

Uganda Trypanosomiasis Control Council Act 1992 (Ch 211)

CHAPTER 211

THE UGANDA TRYPANOSOMIASIS CONTROL COUNCIL ACT.

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CHAPTER 211

THE UGANDA TRYPANOSOMIASIS CONTROL COUNCIL ACT.

Commencement: 9 October, 1992.

An Act to provide for the establishment of the Uganda Trypanosomiasis Control Council; to provide for its composition, objects and functions; to provide for its finances and for other connected purposes.

PART I—INTERPRETATION.

1. Interpretation.

In this Act, unless the context otherwise requires—

“chairperson” means the chairperson of the council and includes the vice chairperson;

“council” means the Uganda Trypanosomiasis Control Council established by section 2;

“director” means the director appointed under section 16;

“member” means a member of the council;

“Minister” means the Minister for the time being assigned responsibility for the council by the President;

“programme” means the master plan adopted by the working party of representatives of the Government of Uganda and of the donor community held in Kampala between 15th and 19th August, 1988, as amended from time to time, with the approval of the Government of Uganda;

“secretariat” means the secretariat referred to in section 14.

PART II—ESTABLISHMENT, OBJECTS AND FUNCTIONS OF THE COUNCIL.

2. Establishment of the council.

There is established the Uganda Trypanosomiasis Control Council, in this Act referred to as “the council”.

The council shall be a body corporate, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The council may, for and in connection with its objects and functions under this Act, purchase, hold, manage and dispose of any property, whether movable or immovable, and may enter into any contract and other transactions as may be expedient and may do any other act or thing as in law may be done by a body corporate.

3.

Objects of the council.

The objects of the council are—

to ensure the effective and efficient implementation of all aspects of the programme;

to formulate policies and determine priorities for tsetse and trypanosomiasis research and control in Uganda in relation to the economic and social policies of the Government;

to advise the Government and make to the Government such recommendations as it may consider necessary concerning the financial, human and other resource requirements for the implementation of the programme;

to consider and approve, in consultation with the Uganda National Council for Science and Technology established by the Uganda National Council for Science and Technology Act, any research projects arising out of the programme and to assign them to any institution within or outside the council;

to ensure the proper application of the results and the due implementation of the recommendations of any research activities in the programme;

to advise the Minister on the management and coordination of the programme at all levels, including the setting up of new research institutions; and

to establish units and technical services in relation to the programme.

4.

Functions of the council.

(1) For the attainment of the objects of the council under section 3, the council shall have the following functions—

to monitor all aspects of the programme and to intervene if work plans are not carried out according to plan or if any project input is not utilised for the purpose for which it is intended;

to direct any department, authority or agency or person

responsible for giving effect to any part of the programme to carry out any particular activities in the interest of the programme;

to intervene and give appropriate directions if any terms of reference concerning any particular project are not being duly implemented;

to liaise with donors, executing agencies and Ministries and departments regarding any requisition or input required for the programme;

to direct the activities of the secretariat;

to administer the property and funds of the council for ensuring the proper and efficient carrying out of the objects and functions of the council;

through the technical committee, to arrange and carry out periodic reviews and evaluation of research activities and supervise relevant research institutions;

(h) to solicit and receive, for the purpose of the programme, grants, aid, gifts, donations, fees, subscriptions and other sums required for the implementation of the programme and to make disbursements from them in accordance with this Act;

(i) to delegate any of its functions to any member or officer of the council;

(j) to invite any person or organisation to assist in the execution of any aspect of the programme; and

(k) to do all other things incidental or conducive to the efficient carrying out of the provisions of this Act.

(2) In carrying out its objects and functions, the council shall, so far as is practicable, consult and cooperate with any body, organisation or association in or outside Uganda having similar functions to those prescribed by this Act or relating to industrial or commercial standards generally with a view to furthering the objects and functions of the council.

PART III—COMPOSITION AND TENURE OF OFFICE OF MEMBERS OF THE

COUNCIL.

5. Composition of the council.

The council shall consist of—

(a) one public officer not below the rank of undersecretary appointed by the Minister of the relevant Ministry from each of the

following Ministries—

(i) the Ministry responsible for animal health;

(ii) the Ministry responsible for health;

(iii) the Ministry responsible for agriculture;

(iv) the Ministry responsible for local government;

(v) the Ministry responsible for environment protection;

(vi) the Ministry responsible for tourism and wildlife;

(vii) the Ministry responsible for finance, planning and

economic development; (viii) the Ministry responsible for lands; (ix) the Ministry responsible for foreign affairs;

(b) three other members appointed by the Minister for a period not exceeding three years.

6. Chairperson and vice chairperson of the council.

The council shall elect one of its members to be chairperson and another to be vice chairperson of the council.

The chairperson and the vice chairperson shall hold office for two years and shall be eligible for reelection.

The vice chairperson shall perform the functions of the chairperson in the absence of the chairperson.

The Minister may, in writing, remove a person from office as chairperson or vice chairperson if requested to do so by a resolution of the council supported by not less than two-thirds of the members of the council present and voting.

A person shall cease to be a chairperson or vice chairperson if he or she ceases to be a member of the council.

7. Tenure of office of members.

(1) A person shall cease to be a member—

in the case of a person representing a Ministry, upon his or her ceasing to hold office in the Ministry in respect of which he or she was nominated to be a member;

if he or she is removed by the Minister on the recommendation of the chairperson on the grounds that he or she—

(2)
(1)(b)—
(a)

(b)

(i) has absented himself or herself from three consecutive meetings of the council without permission; (ii) has been out of Uganda for a continuous period of twelve months or more; (iii) is unable to perform the functions of his or her office by reason of infirmity of body or mind; or (iv) is otherwise unable or unfit to perform the functions of his

or her office.

Where a person is removed by the Minister under subsection

if the person removed is a person appointed to represent a Ministry under section 5(a), the Minister of the relevant Ministry shall appoint another officer of that Ministry qualified in terms of section 5(a) to represent the Ministry on the council; if the person removed is a person appointed under section 5(b), the Minister may appoint another person to be a member in his or her place.

8.
Remuneration of members.

The council shall pay to members and also to persons co-opted to any meeting of the council under section 9 such sitting, subsistence, travelling and other allowances at such rates as the Minister may, after consultation with the Minister responsible for finance, determine.

PART IV—MEETINGS OF THE COUNCIL.

9.
Meetings of the council.

(1) The council shall ordinarily meet for the dispatch of business at least four times a year at such times and places as the chairperson may determine.

(2) The chairperson shall also summon a special meeting of the council upon a request made in writing by not less than five members of the council.

(3) The director shall, where the chairperson and the vice chairperson are absent, summon a meeting of the council if not less than one-third of the members of the council request him or her to do so.

Five members of the council shall form a quorum at any meeting of the council.

The chairperson shall preside at all meetings of the council at which he or she is present, and in his or her absence the vice chairperson shall preside; and in the absence of both of them, a member elected by the members present from among their number shall preside.

A question proposed at any meeting of the council shall be determined by a simple majority of votes of the members present and voting; and where there is an equality of votes, the person presiding at the meeting shall have a second or casting vote.

The council may co-opt any person who is not a member to attend any of its meetings as an adviser, and that person may speak at the meeting on any matter in relation to which his or her advice is sought but shall not have the right to vote on any matter coming for decision before the meeting.

Subject to this section, the council may regulate its own procedure.

10. Validity of proceedings not affected by vacancy, etc.

The validity of any proceedings of the council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

11. Minutes of council meetings.

The director shall keep or cause to be kept the minutes of every meeting of the council.

The minutes shall be submitted to the council for confirmation at its next meeting following that to which the minutes relate and when so confirmed shall be signed by the chairperson and the director in the presence of the other members.

PART V —COMMITTEES OF THE COUNCIL.

12. Technical committee.

The council shall appoint a standing committee to be known as the technical committee.

The technical committee shall consist of the heads of all departments of the Ministries referred to in section 5, which departments are relevant to the programme.

The technical committee shall be responsible for advising the council and the secretariat on all technical matters relating to the programme.

The technical committee shall elect its own chairperson.

The council may delegate any of its functions to the technical committee, subject to any limitations imposed by the council.

The council may prescribe the procedure of the technical committee.

The members of the technical committee may be paid such allowances as the council may, with the prior approval of the Minister, determine.

13. Other committees of the council.

The council may also appoint such committees in addition to the technical committee as may be required for the efficient discharge of the council's functions.

A committee appointed under this section may consist of members of the council or of the technical committee or persons who are not members of the council or members of the technical committee or any combination of those persons.

The council may delegate any of its functions to a committee appointed under this section subject to any limitations imposed by the council.

(4) The council may require any committee appointed under this section to act jointly or in cooperation with any other committee.

The council may prescribe the procedure of any committee appointed under this section.

Members of a committee appointed under this section may be paid such allowances as the council may, with prior approval of the Minister, determine.

PART VI—MANAGEMENT AND STAFF OF THE COUNCIL.

14. Secretariat.

The council shall have a secretariat to assist it in carrying out its objects and functions under this Act.

The body known as the Coordinating Office for the Control of Trypanosomiasis in Uganda (COCTU) shall constitute the secretariat of the council.

15. Functions of the secretariat.

(1) The functions of the secretariat are—

to supervise the initiation, formulation, negotiation and implementation of all projects for tsetse and trypanosomiasis control in Uganda;

to prescribe standard specifications, certification marks and codes of practice and do all things incidental to or connected with them as may be required for the purpose of this Act;

to be responsible for submission of proposals for the formulation of policies of the council and for the implementation of those policies when adopted by the council;

to collate and disseminate to all relevant parties, reports and other information relating to projects for carrying out the programme;

to coordinate the development of human resources necessary for all aspects of the programme;

to initiate and organise seminars, conferences and workshops and other similar activities aimed at promoting the effective implementation of the programme;

to establish and maintain relationships with national, regional and

international organisations and agencies as may be appropriate

for facilitating the implementation of the programme; (h) to carry out or cause to be carried out any study or examination

or test in respect of commodities of different specifications

whether produced in Uganda or elsewhere; (i) to carry out such other functions within the objects and functions

of the council as the council may direct.

(2) The carrying out of the functions of the secretariat shall be subject to the directions of the council on matters of policy and shall be deemed to be done on behalf of the council.

16. Director.

The council shall have an officer to be designated the director.

The director shall be appointed by the Minister on the recommendation of the council acting on the advice of the technical committee and shall hold office upon such terms and conditions as may be specified in the instrument of appointment.

The Minister may, on the recommendation of the council, acting on the advice of the technical committee, remove the director from office.

17. Functions of the director.

The director shall be the chief executive officer of the council and head of the secretariat.

The director shall act as the secretary of the council and of the technical committee.

The chairperson may from time to time, in writing, require the director to submit a report on any matter affecting the affairs of the council, and the director shall comply with that requirement.

In addition to any other function prescribed by this Act, the director shall, subject to the general control of the council, be responsible for the funds and properties of the council and for the day-to-day administration of the affairs of the council and of the secretariat and for the control of all the employees of the council.

(5) The director shall, unless the council in any particular case otherwise directs on grounds stated by it in writing, be entitled to attend all meetings of the council and of the technical committee but shall not have the right to vote on any matter to be decided by the council or the technical committee at such meetings.

18. Deputy director.

The council shall also have an officer to be designated deputy director.

The deputy director shall be appointed by the Minister on the recommendation of the council acting on the advice of the technical committee and shall hold office upon such terms and conditions as may be specified in the instrument of appointment.

The Minister may on the recommendation of the council acting on the advice of the technical committee remove the deputy director from office.

The deputy director shall assist the director in carrying out his or her functions under this Act and shall carry out such specific functions as the director or the council may direct.

In the absence of the director, the deputy director shall perform the functions of the director.

19. Other employees of the council.

The council may also engage such other employees as may be necessary for the proper and efficient discharge of the functions of the council and the secretariat under this Act.

The council may delegate to the chairperson or to the director or the deputy director any of its powers to appoint or remove any employee under this section.

The council may regulate the manner of appointment, terms and conditions of service and the discipline of its employees under this section.

Without prejudice to the general effect of subsection (3), the council may, under that subsection, provide for the payment to its employees of emoluments, allowances and terminal benefits and may require them to make contribution to any pension, provident fund or superannuation scheme.

Public officers may be seconded to the service of the council or may otherwise give assistance to the council.

20. Experts and consultants.

The council may, acting on the advice of the technical committee, engage the services of experts and consultants in respect of any part of the functions of the council in respect of which they are considered to have special competence.

The council may provide to any experts and consultants engaged under this section such fees, allowances and facilities as the council may, after consultation with the technical committee, think fit.

PART VII—FINANCE.

21. Funds, etc. of the council.

(1) The funds of the council shall consist of—

money appropriated by Parliament for the purposes of the council;

loans from the Government or from any person or organisation within or outside Uganda;

grants, gifts and donations that may be received by the council from sources within or outside Uganda; and

any sums that may become payable to the council in the discharge of its functions under this Act.

(2) All the income and monies of the council shall be deposited to the credit of the council in a bank approved by the Minister and shall not be withdrawn except with the approval of and in the manner determined by the council.

22. Borrowing powers.

(1) The council may, with the prior approval of the Minister responsible for finance, obtain loans and other credit facilities required for meeting its obligations and for carrying out its functions under this Act.

(2) A loan or credit facility obtained by the council under this section may, with the prior approval of the Minister responsible for finance, be guaranteed by the Government; and when so guaranteed, the principal sum and interest of that loan shall be a charge on the Consolidated Fund.

23. Estimates.

The council shall, within three months before the end of each financial year, cause to be prepared and submitted to the Minister for submission to the Minister responsible for finance for his or her approval, estimates of the income and expenditure of the council for the next ensuing financial year.

No expenditure shall be made out of the funds of the council unless the expenditure has been approved by the Minister responsible for finance under subsection (1).

24. Financial year of the council.

The financial year of the council in respect of any accounting period shall be the period of twelve months ending on the 30th June.

25. Accounts.

The council shall keep proper books of account of all its income and expenditure and proper records in relation to them.

Subject to any directions given by the Minister responsible for finance, the council shall cause to be prepared in respect of each financial year, and not later than three months after the close of the financial year, a statement of account which shall include a report on the performance of the council during the financial year comprising—

a balance sheet, a statement of income and expenditure and a statement of surplus and deficit; and

any other information in respect of the financial affairs of the council as the Minister responsible for finance may require.

26. Audit.

The accounts of the council shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by him or her.

The council shall ensure that within four months after the expiry of each financial year a statement of account described in section 25 is submitted to the Auditor General for auditing.

The Auditor General and any auditor appointed by him or her shall have access to all books of account, vouchers and other financial records of the council and be entitled to have any information and explanation required by him or her in relation to them as he or she may think fit.

The Auditor General shall, within two months after receipt of the statement of account under subsection (2), audit the accounts and deliver to the council a copy of the audited accounts of the council together with his or her report on them stating any matter which in his or her opinion should be brought to the attention of the Minister.

The Auditor General shall also deliver to the Minister a copy of the audited accounts together with his or her report on them.

27. Investment of surplus funds of the council.

Any funds of the council not immediately required for any purpose under this Act shall be invested in such manner as the council may, with the approval of the Minister, after consultation with the Minister responsible for finance, determine.

PART VIII—MISCELLANEOUS.

28. Common seal of the council.

The common seal of the council shall be such device as the council may determine and shall be kept in the custody of the director.

Pending the making of a common seal, the council may use a wafer or rubber stamp in place of a seal.

The common seal of the council shall not be fixed on any document except in accordance with a resolution of the council, and shall be authenticated by the signatures of the chairperson, the director and another member of the council.

In the absence of the chairperson, two other members shall be designated by the council to authenticate the common seal in place of the chairperson; and in the absence of the director, the deputy director or other person for the time being performing the functions of the director shall authenticate in place of the director.

The signatures of the chairperson, director or other members of the council under this section shall be independent of the signing by any other person as witness.

A contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the council by the director or any other person authorised for that purpose by the council.

Every document purporting to be—

an instrument issued by the council and sealed with the common seal of the council, authenticated in the manner prescribed in this section; or

a contract or instrument entered into or executed under subsection (6), shall be received in evidence without further proof as such an instrument duly issued or a contract or instrument duly entered into or executed, as the case may be, unless the contrary is proved.

29. Protection of council members and staff from personal liability.

A member of the council shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

An employee or other person acting on behalf of the council shall not be personally liable for any act done by him or her in good faith and without negligence for the purpose of carrying into effect the provisions of this Act.

30. Annual reports.

The council shall, within three months after the end of each financial year, submit to the Minister a report on the activities of the council in respect of that financial year, and the report shall include its achievements during that financial year and its future plans.

31. Minister to report to Parliament.

The Minister shall submit to Parliament as soon as possible after receiving them—

the audited accounts of the council submitted to him or her by the Auditor General under section 26; and

the annual report of the council submitted to him or her under section 30.

32. Patent rights.

All patent rights in any discoveries, inventions and improvements on apparatus and machines effected by persons engaged by the council in the implementation of the programme shall vest in the council, but the council may make any such patent available for use in the public interest on such terms as the council may determine.

33. Service of notice, etc. on the council.

A notice or document required to be served on the council may be served by leaving it at the office of the director or by sending it by prepaid registered post to the director.

34. Regulations.

The Minister may, after consultation with the council, by statutory instrument, make regulations generally for better carrying out the provisions of this Act.

35. Power of the Minister to transfer assets and property of the Coordinating Office for the Control of Trypanosomiasis in Uganda.

The Minister may, with the prior approval of the Minister responsible for finance, by statutory order, transfer to the council any assets and property which are, immediately before the commencement of this Act, in the possession of the Coordinating Office for the Control of Trypanosomiasis in Uganda (COCTU).

History: Statute 16/1992; S.I. 2/1993.

Cross Reference

Uganda National Council for Science and Technology Act, Cap. 209.