

Uganda

Uganda Export Promotion Board Act Chapter 102

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Uganda Export Promotion Board Act Chapter 102

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An Act to provide for the establishment of the Uganda Export Promotion Board, to define its powers and functions and to provide for other related matters.

Part I – Interpretation

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**board**" means the Uganda Export Promotion Board established under section 2;
- (b) "**board of directors**" means the board of directors established under section 7;
- (c) "**chairperson**" means the chairperson of the board of directors;
- (d) "**financial year**" means in respect of any accounting period a period of twelve months starting the 1st January and ending the 31st December;
- (e) "**Minister**" means the Minister responsible for trade.

Part II – Establishment, functions and membership of the board

2. Establishment of the Uganda Export Promotion Board

- (1) There is established a board to be known as the Uganda Export Promotion Board.
- (2) The board shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.
- (3) The board may borrow money and acquire, hold or dispose of any property, movable or immovable.
- (4) The board may do all such other things as a body corporate may lawfully do.

3. Seal of the board

- (1) The board shall have a common seal which shall be kept in the custody of the executive director.
- (2) The fixing of the seal to any document shall—
 - (a) be authorised or ratified by resolution of the board;
 - (b) be authenticated by the signatures of the chairperson and the executive director; or in the absence of the chairperson, two other members of the board shall sign for the chairperson.

- (3) Any document purporting to be duly executed under the seal of the board shall be received in evidence in any court proceedings and shall, until the contrary is proved, be presumed to be a document so executed.

4. Objectives of the board

The objectives of the board shall be to facilitate the development, promotion and coordination of all export-related activities that lead to export growth on a sustainable basis.

5. Functions of the board

The functions of the board shall be—

- (a) to provide trade and market information services, including—
- (i) details of tariffs for all markets by product category;
 - (ii) general market entry information;
 - (iii) lists of importers by country and product category;
 - (iv) price data from major price determining centres;
 - (v) analyses of market trends for products exported by Uganda;
 - (vi) information on import and export procedures and documentation requirements by Uganda's trading partners;
 - (vii) data tracking on trade flows by product and by importing and exporting country;
 - (viii) dissemination of market information;
- (b) to promote the development of export, including—
- (i) provision of hands-on technical advice in production and postharvest handling of exports;
 - (ii) test marketing new export commodities and products;
- (c) to provide trade promotional services, including—
- (i) organising participation in relevant regional and international trade fairs for both public and private sector participants;
 - (ii) maintaining up-to-date information on all trade fairs of interest to Uganda;
 - (iii) organising trade missions to target countries; and
 - (iv) organising inward buyer missions to link up with Ugandan suppliers;
- (d) to provide customised advisory services in various areas, including—
- (i) basic business skills;
 - (ii) export distribution channels;
 - (iii) basic elements of foreign trade practice;
 - (iv) briefing on target markets by product, with detailed documentation regarding standards and quality requirements, pricing spreads and margins and tariff classification;
 - (v) details of preferences given to Uganda products by country;
 - (vi) technical evaluation of a company's readiness to export;
 - (vii) technical advice on export agreements; and

- (viii) advice on how to secure preshipment credit and other short-term medium export credits;
- (e) to formulate and recommend to the Government export plans, policies and strategies designed to provide efficient, adequate and coordinated measures for promotion of Uganda exports.

6. General powers of the board

The board may do all those things as are calculated to facilitate, or 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 that property;
- (b) establish and maintain offices both in Uganda and overseas;
- (c) enter into any contract;
- (d) organise and receive trade missions from other countries;
- (e) publish periodicals, booklets and other written material and produce or sponsor the production of documentary files and other audiovisual materials;
- (f) appoint a committee for any general or special purpose as in the opinion of the board would be better regulated and managed by means of a committee;
- (g) borrow or otherwise raise money on any security as may be necessary, and for that purpose, charge all or any part of the property of the board subject to the prior approval of the Minister;
- (h) charge for the use of any facility or service provided by the board;
- (i) grant pensions, gratuities or retiring allowances to employees of the board and require them to contribute to any pension, provident fund or superannuation scheme.

7. Establishment and membership of the board of directors

- (1) There shall be a board of directors of the board which shall consist of—
 - (a) the chairperson of the board of directors;
 - (b) one representative of the Ministry responsible for trade;
 - (c) one representative of the Ministry responsible for finance;
 - (d) one representative of the Ministry responsible for agriculture;
 - (e) one representative of the Ministry responsible for foreign affairs;
 - (f) one representative of the Uganda Manufacturers Association;
 - (g) one representative of a national association of farmers;
 - (h) two representatives of exporters associations;
 - (i) one representative of the National Chamber of Commerce;
 - (j) the executive director of the Uganda Investment Authority; and
 - (k) the executive director of the Uganda Export Promotion Board.
- (2) The chairperson of the board of directors who shall be from the private sector shall be appointed by the Minister.
- (3) The members of the board of directors referred to in subsection (1)(b) to (i) shall be appointed by the Minister upon the recommendation of the Ministries or bodies they represent.

- (4) The chairperson and other members of the board of directors shall hold office for a term of three years and shall be eligible for reappointment.
- (5) A member of the board of directors shall vacate office—
 - (a) by resignation; or
 - (b) by removal from office by the Minister—
 - (i) on written recommendation of the body or Ministry represented by that member; or
 - (ii) for inability to perform the functions of his or her office arising from infirmity of body or mind or from any other cause.
- (6) If any member of the board of directors dies, resigns, is removed from office or for any other reason ceases to hold office before the expiration of the term for which he or she was appointed, the Minister may appoint another person to take the place of that member in accordance with subsection (3); and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he or she was appointed.

8. Functions of the board of directors

The board of directors shall be responsible for—

- (a) overseeing the implementation of the board's policies and programmes;
- (b) approving the annual budget and action plans of the board;
- (c) monitoring and evaluating the performance of the board against budget and plans;
- (d) approving the annual reports and accounts of the board;
- (e) establishing and approving rules and procedures for proper financial management and accountability;
- (f) establishing and approving rules and procedures for appointments, discipline, termination of services and general personnel matters; and
- (g) making or approving senior staff appointments.

9. Chairperson to preside at meetings

- (1) The chairperson or the person appointed under subsection (2) shall preside at any meeting of the board of directors.
- (2) In the absence of the chairperson from any meeting of the board of directors, the members present at the meeting shall, before any other business is transacted at that meeting, appoint a person from among the members present to preside.

10. Meetings of the board of directors

- (1) Meetings of the board of directors shall be held at any time and place as the chairperson may from time to time appoint and shall be held at least once in every three months.
- (2) The chairperson shall if requested by notice in writing signed by at least five members of the board of directors convene a meeting of the board within fourteen days of receipt of that notice.
- (3) Six members of the board of directors shall form a quorum.
- (4) Every question arising at any meeting of the board of directors shall be decided by a majority of votes of the members present and voting.

- (5) If a member has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at a meeting of the board of directors at which the contract or other matter is a subject of consideration, he or she shall, as soon as practicable after the commencement of the meeting, disclose to the board the fact and nature of his or her interest.
- (6) Subject to this Act, the board of directors may by resolution make rules for the procedure and conduct of its meetings.

Part III – Staff

11. Executive director

- (1) There shall be an executive director to the board who shall be a full-time employee and who shall be responsible for the execution of the policies of the board.
- (2) The executive director shall be appointed by the board on such terms and conditions as the board may determine.
- (3) The executive director shall be—
 - (a) a member of the board of directors;
 - (b) responsible for the day-to-day operations of the board;
 - (c) responsible for the management of the funds, property and business of the board;
 - (d) responsible for the administration, organisation and control of the staff of the board;
 - (e) responsible for keeping the board informed of the progress of the business of the board.
- (4) The board of directors may, from time to time, and on such terms and conditions as it thinks fit—
 - (a) appoint heads of departments;
 - (b) appoint any other officers and employees as may be necessary for the proper and efficient discharge of its functions.
- (5) No matter or thing done by an officer or employee of the board shall, if it is done *bona fide* for the purposes of executing any provision of this Act, subject that officer, employee or any other person acting under his or her direction to any civil liability.

Part IV – Financial provisions and reports

12. Funds of the board

- (1) The funds of the board shall consist of—
 - (a) a levy of not more than 0.5 percent on designated imports;
 - (b) funds as may be from time to time appropriated by Parliament;
 - (c) fees and other monies paid for goods or services provided by the board;
 - (d) money borrowed by the board for the performance of its functions;
 - (e) other monies received by or made available to the board for purposes of performing its functions.
- (2) The board may operate its own bank accounts, in both domestic and foreign currencies.

13. Estimates

- (1) The executive director shall, within not less than three months before the end of each financial year, prepare and submit to the board of directors for its approval estimates of income and expenditure of the board for the next ensuing year and may, at any time before the end of a financial year, prepare and submit to the board of directors for its approval estimates supplementary to the estimates of a current year.
- (2) The board shall submit the estimates made under subsection (1) to the Minister for his or her approval; and the Minister shall, in consultation with the Minister responsible for finance, consider the estimates and notify the board of his or her decision on the estimates within one month from the date of submission of the estimates by the board.
- (3) No expenditure shall be made out of the funds of the board unless that expenditure is part of the expenditure approved by the board of directors under the estimates for the financial year in which the expenditure is to be made or in estimates supplementary to it.
- (4) Where in any year, the funds collected from the levy exceed the budgeted amount, the funds in excess of the budgeted amount shall be paid into the Consolidated Fund.

14. Reports, accounts and audit

- (1) The board shall keep proper accounts and records of its transactions and affairs and shall ensure that all monies received are properly brought to account, all payments out of its funds are correctly made and properly authorised and that adequate control is maintained over its property and over the incurring of liabilities by the board.
- (2) The annual accounts of the board shall be audited by the Auditor General.
- (3) The board shall, within six months after the end of each financial year, submit to the Minister an annual report in respect of that year containing—
 - (a) financial statements;
 - (b) its general performance during the year and any other information relating to that performance;
 - (c) a report on the operations of the board; and
 - (d) other information as the board of directors may determine.
- (4) The board shall, within three months after each financial year, submit to the Auditor General—
 - (a) the accounts of the board for that financial year; and
 - (b) the annual report referred to in subsection (3), and the Auditor General shall audit the accounts of the board and, within two months of the receipt of the accounts and annual report, submit his or her opinion to the Minister and to the board.
- (5) The Minister shall cause a copy of the annual report, together with a copy of the opinion of the Auditor General, to be laid before Parliament within six months of receipt of them.

15. Assets and liabilities

All assets and liabilities which were held by the Uganda Export Promotion Council under the Act then in force shall, after the commencement of this Act, be vested in the board.

Part V – Regulations

16. Regulations

The Minister may, after consultation with the board, make regulations for better carrying into effect the provisions of this Act.