

Uganda

## National Agricultural Advisory Services Act, 2001

### Act 10 of 2001

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# National Agricultural Advisory Services Act, 2001

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## Uganda

# National Agricultural Advisory Services Act, 2001

## Act 10 of 2001

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**Assented to on 17 May 2001**

**Commenced on 1 June 2001**

*[This is the version of this document from 1 June 2001.]*

**An Act to provide for the establishment of an Organisation known as the National Agricultural Advisory Services NAADS its composition, functions and administration, for the promotion of market oriented agriculture and to provide for other related and incidental matters.**

BE IT ENACTED by Parliament as follows:

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the National Agricultural Advisory Services Act, 2001.

#### 2. Interpretation

In this Act unless the context otherwise requires—

“**advisory services**” means the provision of guidance to fanners or farmers groups with regard to the operation and management of their farming enterprises;

“**agriculture**” means the management of crops, animals or fish for producing food, fibre or wood;

“**Board**” means the Board established under [section 8](#) of this Act;

“**District NAADS Co-ordinator**” means a technical officer recruited by the district to be in charge of NAADS activities in a district;

“**farmer**” means a person who derives his or her livelihood from crops or animals (land or water based);

“**farmers group**” means a group of individual farmers, an association, co-operative or any legal entity with a common farming interest;

“**farmers forum**” means a forum, comprising farmers groups at the Sub-county, District or national level;

“**Local Governments Councils**” means the councils set out in the Local Governments Act, 1997;

“**Minister**” means the Minister responsible for agriculture;

“**Organisation**” means the National Agricultural Advisory Services Organisation (NAADS) established under [section 3](#);

“**Parish**” means an administrative unit established under the Local Governments Act, 1997;

“**Secretariat**” means the Secretariat established under [section 13](#);

“**service provider**” means a person or body contracted to deliver advisory services;

“**Sub-county NAADS Co-ordinator**” means a technical officer recruited by the Local Government to be in charge of NAADS activities in a Sub-county.

## **Part II – Establishment, functions and composition of the Organisation and Board**

### **3. Establishment of the NAADS**

- (1) There is established an organisation to be known as the National Agricultural Advisory Services Organisation, (NAADS).
- (2) The Organisation shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The Organisation may for and in connection with its objectives 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 act or thing that is lawfully done by a body corporate.

### **4. Seal of the Organisation**

- (1) The seal of the Organisation shall be kept under the custody of the Executive Director and shall be authenticated by the signatures of the Chairperson of the Board and the Executive Director.
- (2) A document purporting to be an instrument issued by the Organization and sealed with the seal of the Organisation and authenticated in the manner provided under subsection (1) shall be deemed to be a valid document and admissible in evidence without further proof unless the contrary is shown.

### **5. Objectives of the Organisation**

The objects for which the Organisation is established are—

- (a) To promote food security, nutrition and household incomes through increased productivity and market oriented farming;
- (b) to empower all farmers to access and utilise contracted agricultural advisory services;
- (c) to promote farmer groups to develop capacity to manage farming enterprises;
- (d) to create options for financing and delivery of agricultural advice for the different types of farmers but with emphasis on subsistence farmers, particularly women, youth and people with disabilities;
- (e) to gradually shift from public delivery to private delivery of agricultural advice;
- (f) to develop private sector agricultural advisory, delivery capacity and systems and assure quality of advice;
- (g) to catalyse the participation of the private sector to fund agricultural advisory services.

### **6. Functions of the Organisation**

- (1) The functions of the Organisation are to contribute to the modernisation of the agricultural sector in order to increase total factor productivity of both the land and labour for the benefit of the farmers and to this end, the Organisation shall—
  - (a) support the provision of advice and information services to farmers;
  - (b) support technology development and linkages with markets;
  - (c) monitor and ensure the quality, appropriateness and affordability of advisory services;
  - (d) support private sector and farmer institutional development;
  - (e) provide programme management and monitoring; and

- (f) ensure that the research and extension needs of farmers are identified and answered by service providers.
- (2) In the performance of its functions and roles, the Organisation shall collaborate with Central Government Ministries and their Agencies, Local Governments, administrative units and the private sector and universities.

## 7. Composition of the Organisation

The Organisation shall be composed of—

- (a) the Board;
- (b) the Secretariat; and
- (c) the farmers' fora.

## 8. Board of Directors

- (1) The governing body of the Organisation shall be a Board of Directors comprising the following—
  - (a) a Chairperson of the Board;
  - (b) nine farmers, at least three of whom shall be women, two youths and one person with disabilities;
  - (c) one member representing the agro-industry;
  - (d) one representative of the Ministry responsible for agriculture;
  - (e) one representative of the Ministry or Government Agency responsible for co-ordination and monitoring of Government programmes;
  - (f) a representative or representatives of a Government Ministry or Agency as the Minister may from time to time determine; and
  - (g) the Executive Director who shall be the Secretary to the Board, as an *ex-officio* member.
- (2) The members of the Board under paragraph (a) and (c) of subsection (1) shall be appointed by the Minister in consultation with the National Farmers Forum.
- (3) The member of the Board under paragraph (c) of subsection (1) shall be appointed by the Minister from among members of the National Farmers Forum.
- (4) The members of the Board in paragraph (d), (e) and (f) of subsection (1) shall be *ex-officio* members appointed by the Minister upon recommendation of the Ministry or body they represent.
- (5) A member of the Board shall hold office for three years and may be eligible for reappointment for one more term only.
- (6) A member of the Board shall vacate office—
  - (a) by resignation;
  - (b) by removal from office by the Minister on written recommendation of the Board;
  - (c) for inability to perform the functions of his or her office, whether arising from infirmity of body or mind or from any other cause; or
  - (d) for failure to attend three successive Board meetings without sufficient reason.
- (7) A member of the Board who becomes a member by virtue of his or her office shall be a member of the Board for as long as he or she holds the office and shall cease to be a member upon ceasing to hold that office.

- (8) Where a member of the Board ceases to be a member other than by effluxion of time, the appointing or nominating authority shall appoint or nominate another person in that place and that person shall hold office for the remaining period of the person in whose place that person is appointed or nominated.

## **9. Remuneration of members**

A member of the Board or any person attending any meeting of the Board may be paid such remuneration or allowances as may be approved by the Minister.

## **10. Functions of the Board**

The functions of the Board shall be—

- (a) to formulate the policies of the Organisation;
- (b) to support and supervise the carrying out of the objects and functions of the Organisation.
- (c) to advise and give guidance on programme, policy and strategy issues;
- (d) to facilitate, supervise and support the Secretariat in carrying out its functions;
- (e) to set targets and approve work plans and budgets for the Organisation;
- (f) to appoint and discipline members of staff of the Secretariat;
- (g) to perform any other functions relating to the above as the Minister may direct.

## **11. Meetings of Board**

The provisions of the First Schedule to this Act shall have effect with regard to meetings of the Board.

## **12. Committees of Board**

- (1) The Board may appoint such committees as it may determine to assist it in the carrying out of its functions and may delegate to any Committee such functions as it may consider fit and subject to such conditions as it may determine.
- (2) The Board shall prescribe the procedure of any Committee appointed by it under this section.

# **Part III – The Secretariat**

## **13. Secretariat and Executive Director**

- (1) The Organisation shall have a Secretariat headed by an Executive Director who shall be appointed by the Minister on the recommendation of the Board.
- (2) Subject to the provisions of this Act and the general supervision and control of the Board, the Executive Director shall be responsible for the day-to-day operations of the Organisation, management of funds, property and the general affairs of the Organisation, and for the administration, organisation and control of the staff of the Organisation.

## **14. Other staff**

- (1) The Organisation shall have such other officers and employees in the Secretariat as the Board may, with the approval of the Minister, determine.
- (2) The terms and conditions of service of the Executive Director, officers and employees of the Organisation shall be determined by the Board and approved by the Minister.



## Part IV – Farmers’ groups and committees

### 15. Registration of farmers groups

- (1) Individual farmers in a village or a parish with a common identifiable farming interest may fill Form I, in the Second Schedule, for purposes of registration as a group so as to benefit from NAADS services.
- (2) A farmers group, association or co-operative which is a legal entity already in existence, may for purposes of benefiting from NAADS services, register with NAADS in the Sub-county by filling Form I, in the Second Schedule.
- (3) Upon receipt of the forms referred to in subsection (1) and (2), a certificate of registration shall be issued to the group by the Sub-county Chief and shall be conclusive evidence of registration for purposes of accessing NAADS services.
- (4) The format of a certificate of registration is prescribed in the Third Schedule to this Act.

### 16. Deregistration of farmers group

A farmers group may, under this Act, be deregistered if it dissolves itself or ceases to comply with the Organisation or mismanages the funds of the Organisation.

### 17. Establishment of the Sub-county Farmers Forum

- (1) There shall be a Sub-county Farmers Forum in each Sub-county which shall be linked to the District Farmers Forum and the Secretariat.
- (2) The Sub-county Farmers Forum shall comprise—
  - (a) two members of the executive committee of every farmers group in a Sub-county;
  - (b) the secretary for production at the Sub-county;
  - (c) the Sub-county NAADS Co-ordinator who shall be an *ex-officio* member.
- (3) The Sub-county NAADS Co-ordinator shall be the Secretary to the Sub-county Farmers Forum.
- (4) The Sub-county Farmers Forum shall have an executive committee consisting of—
  - (a) three members elected from amongst the chairpersons of farmers groups of that Sub-county;
  - (b) the Sub-county NAADS Co-ordinator;
  - (c) the secretary for production.
- (5) The Chairperson of a Sub-County Farmers Forum shall be elected from among the chairpersons of farmers groups in that Sub-county.
- (6) The chairperson of the Sub-county Farmers Forum shall also be the chairperson of the executive committee of the Sub-county Farmers Forum.
- (7) The Sub county NAADS Co-ordinator shall be the secretary to the executive committee of the Sub-county Farmers Forum.

### 18. Functions of the Sub--county Farmers Forum

- (1) The functions of the Sub-county Farmers Forum shall be—
  - (a) to consider and approve proposed annual workplans and budgets at the Sub-county level for the implementation of the NAADS in their areas;

- (b) to advise the Organisation on suitable strategies of implementation of the NAADS;
  - (c) to monitor the overall implementation of the NAADS Programme in the Sub-county.
- (2) In awarding contracts for NAADS services and goods for farmer groups, the Sub-county Procurement Committee shall co-opt—
  - (a) the Chairperson of Sub-county Farmers Forum, and;
  - (b) the Sub-county NAADS Co-ordinator.
- (3) In awarding contracts for NAADS services and goods for farmer groups, the Sub-county Procurement Committee shall, in as far as is not inconsistent with this Act, comply with the Local Government Financial and Accounting Regulations, 1998.

## **19. Establishment of the District Farmers Forum**

- (1) There is established a District Farmers Forum in each District which shall be linked to the National Farmers Forum and the Secretariat.
- (2) The District Farmers Forum shall comprise—
  - (a) the secretary for production at the District;
  - (b) the chairperson of every Sub-county Farmers Forum in the district;
  - (c) the District NAADS Co-ordinator.
- (3) The chairperson of the District Farmers Forum shall be elected from among the Sub-county Farmers Fora chairpersons.
- (4) The District NAADS Co-ordinator shall be the Secretary to the District Farmers Forum.

## **20. Functions of the District Farmers Forum**

The functions of the District Farmers Forum shall be—

- (a) to consider and approve proposed annual workplans and budgets at the district level for the implementation of the NAADS in their areas;
- (b) to advise the Organisation on suitable strategies of implementation of the objects of the Act;
- (c) to monitor the overall implementation of the NAADS Programme in the District.

## **21. Establishment of the National Farmers Forum**

- (1) There shall be a National Farmers Forum which shall comprise of —
  - (a) Chairpersons of the District Farmers Fora;
  - (b) two farmers from each district elected by the district farmers fora; and
  - (c) invited stakeholders as shall be identified by the Minister.
- (2) The composition of farmers in paragraph (b) of subsection (1) shall be representatives of the various interest groups.
- (3) The secretariat to the National Farmers Forum shall be provided by the NAADS Secretariat.

## **22. Functions of the National Farmers Forum**

The functions of the National Farmers Forum shall be—

- (a) to participate in monitoring and evaluation of the progress of the advisory services;

- (b) to participate in the review of Local Governments plans for agricultural development;
- (c) to play an advocacy role for the general agricultural development and the Organisation in particular;
- (d) to provide feed-back at different levels;
- (e) to identify and nominate the farmers representatives on the Board.

### **23. Regulation of procedures of farmers groups and fora**

- (1) Farmer groups and, the Sub-county, District and National Farmers Fora shall regulate their own procedure in relation to membership, holding meetings, election of office bearers, duration of office bearers or any other matters relating to management of the farmer groups and farmer fora.
- (2) Notwithstanding subsection (1), the term of office of a member of the farmer forum shall be three years, renewable for one more term only.

## **Part V – Service providers**

### **24. Contracting of service providers**

- (1) The Organisation shall contract service providers to advise farmer groups, associations or co-operatives on the recommended types of farming at the Sub-county level.
- (2) The signatory to the contract shall be the service provider, the Sub-county Chief, the Chairperson of the farmers forum, and witnessed by the Sub-county NAADS Coordinator.
- (3) A service provider shall be professionally competent and shall be registered with the Board.
- (4) The farmers who are the recipients of the services of service providers shall have a duty to assess the quality of services provided by a service provider while the technical audit of the quality of services of a service provider shall be carried out by the relevant technical departments at the Sub-county and District.

### **25. Functions of service providers**

A service provider shall carry out the functions and roles as stipulated in the contract and specified in the Fourth Schedule.

## **Part VI – Financial provisions**

### **26. Funds of the Organisation**

- (1) The funds of the Organisation shall consist of—
  - (a) grants and funds appropriated by Parliament;
  - (b) local Government Council contributions;
  - (c) assistance from aid-giving agencies and foundations;
  - (d) donations and endowments from organisations and individuals;
  - (e) loans from any lawful source;
  - (f) moneys that may become payable to the Organisation in the discharge of its functions; and
  - (g) any other lawful source.

- (2) All moneys for the operation of the Organisation shall be deposited in a bank account of the Organisation in a bank approved by the Minister after consultation with the Minister responsible for finance and shall not be withdrawn except in the manner approved by the Board.

## **27. Financial year of the Organisation**

The financial year of the Organisation shall be the twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year.

## **28. Estimates**

- (1) The Board shall cause to be prepared and submitted to the Minister responsible for finance through the Minister, for approval, estimates of income and expenditure of the Organisation for the following year, not later than three months before the end of the current financial year.
- (2) The Board may, at any time before the end of the current financial year, cause to be prepared such supplementary estimates as may be required.
- (3) No expenditure shall be made out of the funds of the Organisation unless that expenditure is part of the expenditure approved by the Minister responsible for finance under estimates for the financial year in which the expenditure is to be made or in estimates supplementary thereto.

## **29. Accounts, audit and report**

- (1) The Organisation shall keep proper accounts and records of its transactions and affairs and shall ensure that all moneys received are properly brought to account, all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over its property.
- (2) The annual accounts of the Organisation shall be audited by the Auditor General or an auditor appointed by the Auditor General.
- (3) The Organisation shall within three months after the end of each year submit—
  - (a) to the Minister an annual report in respect of that year containing—
    - (i) the financial statements;
    - (ii) a report on the operations of the Organisation;
    - (iii) an audit of the procurement processes for goods and services;
    - (iv) such other information that the Board may deem appropriate;
  - (b) to the Auditor General—
    - (i) the accounts of the Organisation for the financial year just ended; and
    - (ii) the annual report referred to in paragraph (a) of this subsection.
- (4) The Auditor General shall audit the accounts of the Organisation submitted to him or her within three months and deliver to the Board and the Minister the audited accounts and his or her report on the audit.
- (5) The Minister shall cause to be laid before Parliament, the annual report together with a copy of the report of the Auditor General within three months after receiving them.

## **Part VII – Miscellaneous**

### **30. Protection of members and staff from civil action**

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

### **31. Reports to the Board**

The Executive Director shall submit to the Board quarterly reports, returns and summaries on the activities of the Organisation and shall submit an annual progress report.

### **32. Regulations**

The Minister may, on the recommendation of the Board, by statutory instrument, make regulations for the better carrying into effect the objectives and functions of the Organisation and the provisions of this Act.

### **33. Minister's power to amend Schedules**

The Minister may on recommendation of the Board by statutory instrument amend any of the Schedules to this Act.

## **First Schedule (Section 11)**

### **Meetings of the Board**

#### **1. Meetings of the Board of Directors**

- (1) The Chairperson shall convene every meeting of the Board.
- (2) The Board shall meet for the transaction of its business at times and places that may be decided upon by the Board but shall meet at least once every three months.
- (3) The Chairperson or, in the absence of the Chairperson, a member elected by the Board to act as Chairperson may, at any time, call a special meeting of the Board or call a special meeting upon a written request by a majority of the members of the Board.
- (4) The Chairperson shall preside at all meetings of the Board and in his or her absence the members present may elect a member from among themselves to preside at that meeting.
- (5) The Board may co-opt any person who is not a member to attend any of its meetings as an advisor or consultant 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.

#### **2. Quorum**

The quorum at a meeting of the Board shall be six members.

#### **3. Decisions of the Board of Directors**

Questions proposed at meetings of the Board shall be by consensus and in the event of an equality of votes the person presiding shall have a casting vote in addition to his or her deliberative vote.

#### **4. Disclosure**

- (1) A member of the Board who has pecuniary interest in a matter being considered by the Board shall, as soon as possible after relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the Board.
- (2) A disclosure of interest under sub-paragraph (1) of this paragraph shall be recorded in the minutes of the meeting of the Board and the member making the disclosure shall not, unless the Board otherwise determines in respect of that matter—
  - (a) be present during any deliberation on the matter by the Board;
  - (b) take part in the decision making of the Board of Directors on the matter.
- (3) For the purpose of the making of a decision by the Board under subparagraph (1) of this paragraph the member who has made the disclosure shall not—
  - (a) be present during the deliberations of the Board for the making of the decision;
  - (b) influence any other member or take part in the making of the decision by the Board.

#### **5. Minutes of proceedings**

- (1) The Board shall cause the minutes of the proceedings of its meeting to be recorded and kept and the minutes of each meeting shall be approved by the Board at the next meeting and shall be signed by the Chairperson of the meeting.
- (2) The Chairperson of the Board shall submit to the Minister a copy of the minutes of each meeting of the Board as soon as the minutes have been approved.

#### **6. Board to regulate proceedings**

Subject to the provisions of this Schedule, the Board may regulate its own proceedings.

**Second Schedule (Section 15(1 and 2))****Form I: Group registration form**

Group Details	
Name of Group	
Number of People in Group	
Registration details, if group already in existence	
Types of enterprise/farm activities for Group	
Name of Sub-county/LC III	
Name of District/LC V	

Personal detail of Group Members					
Name	Sex	Age	Name of Village/LC I	Name of Parish / LC II	Other relevant information

\*\* If space provided is insufficient, another leaf should be used.

**Third Schedule (Section 15 (4))**

*The Republic of Uganda*

***The National Agricultural Advisory Services Act, 2001******Certificate of registration of farmers group***

I hereby certify that \_\_\_\_\_ this day of \_\_\_\_\_ has been duly registered pursuant to and in accordance with the provisions of the National Agricultural Advisory Services Act, 2001 and the Rules made under it, and have been entered under the number \_\_\_\_\_ in the index of registration.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2001

\_\_\_\_\_  
Sub-county Chief.

**Fourth Schedule (Section 25)*****The Republic of Uganda******The National Agricultural Advisory Services Act, 2001******Functions of the service providers***

The service provider shall carry out the functions stipulated in the contract and these shall include—

- (a) to advise and provide information, knowledge and skills to farmers on improved methods of farming and agricultural development;
- (b) to advise and provide information to farmers on marketing and trading activities, input supply, storage and product processing;
- (c) to advise and provide information to farmers on mobilisation of resources, including access to credit;
- (d) to report to the Sub-County Farmers Forum Executive Committee on the performance of agriculture in general, and on the performance of the farmers' groups in their areas of operation;
- (e) to arrange and perform advisory, adaptive research and development support services in response to the demands of the farmers, and;
- (f) to perform any other functions relating to the above as the Sub-county Government and the Sub-county Farmer Forum may direct.