section 16(3) shall be treated as present.

Section 14. Validity of Proceedings not Affected by Vacancy.

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership, or by any defect in the appointment or disqualification of a member.

Section 15. Power to Co-opt.

- (1) The Board may invite any person to attend and take part in the proceedings who, in the opinion of the Board, has an expertise knowledge concerning the functions of the Centre.
- (2) Any person invited under sub-section (1) above may take part in any deliberations at the meeting in which his advice is required but shall have no right to vote.

Section 16. Disclosure of Interest by Members.

- (1) A member of the Board, who is directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter, which is to be considered by the Board, shall disclose the nature or extent of his/her interest at the meeting of the Board.
- (2) A disclosure made under sub-section (1) above shall be recorded in the minutes of that meeting.
- (3) A member who makes a disclosure under sub-section (1) shall not participate in the deliberations or take part in any decision of the Board with respect to the matter.

Section 17. Board may Regulate its Proceedings.

Subject to the provisions of this Act, the Board may regulate its own proceedings in matters other than those provided for by Law.

Section 18. Committees of the Board.

- (1) The Board may appoint committees to advise it on any matter concerning the functions of the Board or any other matter as it may determine.
- (2) A committee appointed under sub-section (1) shall consist of a Chairperson, who shall be a member of the Board and such other persons as the Board may determine.
- (3) The Board shall specify the terms and conditions of service of members of any committee appointed under sub-section (1).
- (4) The Board may delegate any of its functions to a committee appointed by it subject to limitations that it may impose.
- (5) The Board may require any committee appointed under sub-section (1) to act jointly or in co-operation with any other committee formed by it.
- (6) Members of a committee appointed under this section may be paid such allowances as the Board may determine.
- (7) Subject to any directives issued by the Board, a committee appointed under this section may regulate its own proceedings.

Section 19. Tenure of Office of Members of the Board.

- (1) A member of the Board, other than the Principal, shall hold office for a period of three years and shall be eligible for re-appointment for one extra term. To avoid the simultaneous retirement of all the appointed members, three shall be appointed to hold office for two years in the first appointments.
- (2) A member of the Board may resign by a letter addressed to the Commissioner.
- (3) The Commissioner may, at any time, remove a member of the Board, except the Principal, for:-
 - (a) inability to perform the functions of his/her office, due to mental infirmity or bodily disability;
 - (b) gross misconduct;
 - (c) incompetence and inefficiency;
 - (d) absence without prior permission from the Chairperson, for more than four consecutive meetings, or absence from the New Sudan for more than twelve consecutive months;
 - (e) bankruptcy or insolvency or entry into an assignment or arrangement with his/her creditors; or

- (f) conviction for an offence involving dishonesty, fraud or moral turpitude.

Section 20. Remuneration of Members of the Board.

The Chairperson and members of the Board shall be paid such remuneration as the Commissioner may determine.

Section 21. Vacancies in the Board.

Where a member is removed from office under section 19 (3), the Commissioner shall appoint another qualified person to complete the unfinished period of that persons period. He/She may thereafter be appointed on his/her own merits.

**CHAPTER FOUR
THE EXECUTIVE BODY**

Section 22 The Executive.

The Centre shall be administered by an Executive body, headed by the Principal and membership of heads of departments and academic staff.

Section 23. Functions of the Executive.

Subject to the provisions of this Act and to the general supervisory role of the Board, the Executive shall be responsible for:-

- (1) The implementation of policies and programmes of the Centre and shall report on them to the Board;
- (2) The proper management of the funds and properties of the Centre;
- (3) The organisation and control of the staff of the Centre;
- (4) The development of operating plans to guide the Centre in achieving its objectives;
- (5) The setting and revision of fees to be charged for the services and products of the Centre;
- (6) Co-operation with other agencies and organisations involved in the agricultural technology sector, and with the local communities in which the Centre has facilities;

- (7) Ensuring that environmental impact assessments shall be carried out prior to any major development projects to be undertaken by the Centre;
- (8) The development of an economically efficient and cost effective internal management structure; and
- (9) The performance of any other duty that may be assigned by the Board.

Section 24. The Principal.

- (1) There shall be appointed a Principal of the Centre by the Commissioner on the recommendation of the Board on such terms and conditions to be specified in the letter of appointment.
- (2) The Principal shall have professional qualifications and relevant experience in business or public administration, finance, training, environmental management, or any other technical knowledge relating to agricultural technology.
- (3) The Principal shall be the Chief Executive Officer of the Centre and shall be responsible for the day- to- day operations and administration of the Centre.
- (4) The Principal shall in the performance of his/her functions and duties be answerable to the Board.
- (5) The tenure of office of the Principal shall be 5 years and may be eligible for re-appointment for one additional term.
- (6) The Principal shall cease to hold office if:-
 - (a) he or she resigns;
 - (b) he or she is declared bankrupt or insolvent or makes arrangement with his or her creditors;
 - (c) he or she is convicted for an offence involving dishonesty, fraud or moral turpitude;
 - (d) he or she is removed from office by the Board for:-
 - (i) inability to perform the functions of his or her office arising from mental infirmity or bodily disability;
 - (ii) gross misconduct; or
 - (iii) incompetence or inefficiency.

- (e) he/she dies.

Section 25. Officers and Staff of the Centre.

- (1) The Board may on the recommendation of the Principal, authorise the appointment of officers and academic staff as may be necessary for the effective functioning of the Centre.
- (2) The employees appointed under this section shall hold office on such terms and conditions as may be specified in their letters of appointments.

Section 26. Protection of Members of the Board and Employees of the Centre.

Members of the Board or employees of the Centre shall not be personally liable for any act or omission done in good faith, in the lawful exercise of the functions of the Centre.

**CHAPTER FIVE
FINANCIAL MANAGEMENT OF THE CENTRE**

Section 27. Financial Sources.

Funds of the Centre shall consist of:-

- (a) money provided by the Civil Authority of the New Sudan (CANS) for the operation of the Centre;
- (b) fees charged for services rendered by the Centre, in accordance with the provisions of this Act;
- (c) revenue earned from the lawful activities of the Centre;
- (d) grants, gifts or donations from other sources to the Centre; and
- (e) any other funds received by the Centre in the performance of its functions under this Act.

Section 28. The Duty to Operate on Sound Financial Principles.

The Executive shall perform its functions in accordance with sound financial principles and practices, and shall ensure that sufficient funds are available to meet the Centre's expenditures.

Section 29. The Power to Open and Operate Bank Accounts.

- (1) The Centre may open and maintain such number of bank accounts as are necessary for the performance of its functions.
- (2) The Principal shall ensure that all monies received by or on behalf of the Centre shall be safely kept and deposited in a bank account as soon as practicable.
- (3) The Principal shall ensure that no money is withdrawn from or paid out of any of the Centre's bank accounts without authorisation.

Section 30. Borrowing Powers.

The Board may, with the approval of the Commissioner and in consultation with the Commissioner for Finance, borrow money from any source to meet its obligations or for the proper discharge of functions of the Centre, in accordance with the provisions of this Act.

Section 31. Investment of Surplus Funds.

Funds belonging to the Centre, not immediately required for any purpose provided for in this Act, may be invested in a manner which the Board may decide after consultation with the Commissioner.

Section 32. Budget.

- (1) The Principal, shall prepare and submit to the Board for approval, the annual budget of the Centre.
- (2) The Board, shall before the end of each financial year approve the budget and submit the same to the Commissioner for approval.

Section 33. Financial Year.

The financial year of the Centre shall be the period of twelve months commencing on such day in each year as the Board may determine or as determined by the financial laws of the New Sudan.

Section 34. Accounts.

- (1) The Principal shall keep proper books of accounts and records of all the transactions of the Centre.
- (2) The Principal shall prepare and submit a financial statement to the Board, not later than three months after the end of the previous financial year, which shall include:-
 - (a) a financial statement of income and expenditure, during the financial year;

- (b) a statement of the assets and liabilities of the Centre for the financial year submitted to and audited by the Auditor General.
- (c) auditor's report.

Section 35. Audit.

- (1) The Board, in each financial year, shall ensure that the accounts of the Centre are audited by the Auditor General or any other audit firm approved by him/her.
- (2) The Board shall ensure that within four months after the end of each financial year, an audited statement of accounts, in accordance with the provisions of section 34 is submitted to the Commissioner.
- (3) The auditor shall have access to all books of accounts, vouchers and other records, and shall be entitled to any information and explanation required in relation to those records.

Section 36. Annual Financial and Other Reports.

- (1) The Board, within four months after the end of each financial year, shall submit to the Commissioner, a statement of its activities in the preceding financial year, containing such information as the Commissioner may require.
- (2) The Board shall also submit to the Commissioner such other reports on its activities or on any other matter the Commissioner may, from time to time, require.

**CHAPTER SIX
MISCELLANEOUS PROVISIONS**

Section 37. Service on the Centre.

Notices or documents shall be served on the Centre by delivery at the head office of the Centre or to the Principal.

Section 38. Regulations.

- (1) The Commissioner may, by a statutory instrument and after consultation with the Board, make general regulations for the purpose of carrying into effect the provisions of this Act.
- (2) Without prejudice to the generality of sub-section (1) above, the Commissioner may make regulations to:-
 - (i) provide diplomas, certificates and any other awards that the Centre may confer or grant.

- (ii) prescribe conditions which must be satisfied before the granting of a diploma, certificate or any other award.
- (iii) prescribe the manner in which a diploma, certificate or any other award may be granted or conferred.
- (iv) regulate the administration of the Centre.
- (v) regulate the conduct of examinations.
- (vi) prescribe fees for admission to the Centre in accordance with the provisions of this Act.
- (vii) provide for the regulatory disciplinary measures against the academic and non academic staff and trainees of the Centre.
- (viii) prescribe for fees payable by the candidates for examinations held or conducted in or by the Centre.
- (ix) provide for delegation of powers of the Board.
- (x) provide for anything which in the opinion of the Commissioner or the Board, is necessary in furtherance of the functions and objectives of the Centre.

Given under my hand this _____ day of January in the year, 2004 A.D.

Dr. John Garang de Mabior
Chairman
SPLM/CANS