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ACTS SUPPLEMENT

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Act 5 *Uganda Industrial Research Institute Act* **2006**

THE UGANDA INDUSTRIAL RESEARCH INSTITUTE ACT, 2003.

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THE UGANDA INDUSTRIAL RESEARCH INSTITUTE ACT, 2003.

An Act to provide for the establishment of the Uganda Industrial Research Institute (UIRI), to provide for its functions, its management and finances and for other connected matters.

DATE OF ASSENT: 30th July, 2003.

Date of commencement: 8th June, 2006.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY.

1. This Act may be cited as the Uganda Industrial Research Institute Act, 2003. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"applied industrial research" means research undertaken to create utility of science and technology for application in industrial development;

"Board" means the Board established under section 6 of this Act;

"Institute" means the Uganda Industrial Research Institute established under section 3 of this Act;

"Minister" means the Minister responsible for industry.

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

Establishment of the Institute.

3. (1) There is established the Uganda Industrial Research Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing or being sued in its corporate name.

(3) The Institute may, for the purpose of carrying out functions under this Act, purchase, hold, manage and dispose of any property whether movable or immovable and may enter into any contract and other transaction as may be expedient and may do or suffer any other act or thing that a body corporate may lawfully do or suffer.

Objectives of the Institute.

4. The objectives of the Institute are—

(a) to undertake applied industrial research; and

(b) to develop and acquire appropriate technology in order to create a strong, effective and competitive sustainable industrial sector for the rapid industrialisation of Uganda.

Functions of the Institute.

5. For the attainment of its objectives under section 4, the Institute will perform the following functions—

(a) identify and develop appropriate processes and product technologies for the exploitation of natural resources;

(b) upgrade and strengthen the existing indigenous technologies through basic and applied research;

(c) set up demonstration plants to illustrate the benefits of new technologies;

(d) design, develop and adapt machinery, tools, equipment and instruments suitable for rural areas;

(e) develop suitable recovery processes and devices to reduce environmental hazards created by agricultural and industrial wastes;

(f) maintain a comprehensive data bank in industrial research, technologies, materials and products;

(g) facilitate the provision of technical advice to existing enterprises in order to improve their operations;

(h) provide research findings to entrepreneurs to assist them in setting up new investment projects;

(i) collaborate, affiliate and/or associate with, any body or organisation, whether in Uganda or elsewhere which has objectives similar to those of the Institute;

(j) perform such other functions that may be assigned for the attainment of the Institute's objectives under this Act; and

(k) serve as a production technology reference centre.

PART III—BOARD OF THE INSTITUTE.

Board of the Institute.

6. (1) The governing body of the Institute shall be a Board consisting of the members specified in the First Schedule to this Act.

(2) The Chairperson, and the two members from the private sector specified in the Schedule shall be appointed by the Minister and shall be persons who in the opinion of the Minister, are persons of high integrity and who qualify to be appointed by virtue of their knowledge, qualifications and experience in industrial research, product development, marketing or other related fields.

(3) The Minister shall, in consultation with the Ministry responsible for finance, by regulations, determine the terms and conditions of service of members of the Board.

Functions, powers and duties of the Board.

7. Subject to the provisions of this Act, the Board shall be responsible for—

(a) the general direction and supervision of the Institute;

(b) the implementation of its objectives and performance of its functions;

(c) the management of its property, business, income, funds, and any other concerns and affairs; and

(d) the appointment, control, discipline and removal from office of its employees.

Meetings of the Board.

8. The provisions of the Second Schedule to this Act shall apply to the meetings and proceedings of the Board.

Tenure of office of members of the Board.

9. (1) A person shall cease to be a member of the Board where he or she—

(a) is representing a Ministry, Department or Institute and is removed by that Ministry, Department or Institute; or

(b) was appointed by the Minister and has not been reappointed to serve another term;

(c) was appointed by the Minister and has served for two consecutive terms of three years each; or

(d) tenders in his or her resignation in writing to the appointing authority;

(e) is removed by the Minister on the recommendation of the Board on any of the following grounds—

(i) inability to discharge the functions of his or her office arising out of infirmity of mind or body;

(ii) incompetence; or

(iii) misconduct or misbehaviour;

(2) Where a person is removed by—

(a) the Ministry, Department or Institute that appointed him or her, that Ministry or Department or Institute shall appoint another person to fill the vacancy;

(b) the Minister under paragraph *(b)* or *(c)* of subsection (1), the Minister shall appoint another person to be a member in his or her place.

Committees of the Board.

10. (1) The Board may, for the efficient performance of its functions—

(a) appoint committees consisting of such a number of its members as the Board deems fit;

(b) co-opt any person onto any committee appointed under this section.

(2) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

PART IV—MANAGEMENT AND STAFF OF THE INSTITUTE.

Executive Director and Deputy Executive Director.

11. (1) The Minister shall, on the recommendation of the Board, appoint on contract the Executive Director, and Deputy Executive Director of the Institute.

(2) The Executive Director and the Deputy Executive Director shall each hold office for a term of four years on such terms and conditions as the Board may specify in the instrument of appointment.

(3) The contracts of the Executive Director or Deputy Executive Director may be renewed by the Minister on the recommendation of the Board.

(4) The Executive Director or the Deputy Executive Director shall cease to hold office if—

(a) he or she resigns; or

(b) he or she is removed from office by the Board for—

(i) gross misconduct;

(ii) inability to discharge the functions of his or her office; or

(iii) causing financial loss to the Institute.

(5) The Executive Director or the Deputy Executive Director removed from office under paragraph *(b)* (iii) of subsection (4), shall be liable to prosecution and upon conviction shall lose his or her terminal benefits.

Functions of the Executive Director and Deputy Executive Director.

12. (1) The Executive Director shall be the chief administrative officer of the Institute and shall be responsible for the day-to-day operations of the Institute.

(2) The Executive Director shall be responsible to the Board.

(3) Subject to the provisions of this Act and the general supervision and control of the Board, the Executive Director shall be the accounting officer of the Institute.

(4) The Executive Director shall keep the Board informed on the progress and activities of the Institute.

(5) The Deputy Executive Director shall deputise the Executive Director in the performance of his or her functions.

Other Staff.

13. The Board shall appoint the other staff of the Institute on such terms and conditions as the Board may determine.

PART V—FINANCIAL PROVISIONS.

Funds of the Institute.

14. (1) The funds of the Institute shall consist of—

(a) moneys appropriated each year by Parliament for the purposes of the Institute;

(b) grants and loans from Government or any person, authority or organisation;

(c) fees derived from the activities of the Institute; and

(d) any other money that may be received by or made available to the Institute with the approval of the Minister.

(2) All moneys of the Institute shall be deposited in a bank approved by the Board and shall not be withdrawn except with the approval of and in the manner determined by the Board.

(3) The Institute may, with the written approval of the Minister, invest any of its funds not immediately required for any of its functions.

Borrowing Powers.

15. (l) The Institute may, with the prior approval of the Minister, obtain loans and other credit facilities required for meeting its obligations and for carrying out its objects and functions under this Act.

(2) The Institute may, borrow by way of overdraft or otherwise any sums required for meeting current obligations of the Institute for discharging its functions.

(3) Subject to article 159 of the Constitution, a loan or credit facility obtained by the Institute under this section may, with prior approval of the Minister, be guaranteed by the Government and when so guaranteed, the principal sum and interest of the loan shall be a charge on the Consolidated Fund.

Estimates.

16. (l) The Institute shall, within three months before the commencement of each financial year, prepare and submit to the Minister for approval by the Minister responsible for finance, estimates of income and expenditure of the Institute for the next ensuing financial year; and where it becomes necessary at any time before the end of a financial year, prepare and submit to the Minister for similar approval, supplementary estimates for that financial year.

(2) No expenditure shall be made out of the funds of the Institute unless that expenditure is part of the expenditure approved under subsection (1) under the estimates for the financial year in which the expenditure is to be made or in any supplementary estimates for that year.

Accounts.

17. (1) The Institute shall keep proper books of accounts of all its income and expenditure and proper records in relation to them.

(2) Subject to any directions given by the Minister, the Board 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 accounts which shall include a report on the performance of the Institute during that financial year and the statement shall comprise—

(a) a balance sheet and a statement of income and expenditure of the Institute in respect of that financial year; and

(b) any other information in respect of the financial affairs of the Institute as the Minister may in writing require.

Audit.

18. (1) The accounts of the Institute shall, in respect of each financial year, be audited by the Auditor-General or by an auditor appointed by the Auditor-General.

(2) The Board shall ensure that within four months after the close of each financial year, the statement of accounts described in section 17 of this Act is submitted for auditing under this section.

(3) The Auditor-General and any auditor appointed by him or her shall have access to all books of accounts, vouchers and other financial records of the Institute and is entitled to have any information and explanations required by him or her in relation to them as he or she may think fit.

(4) The Auditor-General shall, within two months after receipt of the statement of accounts under subsection (2) of this section, audit the accounts and deliver to the Board a copy of the audited accounts 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.

(5) The Board, shall as soon as possible upon receiving it, deliver to the Minister a copy of the audited accounts together with the auditor's report under subsection (4) of this section.

Financial year of the Institute.

19. The financial year of the Institute shall be the period of twelve months beginning from the 1st day of July and ending on the 30th day of June in the year following; except that the first financial year of the Institute shall be the period commencing with the commencement of this Act and ending with the 30th day of June next following.

PART VI—MISCELLANEOUS.

Protection of Board members and staff from personal liability.

20. (1) A Board member, an employee, or other person acting on behalf of the Institute shall not be personally liable for any act done by him or her in good faith without negligence for the purpose of carrying into effect the provisions of this Act.

Annual Report.

21. The Board shall, within four months after the end of each financial year, submit to the Minister a report of the activities of the Institute in respect of that financial year.

Regulations.

22. The Minister may, in consultation with the Board, by statutory instrument, make regulations generally for the implementation of this Act.

Common Seal of the Institute and executors of contracts, *etc.*

23. (1) The common seal of the Institute shall be such device as the Board may determine and shall be kept in the custody of the Executive Director.

(2) The common seal of the Institute shall not be affixed on any document except in accordance with a resolution of the Board, and shall be authenticated by the signatures of the Chairperson and the Executive Director.

(3) In the absence of the Chairperson, any other Board member shall be designated by the Board to authenticate the common seal in place of the Chairperson.

(4) The signatures of the Chairperson, and the Executive Director under this section need not be witnessed by any other person.

(5) Every document purporting to be an instrument issued by the Institute and sealed with the common seal of the Institute, authenticated in the manner prescribed in this section 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.

Service of documents.

24. Without prejudice to any other law relating to the service of documents, a document required to be served on the Institute may be served by delivering it at the office of the Executive Director.

Amendment of Schedule.

25. The Minister may, in consultation with the Board, by statutory instrument, amend the Schedules to this Act.

SCHEDULES.

FIRST SCHEDULE.

MEMBERSHIP OF THE BOARD.

SECTIONS 6 AND 25.

The Board shall consist of—

(a) a Chairperson;

(b) two members, at least one of whom shall be a woman from the private sector appointed by the Minister, who, in his or her opinion, are persons of high integrity and who qualify to be appointed by virtue of their knowledge, qualifications and experience in industrial research, product development, marketing or other related fields;

(c) the Commissioner for Industry and Technology;

(d) the Director for Gender and Culture, Ministry responsible for Gender, Labour and Social Development;

(e) the Director General, National Agricultural Research Organisation;

(f) the Executive Director, Uganda National Bureau of Standards;

(g) the Executive Secretary, Uganda National Council for Science and Technology;

(h) the Executive Director, National Environment Management Authority;

(i) the Representative from the Ministry responsible for finance;

(j) a Representative from the National Council for Higher Education;

(k) the Executive Director of the Institute who shall be the Secretary to the Board.

SECOND SCHEDULE.

SECTIONS 8 AND 25

MEETINGS OF BOARD.

Meetings of the Board.

1. (1) The Board shall ordinarily meet for the discharge of business at least once in every three months at such times and places as the Chairperson may determine.

(2) The Chairperson shall also summon a special meeting of the Board upon a request made in writing by not less than six members of the Board.

(3) The Executive Director shall, where the Chairperson is absent, summon a meeting of the Board upon a request made in writing by not less than six members of the Board.

(4) Six members of the Board shall form a quorum at any meeting of the Board.

Proceedings of the Board.

2. (1) The Chairperson shall preside at all meetings of the Board and in his or her absence a member elected by the members present from among their number shall preside.

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

(3) The Board may co-opt any person who is not a member to attend any of its meetings as an advisor 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.

(4) Except as otherwise expressly stated in this Act, the Board may regulate its own procedure.

(5) The quality of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

(6) The Executive Director shall keep or cause to be kept the minutes of every meeting of the Board.

(7) The minutes recorded under this section shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the Chairperson in the presence of the other members.