

**Provisional Order**  
**LAWS OF THE NEW SUDAN**  
**THE AGRICULTURAL TRAINING CENTRE ACT, 2004**

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**Provisional Order**  
**LAWS OF THE NEW SUDAN**  
**THE AGRICULTURAL TRAINING CENTRE ACT, 2004**

**An Act to provide for the establishment of an Agricultural Training Centre for the New Sudan and to govern and 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 Training Centre Act, 2004 and shall come into force on the date of signature.

**Section 2. Repeal and Savings.**

All Laws, By-Laws and Regulations, whether they were issued by the Centre or States Governments are hereby repealed.

**Section 3. Purposes of the Act.**

The purposes of this Act are to:-

- (1) Establish an Agricultural Training Centre which shall facilitate the achievement of a sustainable economic development, and brings social and environmental benefits to all the people of New Sudan from the agricultural sector;
- (2) Provide for the creation of a Board of Trustees for the purposes of proper direction and management of the Centre;
- (3) Ensure that agricultural training shall be carried out in a manner that meets the needs of the present generation but without compromising the rights of future generations and but with due regard to environmental factors;

- (4) Improve the livelihoods of local communities by drawing strategies and taking actions, that shall contribute to poverty eradication programmes through the provision of agricultural training;
- (5) Encourage the outreach of agricultural training from the Agricultural Training Centre to ensure the widest possible public participation in agricultural production and crop protection services;
- (6) Facilitate greater public awareness on the importance of the cultural, economic and social benefits of the agricultural sector in New Sudan;
- (7) Promote the concept of self-reliance and popularisation of agricultural training, through schools and other educational establishments; and
- (8) Ensure that environmental benefits, costs and values are reflected in the design and provision of syllabuses to be received by trainees in the Agricultural Training Centre.

#### **Section 4. Interpretation (Definitions).**

Unless the context otherwise requires words and phrases shall be given the meaning attached to them below:-

**“Centre”** means the Agricultural Training Centre established by section 5 (1) of this Act;

**“Chairperson”** means the Chairperson of the SPLM and Civil Authority of New Sudan;

**“Board”** means the Board of Trustees of the Centre established by section 3 (1) of this Act;

**“Environmental Impact Assessment”** means a systematic examination in order to determine whether or not a project will have adverse effect on the environment;

**“Agricultural Training”** means the practical application of scientific, economic, and social developmental principles in the preparation for and delivery of training in agricultural production and its related training;

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

**“New Sudan”** means the Regions of Bahr el Ghazal, the Upper Nile, Equatoria, the Nuba Mountains and the Funj;

**“Diplomas/Certificates”** means diplomas and certificates to be awarded by the Agricultural Training Centre after the completion of Agricultural Training course;

**“Principal”** means the Senior Executive Officer of the Centre appointed in accordance with the provision of Section 24 (1), of this Act;

**“Instructors/Lecturers”** means employees of the Centre whose functions and duties are to instruct and deliver lectures to trainees admitted at the Agricultural Training Centre;

**“Regulations”** means regulations made and issued by the Secretary for Agriculture under section 41 of this Act;

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

## **CHAPTER TWO AGRICULTURAL TRAINING CENTRE**

### **Section 5. Establishment of the Centre.**

- (1) There shall be established in New Sudan a Centre to be known as an Agricultural Training Centre.
- (2) The Centre shall be a body corporate, and shall have the power to:-
  - (a) acquire, hold and dispose of moveable and immovable property;
  - (b) hold its own official seal; and
  - (c) do all acts and things as a body corporate may lawfully do.

- (3) The Centre shall be under the general direction and supervision of the Secretary for Agriculture.

**Section 6. Institutions of Agricultural Training Centre.**

The Agricultural Training Centre shall be comprised of the following institutions:-

- (a) The Board of Trustees.
- (b) The Principal of the Centre.
- (c) Instructors/Lecturers at the Centre.
- (d) Trainees at the Centre.
- (e) Other support staff of the Centre.

**Section 7. Functions of the Centre.**

Functions of the Centre shall be to:-

- (a) be responsible for the formulation and delivery of training services in agriculture and related subjects;
- (b) identify and recommend to the Secretary for Agriculture the adoption of such policies as shall support the development of the agricultural sector in general and the training in particular;
- (c) adopt innovative approaches for the development of training in market based agricultural subjects;
- (d) prepare and implement agricultural training plans and report to the Secretary for Agriculture on the state of training in agricultural related subjects, and on such other matters as may be required by him/her;
- (e) enter into agreements or similar arrangements with any person(s) for the provision of training services and on such charges as may be agreed upon;

- (f) carry out or commission research(s) for the purposes of designing and delivering appropriate and sustainable agricultural training in New Sudan;
- (g) provide training to private individuals, staff of commercial enterprises, non-government organisations (NGOs) and public officers for the development of sustainable management of the agricultural sector; and
- (h) perform such other functions as may be conferred on it by this Act.

**Section 8. Official Seal of the Centre.**

- (1) The official seal of the Centre shall be in a form to be determined by the Board of Trustees.
- (2) The official seal, when affixed to any document, shall be authenticated by signatures of the Principal and one other member of the Board.
- (3) In the absence of the Principal, his deputy shall sign on his behalf.
- (4) Agreements or contracts which, if executed or entered into by a person other than a body corporate shall not require to be under seal if executed or entered into on behalf of the Centre by the Principal, or by any member of the Board, provided that they have been duly authorised by a resolution of the Board to execute or enter into such agreements or contracts.
- (5) Every document purporting to be an agreement or contract executed or entered into by or on behalf of the Centre, in accordance with the provisions of this section, shall be deemed to have been so executed or entered into, until the contrary is proved.

**Section 9. Conditions for Admissions into and on Completion of Training Course.**

The Centre shall admit persons of the following qualifications for training:-

- (1) For professional farmers, no formal qualification shall be required for admissions, provided that trainees have expressed the interest to receive a vocational training and are willing to pay fees for the services rendered by the Centre.
- (2) The Agricultural Training Centre shall admit persons, ranging from school leavers, to university graduates, who are willing to undergo this kind of vocational training for their career.

- (3) The language of instructions at the Centre shall range, from local languages to English, depending on the nature of training being received at the Centre.
- (4) The period of training at the Centre shall range between six (6) months to two (2) years, depending on the nature of the course offered at the Centre.
- (5) On completion of training, trainees shall be awarded various certificates and diplomas, ranging from a certificate of attendance to diplomas, depending on the nature of training received by a trainee.

### **CHAPTER THREE BOARD OF TRUSTEES**

#### **Section 10. Composition of the Board.**

- (1) The Centre shall have a Board of Trustees consisting of seven members, at least two of whom shall be qualified women. The composition shall be as follows:-
  - (a) a Chairperson;
  - (b) the Principal; and
  - (c) five other members.
- (2) Members of the Board of Trustees shall be persons of high moral standards and of proven integrity, who have had long experience, or with special qualifications in agricultural training, education, environmental management, business or public administration.
- (3) The Secretary for Agriculture shall appoint all members of the Board, except the Principal.
- (4) The Secretary for Agriculture shall, in appointing members of the Board, shall ensure that there shall be a balance of skills and experiences among members of the Board.
- (5) Members of the Board shall hold office on terms and conditions to be specified in their letters of appointment.

#### **Section 11. 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 have the power to:-

- (a) review and approve the business and, operating plans, budgets, submission of reports and auditing of financial and issuance of financial statement for the Centre;
  - (b) oversee the operations of the Centre;
  - (c) provide guidance to the Principal and staff of the Centre; and
  - (d) establish and approve rules and proceedings for the appointment, terms and conditions of service, discipline and termination, of services of the staff of the Centre.
- (3) The Board, in performing its functions, shall be answerable to the Secretary for Agriculture.

**Section 12. Disqualification from Membership of the Board.**

A person shall be disqualified from membership of the Board of Trustees, who is an undischarged bankrupt or has made assignments or arrangements with his creditors.

**Section 13. Meetings of the Board.**

- (1) The Chairperson shall convene meetings of the Board at times and venues as he may determine,
- (2) The Board shall meet for the discharge of its business at least once quarterly.
- (3) The Chairperson may, at any time, convene a special meeting of the Board.
- (4) The Board shall call a meeting, within fourteen days, if requested by at least four members of the Board.
- (5) Notices of Board's meetings shall be given to each member, in writing or by an e-mail, at least fourteen working days, before the day of the meeting.
- (6) The Chairperson shall preside over meetings of the Board.
- (7) In the absence of the Chairperson members present shall elect one of their numbers to preside over at that meeting.

**Section 14. 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 by majority vote of members present and voting, and in case of a tie, the person presiding over the meeting shall have a casting vote, in addition to his or her deliberative vote.
- (3) For the purposes of determining, whether there is a quorum or not, a member withdrawing from a meeting or who is not taking part in a meeting under this subsection, shall be treated as being present.

**Section 15. 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 a qualification of a member of the Board.

**Section 16. Power to Co-opt.**

- (1) The Board may invite any person to attend and take part in the proceedings of the Board, who, is in the opinion of the Board, has an expertise knowledge concerning any of the functions of the Centre.
- (2) A person attending a meeting of the Board in accordance with subsection (1) may take part in any deliberations, in which his or her advice is required but shall not have any right to vote at those meetings.

**Section 17. Disclosure of Interest by Members.**

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

**Section 18. Board may Regulate its Proceedings.**

Subject to the provisions of this Act, the Board may regulate its own proceedings or on such other matter that is relating to its own meetings.

**Section 19. Committees of the Board.**

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

**Section 20. Tenure of Office of Members of the Board.**

- (1) A member of the Board, other than the Principal, shall hold office for three years and shall be eligible for re-appointment for one more term, except in the case of the first appointed members of the Board. In order to avoid the simultaneous retirement of all the appointed members, three (3) members, shall be appointed to hold office for two years only.
- (2) A member of the Board may, resign by a letter addressed to the Secretary for Agriculture.
- (3) The Secretary for Agriculture may, at any time, remove from office a member of the Board, except the Principal, for:-
  - (a) inability to perform the functions of his office arising from mental infirmity of bodily disability;
  - (b) gross misconduct;
  - (c) incompetence and inefficiency;
  - (d) absence from office without prior permission from the Chairperson, for more than four consecutive meetings of the Board, or is absence from New Sudan for more than twelve consecutive months;

- (e) bankruptcy or insolvency or entry into a composition scheme with his creditors; or
- (f) conviction of an offence involving dishonesty, fraud or moral turpitude.

**Section 21. Remuneration of Members of the Board.**

The Chairperson and members of the Board, shall be paid such remuneration as the Secretary for Agriculture may determine.

**Section 22. Vacancies in the Board.**

Where a member is removed from office, in accordance with this Act, the Secretary for Agriculture, shall appoint another qualified person to replace him/her.

**CHAPTER FOUR  
INSTITUTIONS OF THE CENTRE**

**Section 23. The Principal.**

- (1) There shall be appointed a Principal of the Centre, by the Board of Trustees on such terms and conditions to be specified in the letter of his appointment.
- (2) The Principal shall be a person with professional qualifications and of relevant experience in administration, finance, training, management, environmental management or a technical knowledge relating to agricultural.

**Section 24. Functions of the Principal.**

- (1) The Principal shall be the Chief Executive Officer of the Centre and shall be responsible for the day- to- day administration.
- (2) Subject to the provisions of this Act and the general supervisory rule and control of the Board, the Principal shall be responsible for: -
  - (a) the implementation of policies and programmes of the Centre and shall report on them to the Board;
  - (b) the proper management of funds and properties of the Centre;
  - (c) the organisation and control of the staff of the Centre;
  - (d) the development of operating plans which shall guide the Centre in achieving its objectives;

- (e) the setting and revision of fees to be charged for the services rendered and for products of the Centre;
  - (f) the co-operation with other agencies and organisations in the agricultural sector, and with local communities among which the Centre has facilities;
  - (g) ensuring that environmental impact assessments are carried out prior to any major developmental projects undertaken by the Centre;
  - (h) the development of an economically efficient and cost effective internal management structure; and
  - (i) the performance of any other function as may be assigned to him by the Board.
- (3) The Principal, in the performance of his or her functions, shall be answerable to the Board of trustees.

**Section 25. Tenure of Office of the Principal.**

- (1) The Principal shall hold office on contract for a period of up to 5 years and shall be eligible for re-appointment for one further term.
- (2) The Principal shall cease to hold office if:-
- (a) he or she resigns from office;
  - (b) he or she is declared bankrupt or insolvent or made assignment or 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 Board for:-
    - (i) inability to perform the functions of his or her office, arising from mental infirmity or bodily disability;
    - (ii) being found guilty of gross misconduct; or
    - (iii) found incompetent or inefficient.

**Section 26. Other Officers and Staff of the Centre.**

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

**Section 27. Protection of Members of the Board and Employees of the Centre.**

Members of the Board or employees of the Centre or a person acting on directives shall not personally be made liable for any act or omission done or omitted to be done, in good faith in the lawful exercise of functions of the Centre.

**CHAPTER FIVE  
FINANCIAL MANAGEMENT OF THE CENTRE**

**Section 28. Financial Sources of the Centre.**

Sources of funds for the Centre shall consist of:-

- (a) money provided by the Secretariat of Agriculture for the administration and maintenance of the Centre;
- (b) fees charged for services rendered by the Centre, in accordance with the provisions of this Act;
- (c) revenues earned from activities of the Centre, in accordance with the provisions of this Act;
- (d) grants, gifts or donations from other sources made with the approval of the Secretary for Agriculture; and
- (e) any other funds received by the Centre in the performance of its lawful functions.

**Section 29. The Duty to Operate on Sound Financial Principles.**

The Board, in discharging its duties in managing the Centre, shall perform its functions in accordance with sound financial management principles and commercial practices and shall ensure that revenues be sufficient to meet expenditures of the Centre.

**Section 30. The Duty to Open and Operate Bank Accounts.**

- (1) The Board shall open and maintain such Bank accounts as are necessary for the performance of its functions.
- (2) The Board shall ensure that all money received by or on behalf of the Centre shall securely be held and deposited into a Bank account as soon as practicable.
- (3) The Board shall ensure that no money shall be withdrawn from or paid out of any of the Board's Bank accounts, without its authority.

**Section 31. Borrowing Powers of the Centre.**

The Board may, with the approval of the Secretary for Agriculture and in consultation with the Secretary for Finance, borrow money from any source as may be required for meeting its obligations or for the discharge of functions of the Centre, in accordance with the provisions of this Act.

**Section 32. Investment of Surplus Funds.**

Funds belonging to the Centre, not immediately required for any purpose, may be invested in a manner which the Board shall approve, after consultation with the Secretary for Agriculture and the Secretary for Finance.

**Section 33. Budgets of the Centre.**

- (1) The Principal, within three months before the end of each financial year, shall prepare and submit to the Board for approval, budgets of the Centre, including operating plans for the next financial year.
- (2) The Board, within two months, shall submit to the Secretary for Agriculture for approval, the budgetary estimates as originally and approved by the Board.

**Section 34. Financial Year of the Centre.**

The financial year of the Centre shall be a period of twelve months beginning and ending as the financial laws of New Sudan shall determine.

**Section 35. Accounts of the Centre.**

- (1) The Principal shall keep proper books of accounts and records of all the legal transactions of the Centre.
- (2) Subject to any directives by the Secretary for Agriculture, the Principal shall not later than three months from the end of financial year prepare and submit to the

Secretary for Agriculture and the Secretary for Finance, a statement of accounts, which shall include:-

- (a) a balance sheet, stating profits and losses, sources and application of funds; and
- (b) any other information in respect of the financial affairs of the Centre as the Secretaries for Agriculture and for finance, may require, in writing.

## **CHAPTER SIX AUDIT OF ACCOUNTS OF THE CENTRE.**

### **Section 36. Audit (or auditing).**

- (1) The Board, in each financial year, shall ensure that accounts of the Centre shall independently be audited by an auditor approved by the Secretary for Finance.
- (2) The Board, within four months after each financial year, shall issue a statement of accounts to be submitted to the Secretary for Agriculture and the Secretary for Finance.
- (3) The auditor shall have access to all books of accounts, vouchers and other records of the Centre, and shall be entitled to any information and explanation required in relation to those records.

### **Section 37. Other Reports.**

- (1) The Board, within four months after the financial year, shall submit to the Secretary for Agriculture, a statement of its activities in the preceding financial year, containing such information as the Secretary for Agriculture may require.
- (2) The Board shall submit to the Secretary for Agriculture, such other reports on its activities as the Secretary for Agriculture may, from time to time, require.

## **CHAPTER SEVEN MISCELLANEOUS PROVISIONS**

### **Section 38. Service of Official Documents and Notices on the Centre.**

Notice or documents shall be served on the Centre by delivery at the office of the Principals.

### **Section 39. Amendments to this Act.**

The Board may make recommendation for amendments to this Act to be presented to the Legislative body of New Sudan for its final consideration.

**Section 40. Powers to make General Regulations of the Centre.**

The Secretary for Agriculture may, by a statutory instrument, make general regulations for the purposes of carrying into effect the provisions of this Act.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ year 2003 A.D

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**Dr. John Garang de Mabior**  
**Chairman**  
**SPLM/CANS**