

CHAPTER 401

THE AGRICULTURAL INPUTS TRUST FUND ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 401

THE AGRICULTURAL INPUTS TRUST FUND ACT

An Act to provide for the establishment of the Agricultural Inputs Trust Fund, the management of such Fund and for related matters.

[.....]

Act Nos.
9 of 1994
3 of 2020

Short title

1. This Act may be cited as the Agricultural Inputs Trust Fund Act.

Interpretation
Act No.
3 of 2020 s. 6

2. In this Act, unless the context otherwise requires-
“agricultural inputs” includes agricultural fertilizers, agricultural machinery, certified seeds, agrochemicals, drugs and chemicals for livestock, and gears necessary for the application of such drugs, chemicals and agro-chemicals and farm implements suitable for small holder farmers;
“agricultural machinery” includes self-propelled machines and trailed or pulled implements;
“bank” means the bank designated by the Board to operate an account for the Fund;
“Board” means the Board of Trustees of the Fund established by section 6;
“Fund” means the Agricultural Inputs Trust Fund established under section 3;
“Minister” means the Minister responsible for agriculture.

Establishment of
Fund

3. There is hereby established a revolving fund to be known as the Agricultural Inputs Trust Fund which shall be under the management and control of the Board.

Objects of Fund

4. The objects for which the Fund is established shall be to-
(a) make available loans, on such terms and conditions as the Board may determine finances for importation and distribution of agricultural inputs;

- (b) finance consultancy services or any technical assistance in relation to acquisition, distribution and use of agricultural inputs; and
- (c) pay for the costs of administering the Fund.

Financial sources
of Fund

- 5.**—(1) The financial sources of the Fund shall consist of-
- (a) such sums of money as may be voted to it by Parliament;
 - (b) such sums of money as may accrue to it by way of voluntary contributions or grants from individuals, international institutions and other organisations;
 - (c) interest paid on the borrowed funds;
 - (d) any other source as shall be determined by the Board and approved by the Minister.
- (2) The Board shall designate a bank in which an account of the Fund shall be maintained.

Establishment of
Board of Trustees

- 6.** There is hereby established the Board of Trustees of the Fund which shall-
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) in its corporate name be capable of suing and being sued;
 - (c) be capable of holding, acquiring and disposing of property; and
 - (d) subject to the provisions of this Act, have power to do such things and enter into such transactions which in its opinion is calculated to further its objectives or facilitate the discharge of its functions or otherwise is incidental or conducive thereto.

Composition of
Board
Act No.
3 of 2020 s. 7

- 7.**—(1) The Board shall be composed of-
- (a) the Chairman who shall be appointed by the President;
 - (b) six other members to be appointed by the Minister as follows-
 - (i) a representative from the Ministry responsible for agriculture;

- (ii) a representative from the Ministry responsible for finance;
- (iii) a representative from the Ministry responsible for local government;
- (iv) a law officer from the Office of the Attorney General;
- (v) a member representing a recognised farmers association; and
- (vi) a member with experience in matters relating to agriculture and business.

(2) The Board may co-opt such other persons as it may deem necessary or desirable for the purpose of securing the efficient and effective discharge of its functions under this Act but such co-opted members shall not be entitled to vote.

(3) The provisions of the Schedule to this Act shall have effect as to the tenure of office of its members, termination of office, proceedings of the board and other matters in relation to the Board and its members.

(4) At least two of the members appointed under subsection (1) shall be women.

(5) The Minister may, by order published in the *Gazette*, amend any of the provisions of the Schedule.

(6) The Minister may, for the proper implementation of the objectives of this Act, give directives of general or specific nature to the Board.

(7) The Board may, subject to such terms and conditions as it may determine, form and appoint from among its members, such number of committees as it may consider necessary for better carrying out the functions of the Board under this Act.

8. The functions of the Board shall be to-

- (a) advise the Minister on the policy of the Fund and oversee its implementation;
- (b) establish the national demand for agricultural inputs and determine the cost thereof;

- (c) appraise the Minister on the country's stock position with respect of agricultural inputs and the availability of funds for their acquisition;
- (d) ensure the availability of funds to finance the procurement and distribution of the agricultural inputs;
- (e) monitor timely delivery, distribution and storage of agricultural inputs;
- (f) maintain and apply the finances of the Fund in accordance with sound financial principles;
- (g) grant loans on sound principles, and in particular with regard to ensuring timely recovery of the principal sum and any interest payable on any loan;
- (h) co-operate with relevant institutions or authorities responsible for monitoring and enforcing standards or quality of products in order to ensure that agricultural inputs imported on loans from the Fund are of the acceptable standard or quality; and
- (i) perform any other functions as may be required under this Act.

Management
team and
Executive
Director

9.-(1) There shall be a management team of the Fund which shall be responsible to the Board for the day to day management of the Fund.

(2) The management team shall consist of-

- (a) the Executive Director to be appointed by the Minister upon the recommendation of the Board, who shall be the chief executive of the Fund, head of the management team and Secretary to the Board;
- (b) such other officers to be appointed by the Board in such numbers as the Minister may approve.

Application for
loan
Act No.
3 of 2020 s. 9

10. A person who intends to secure a loan shall apply to the Fund in a manner prescribed in the regulations.

[s. 9A]

Financial year of Fund **11.** The financial year of the Fund shall be the same as the financial year of the Government.

[s. 10]

Accounts and audit **12.**—(1) The Board shall cause to be kept and maintained books of accounts in relation to the transactions of the Fund in accordance with acceptable accounting standards.

(2) The books of accounts of the Fund shall be audited by the Controller and Auditor-General at the end of each financial year.

(3) The Board shall, not later than four months after the end of each financial year, submit to the Minister the audited accounts and an annual report on the management of the Fund in respect of that year.

(4) The Minister shall, as soon as practicable and in any case not later than four months after receipts from the Board, lay before the National Assembly the annual report and the auditor's report of the accounts of the Fund.

[s. 11]

Fund exempted from taxes **13.** The Fund shall be exempted from all taxes, rates and duties.

[s. 12]

Appeals
Act No.
3 of 2020 s. 10 **14.** A person who is aggrieved by the decision of the Board regarding implementation of the provisions of this Act may, within thirty days from the date of the decision, appeal to the Minister.

[s. 12A]

Regulations **15.**—(1) The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) Regulations made under this section shall be published in the *Gazette*.

[s. 13]

SCHEDULE

(Made under section 7(3))

PROVISIONS RELATING TO THE BOARD

Tenure of office	1. A member of the Board shall hold office for a term of three years from the date of his appointment, and shall be eligible for reappointment.
Meetings of Board	2.—(1) The Board shall ordinarily meet for the transaction of its business at least four times a year at such places and times as may be determined by it. (2) The Chairman shall preside at every meeting of the Board and in absence of the Chairman the members present shall appoint one of their number to be an interim Chairman.
Quorum	3. The quorum at a meeting of the Board shall be half of the members in office.
Decisions of Board	4. Issues proposed at the meeting of Board shall be decided by a majority of the votes of the members present and in the event of an equality of votes the Chairman shall have a casting vote in addition to his original or deliberative vote.
Minutes of meetings	5.—(1) The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings and minutes of each meeting of the Board shall be read, amended and signed by the Chairman at the next meeting of the Board. (2) Any minutes purported to be signed by the person presiding at a meeting of the Board shall, in the absence of proof of error, be deemed to be a correct record of the meeting whose minutes they purport to be.
Vacancies, etc., not to invalidate proceedings	6. The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.
Orders, directions, etc.	7. Orders, directions, notices or other documents made or issued on behalf of the Board shall be signed by— (a) the Chairman of the Board; or (b) the Executive Director of the Fund.
Board may regulate its own proceedings	8. Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

