

Uganda

Management Training and Advisory Centre Act Chapter 134

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Management Training and Advisory Centre Act

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Management Training and Advisory Centre Act

Chapter 134

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An Act to provide for the establishment of the Management Training and Advisory Centre, to make provision for its constitution and management and for other matters related thereto.

Interpretation

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) **"appointed member"** means a member of the council who is appointed under [section 7](#) or who becomes a member of the council by virtue of his or her appointment as chairperson of the council under [section 11\(1\)](#);
- (b) **"centre"** means the Management Training and Advisory Centre established under [section 2](#);
- (c) **"chairperson"** means the chairperson of the council;
- (d) **"council"** means the Council of the Management Training and Advisory Centre appointed by the Minister under [section 7](#);
- (e) **"financial year"** means a period of twelve months ending on the thirty-first day of December in each year;
- (f) **"functions"** includes powers and duties;
- (g) **"Minister"** means the Minister to whom functions under this Act are assigned;
- (h) **"secretary"** means the secretary of the council.

Establishment, objects and functions of the advisory centre

2. Establishment and incorporation of the centre

There is established a centre to be called the Management Training and Advisory Centre which shall, in that name, be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and, subject to this Act, may do and suffer all such other acts and things as bodies corporate may lawfully do and suffer.

3. Objects of the centre

The objects for which the centre is established are—

- (a) to assist Government departments and public and private institutions with advisory and training services to be given to their personnel concerned with the promotion and development of industry

and indigenous entrepreneurship with a view to enabling those personnel to advise, assist and train Ugandan entrepreneurs throughout the country;

- (b) to assist industry and other economic sectors, including public services and utilities, in introducing or improving management practices, techniques and methods, with a view to raising their productivity;
- (c) to assist existing and new enterprises in studying designs of new products, models and devices;
- (d) to prepare citizens of Uganda for managerial, functional and supervisory posts in existing and new industries and business enterprises;
- (e) to help citizens of Uganda to become entrepreneurs, by providing them with advisory services and instruction in simple management practices, particularly management, accounting and marketing, technological guidance and practical demonstrations;
- (f) to raise the standard of skill of workers employed in industry through accelerated training, upgrading and in-plant training;
- (g) to organise and conduct training courses for semiskilled and skilled workers, foremen, supervisors and technicians, including maintenance workers, on methods and techniques of tool operation as suitable for the equipment and work conditions in the country.

4. Functions and powers of the centre

The centre may do all such things as are calculated to facilitate, or as are incidental or conducive to, the better carrying out of its functions and may, in particular, but without prejudice to the generality of the foregoing—

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the property;
- (b) aid the promotion of any citizen of Uganda in trade or business;
- (c) enter into agreement with any citizen of Uganda for the establishment, promotion or financing of any business or undertaking;
- (d) build or purchase business premises in furtherance of its objectives;
- (e) collect, collate and disseminate specific technical information regarding equipment, machinery, tools, methods, practices and techniques of specific interest to entrepreneurs;
- (f) subject to [section 22](#), borrow or otherwise raise money on such security as may be necessary and, for that purpose, charge all or any of the property of the centre;
- (g) found scholarships, make research grants or otherwise give financial or other assistance to citizens of Uganda engaged in study or research into any matter relating to productivity of industry;
- (h) hold classes, demonstrations, lectures or any other form of instructional or promotional activity and charge any fees for them;
- (i) publish periodicals, booklets or other written material and distribute them by sale or by loan, hire or otherwise with or without charge as the council thinks fit.

5. Seal of the centre

- (1) The seal of the centre shall be authenticated by the signature of the chairperson or of any other two members of the council authorised by resolution of the council either generally or specially to act in that behalf.
- (2) The signature of the chairperson or other members of the council shall be independent of the signing by any other person as witness.

- (3) A certificate signed by the chairperson of the council that any instrument purporting to be made or issued by or on behalf of the centre was so made or issued shall be conclusive evidence of that fact.
- (4) Every document purporting—
 - (a) to be an instrument made or issued by or on behalf of the centre and to be sealed with the seal of the centre authenticated in the manner provided by subsection (1) or to be signed or executed by the chairperson or any other person authorised by the council to act in that behalf; or
 - (b) to be a certificate such as is mentioned in subsection (3),shall be received in evidence and be deemed without further proof to be so made or issued or to be such a certificate, unless the contrary is shown.

6. Custody of the seal

The common seal of the centre shall be kept in the custody of a person appointed by the council, and shall not be used or affixed to any instrument except in pursuance of a resolution duly adopted by the council and in the presence of at least two members of the council, and such members shall sign every instrument to which the common seal of the centre is so affixed in their presence.

The council

7. Membership of the council

The governing body of the centre shall be a council consisting of—

- (a) the following *ex officio* members—
 - (i) the Permanent Secretary of the Ministry responsible for commerce and industry or his or her representative;
 - (ii) the Permanent Secretary of the Ministry responsible for education or his or her representative; and
 - (iii) the Permanent Secretary/labour commissioner of the Ministry responsible for labour matters or his or her representative; and
- (b) not more than eight and not less than four appointed members including the chairperson whose appointments shall be notified in the *Gazette*, of whom—
 - (i) two members shall be appointed by the Minister as representatives of employers after consultation with the employers federation;
 - (ii) two members shall be appointed by the Minister as representatives of employees after consultation with the trade unions; and
 - (iii) not more than three other members shall be appointed by the Minister after consultation with institutions directly or indirectly concerned with industry.

8. Functions of the council

- (1) The council shall be charged with the administration and management policy of the centre and shall be responsible to see that the same is carried out by the centre.
- (2) The council, in the performance of its functions under this Act, shall comply with such directions of a general character as may be given to it by the Minister.

- (3) The executive authority of the council to control and manage the centre shall, subject to the general or specific directions given to the director of the centre by the council, be under the control and management of the director.

9. Disqualifications for membership of the council

- (1) No person shall be appointed a member of the council who—
 - (a) is not a person of experience in financial affairs, business, administration or professional occupation;
 - (b) is a paid employee of the centre;
 - (c) is an insolvent or bankrupt person;
 - (d) is not resident in Uganda; or
 - (e) has been convicted of an offence involving fraud or dishonesty.
- (2) The Minister may at any time remove an appointed member from the council if he or she is satisfied that that member—
 - (a) has become bankrupt or made an arrangement with his or her creditors;
 - (b) is incapacitated by physical or mental illness;
 - (c) has been absent from more than six consecutive meetings of the council otherwise than on any reason approved by the council;
 - (d) has been convicted of an offence involving fraud or dishonesty; or
 - (e) is otherwise unable or is, in the opinion of the Minister, unfit to discharge the functions of a member or is unsuitable to continue as a member.

10. Filling of vacancy

- (1) If any appointed member of the council is, without the consent of the council, absent from more than six consecutive meetings of the council, or absent from Uganda for more than twelve months, he or she shall be deemed to have resigned from the council.
- (2) If any vacancy occurs on the council by death, resignation, effluxion of time or otherwise, the vacancy shall be filled by the Minister by notice in the *Gazette*.
- (3) The member appointed by the Minister under subsection (2) shall be a person representing the same interests as the member in whose place he or she has been appointed.

11. Chairperson of the council

- (1) Subject to [section 9](#), the Minister may in writing under his or her hand appoint any person to be chairperson of the council; and where the person appointed chairperson of the council is not a member of the council, then that person shall, on his or her appointment, be a member of the council.
- (2) The chairperson shall hold and vacate office as such in accordance with the terms of his or her appointment.
- (3) If the chairperson, for some reason, ceases to be chairperson, he or she shall, unless the Minister shall otherwise direct, cease to be a member of the council.

12. Term of office of members of the council

- (1) An appointed member of the council shall hold office for a period of two years.

- (2) An appointed member of the council may, by notice in writing under his or her hand addressed to the Minister, resign his or her membership, and the chairperson may by the like notice resign his or her office as such.
- (3) A person who ceases to be an appointed member or ceases to be chairperson shall be eligible for reappointment.
- (4) If any appointed member of the council, other than the chairperson, is for any other reason unable to exercise the powers or perform the duties of his or her office, the Minister may, subject to [section 7](#), appoint another person to be a temporary member of the council during the absence or incapacity of that member.
- (5) If any appointed member of the council is absent from Uganda for any period in excess of six weeks, the Minister may, subject to [section 7](#), at the request of the chairperson, appoint a member in substitution for the member who is absent from Uganda; any member so appointed shall hold office until the member in whose place he or she has been appointed returns to Uganda.

13. Meetings of the council

- (1) The chairperson shall preside at all meetings of the council; and where he or she is absent from any meeting, a member of the council nominated by the chairperson, or where no member is nominated by the chairperson, such person as the members present may elect, shall preside at the meeting of the council.
- (2) The chairperson shall have no vote at meetings of the council except in the case of an equality of votes when he or she shall have a casting vote.
- (3) Meetings of the council shall be held at intervals of not less than three months at such place and time as the chairperson may, from time to time, appoint.
- (4) The chairperson shall, if requested by notice in writing signed by not fewer than three members of the council, convene a meeting of the council within fourteen days beginning with the date when he or she received that notice.
- (5) At all meetings of the council four members including the chairperson shall constitute a quorum.
- (6) Questions proposed or arising at any meeting of the council shall be decided by a majority of votes of the members present and voting on the question.
- (7) Subject to this Act, the council may regulate its own procedure, including the manner in which matters subject to the determination of the council are to be determined by or on behalf of the council.
- (8) The chairperson may invite any person not a member of the council to attend and to speak upon any relevant matter at any meeting of the council, but no such person shall vote upon any matter before the council.
- (9) Notice of the time, place and agenda of every meeting of the council shall be served by or on behalf of the secretary on every member of the council either personally or by leaving it at his or her usual place of residence or at his or her business address; in the case of ordinary meetings not less than seven days' notice before the meeting, and in the case of special meetings not less than twenty-four hours before the meeting, shall be given; but the accidental omission to serve such notice on any member of the council shall not affect the validity of any meeting.
- (10) No business shall be transacted at a meeting of the council other than that specified in the agenda except any matter which the chairperson considers urgent or which the council resolves to deal with as urgent.
- (11) A decision of the majority of the members present and voting at a meeting of the council shall be deemed to be the decision of the council.

- (12) Minutes of the proceedings of every meeting of the council shall be regularly entered in a book to be kept for the purpose by the secretary; and the minutes shall be confirmed at the next meeting; and when the minutes are confirmed, they shall be signed by the chairperson in the presence of the members of the council.
- (13) When a question before the council has been disposed of, it shall not be competent for any member without special leave of the chairperson to raise a question substantially identical with that question within three months.

14. Transaction of business by circulation of papers

The council may, if it thinks fit, transact any of its business by the circulation of papers; and a resolution in writing approved in writing by all the members of the council shall be as valid and effectual as if it had been passed at a meeting of the council by votes of the members so approving the resolution.

15. Validity of proceedings

The validity of any proceeding of the council shall not be affected by any defect in the appointment of any member or by the absence of any member from the meeting at which the proceeding occurred or by any vacancy among the members of the council.

16. Payment of allowances to members

The centre may pay to the members of the council, other than the *ex officio* members, such allowances as may be determined by the council with the prior approval of the Minister.

17. Byelaws of the centre

- (1) The centre may, with the approval of the Minister, make byelaws respecting the management and conduct of the centre or any matter connected with the functions or the proper exercise, discharge or performances by the council of its functions under this Act, and the byelaws may provide for—
 - (a) a budgetary control system for cash flow together with control by way of a cost control system showing the profitability of the centre which control system may be used by the officers of the centre so as constantly to review the financial trend of the centre's activities;
 - (b) books of account to be kept by the centre;
 - (c) the salary structure of officers, servants and employees of the centre;
 - (d) appointments, discipline and dismissal of officers, servants and employees of the centre;
 - (e) the provision of superannuation, pensions, gratuities and other such payments for retirement;
 - (f) rules for contributory arrangements to any fund by the employees of the centre.
- (2) Notwithstanding the Interpretation Act, unless the Minister shall otherwise direct, it shall not be necessary to publish by statutory instrument any byelaws made under this section, but those byelaws may be published in such manner as the council, with the approval of the Minister, sees fit.

18. Establishment of committees

- (1) The council may—
 - (a) appoint committees from among its members and may refer to any such committee any matter for investigation, and report to the council;
 - (b) co-opt any person on any committee appointed under this section.

- (2) The council may pay to the members of any committee, other than the *ex officio* members, such travelling, subsistence and other allowances and to the chairperson such remuneration as the council may, with the approval of the Minister, determine.
- (3) Subject to any directions of the council, the committee appointed under this section may regulate its own procedure and fix a quorum for its proceedings.

Staff

19. Appointment of staff

- (1) The council, with the approval of the Minister, may appoint a director of the centre to be the chief executive officer of the centre for such period and on such terms and conditions as the council may determine.
- (2) The council may appoint a secretary, officers, servants and agents of the centre as it considers necessary for the efficient discharge of the functions of the centre.
- (3) The council may employ any professional person to advise the centre on any point arising out of or in connection with any of the functions of the centre.

20. Remuneration, etc. of staff

- (1) The council may pay to the secretary, officers, servants and agents of the centre such remuneration and allowances as the council may, after consultation with the Minister, determine.
- (2) The council may grant pension or retiring allowances or gratuity to the secretary, officers and other employees of the centre and may require them to contribute to any pension or superannuation scheme approved by the Minister.

Financial provisions

21. Funds of the centre

The funds for the centre shall consist of—

- (a) grants by the Government;
- (b) earnings of the centre from—
 - (i) fees charged for training courses and consultancy work;
 - (ii) publications and other documents;
 - (iii) the sale of manufactured goods or services from its several workshops;
 - (iv) charges for bookkeeping services to small enterprises;
 - (v) charges from other services which from time to time may be provided, including data processing;
 - (vi) the sale and disposal of any assets considered surplus, obsolescent or obsolete;
 - (vii) remunerations earned by the centre acting as an agent of whatever kind for any person;
 - (viii) interest earnings;
- (c) donations;
- (d) borrowing against assets and other securities of the centre.

22. Borrowing powers

- (1) The centre may, with the prior approval of the Minister responsible for finance, borrow the sums of money required by it for meeting any of its obligations or for discharging any of its functions under this Act from such sources and on such terms as the centre sees fit.
- (2) An approval given under subsection (1) may be either general or limited to a particular borrowing or may be either unconditional or subject to conditions.

23. Programme of the council's activities

Before the beginning of each financial year, the council shall forward to the Minister for his or her approval a programme of its proposed activities for the next financial year together with estimates of its income and expenditure for the next financial year.

24. Accounts

- (1) The centre shall keep books of account of all income and expenditure and proper records in relation to them.
- (2) Subject to such directions as to form as the Minister may give, the centre shall prepare in respect of each financial year a statement of account which shall include—
 - (a) a balance sheet, a statement of income and expenditure and a statement of surplus or deficit containing such information as, had the centre been a company registered under the Companies Act, would be required to be laid before the company by the directors at the annual general meeting; and
 - (b) such other information in respect of the financial affairs of the centre as the Minister may require.

25. Audit of books of account

- (1) The books and accounts of the centre shall be audited within four months after the end of each financial year by the Auditor General, or an auditor appointed by him or her who shall be entitled to have access to all books of account, vouchers and other financial records of the centre and to require such information and explanation on them as he or she thinks fit.
- (2) The Auditor General shall, not later than the thirtieth day of June, forward to the Minister a copy of the audited accounts and his or her report on them.
- (3) The Auditor General's report on the results of his or her examination of the accounts and financial statement of the centre shall state whether in his or her opinion—
 - (a) proper books of account have been kept by the centre;
 - (b) the financial statement of the centre—
 - (i) was prepared on a basis consistent with that of the preceding year and is in agreement with the books of account;
 - (ii) in the case of a balance sheet gives a true and fair view of the state of the centre's affairs as at the end of the financial year;
 - (iii) in the case of the revenue or income and expenditure gives a true and fair view of the income and expenditure or profit and loss account of the centre for the financial year, and

the Auditor General shall call the attention of the Minister to any other matter falling within the scope of his or her examination which in his or her opinion should be brought to the attention of Parliament.

26. Documentation to be given to the Minister and Parliament

- (1) The council shall, not later than seven months after the end of each financial year, send to the Minister a report on its activities in the last financial year.
- (2) The Minister shall, not later than fourteen days after the first sitting of Parliament after the receipt of the Auditor General's and the council's report, lay before Parliament a copy of the audited accounts and the Auditor General's report on them, together with the report of the activities of the centre referred to in subsection (1).

27. Investment of funds

All funds of the centre that are not immediately required shall be invested in such investments as the council, with the prior approval of the Minister, may determine.

General**28. Dealings with the centre**

The person dealing with the centre under this Act, or with a person claiming under the centre, shall not be concerned to inquire—

- (a) whether any directions have been given to the centre under this Act or whether any directions so given have been complied with; or
- (b) whether the consent or approval of the Minister required for any of the purposes of this Act has been given or whether any condition or limitation subject to any such consent or approval has been complied with,

and, in favour of any such person, the validity of anything done by the centre shall not be affected by anything contained in any such direction, consent or approval or by reason that any such direction, consent or approval has not been given.

29. Contracts

- (1) Contracts on behalf of the centre may be made in the following manner—
 - (a) a contract which, if made between private persons, would be by law required to be in writing, and if made according to any law for the time being in force in Uganda is required to be under seal, may be made on behalf of the centre under the common seal of the centre;
 - (b) a contract which, if made between private persons, would be by law required to be made in writing, signed by the parties to be charged with it, may be made on behalf of the centre in writing, signed by any person acting under its authority, express or implied;
 - (c) a contract which, if made between private persons, would be by law valid although made by parol only and not reduced into writing, may be made by parol on behalf of the centre by any person acting under its authority express or implied.
- (2) A contract made according to and under subsection (1) shall be effectual in law and shall bind the centre and its successors and all other parties to it.
- (3) A contract made according to and under this section may be varied or discharged in the same manner in which it is authorised in this section to be made.

30. Service of documents

Any document may be served on the centre by leaving it at or by sending it by registered post to the director of the centre at the head office of the centre.

31. Exemptions

The centre shall be exempted from—

- (a) the payment of stamp duties under the Stamps Act; and
- (b) the payment of import duties, the sales tax, or any other tax or duty that is, or may be specifically, imposed under any written law on any goods imported by the centre in furtherance of its objects and which are not for resale to the public.

32. Application of Companies Act

The provisions of the Companies Act or any statutory modification or reenactment of that Act shall not apply to the centre.