

**CHAPTER 137****THE KARAMOJA DEVELOPMENT AGENCY ACT****Arrangement of Sections**

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## CHAPTER 137

### THE KARAMOJA DEVELOPMENT AGENCY ACT

*Commencement:* 3 July, 1987

**An Act to provide for the establishment of the Karamoja Development Agency; to provide for its powers and functions and for related matters.**

#### **1. Interpretation**

In this Act, unless the context otherwise requires—

“Agency” means the Karamoja Development Agency established by section 2;

“Chairperson” means the Chairperson of the Council;

“Council” means the governing body of the Agency established under section 8;

“Director” means the Director of the Agency.

#### **2. Establishment of Karamoja Development Agency**

(1) There is established an agency to be known as the Karamoja Development Agency which shall, in that name, be a body corporate with perpetual succession and shall be capable of suing and being sued and, subject to this Act, of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(2) The Agency shall be under the general direction of the Office of the President and shall be answerable to the President.

#### **3. Functions of Agency**

The functions of the Agency shall be—

- (a) to supervise the general transformation of Karamoja region and bring about rapid economic and social development;
- (b) to ensure that in the developmental process of Karamoja region, the Karimojong people acquire the necessary skills that will enable them to participate in the solution of the socio-economic problems of the region;

- (c) to provide sufficient water in the region for the purpose of developing agriculture and animal industry in the region;
- (d) to promote, diversify and increase the productive capacity of the region;
- (e) to provide and improve the health and educational facilities in the region;
- (f) to coordinate all developmental projects that are or are to be carried on in the region; and
- (g) to carry out any other function which is incidental to functions specified in the Act or is necessary for enabling the Agency to fulfil its objectives.

#### **4. General powers of Agency**

The Agency may do all such 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 the property;
- (b) establish and maintain offices;
- (c) enter into any contract;
- (d) appoint a committee for any such general or special purpose as in the opinion of the Agency would be better regulated and managed by a committee; and
- (e) solicit financial, technical and other material assistance from friendly countries, organisations or individuals as may be necessary.

#### **5. Delegation**

The Agency may, in writing, delegate to any of its committees, with or without restrictions or conditions, such of its powers and functions as it deems expedient for the efficient discharge of the functions of the Agency, but no delegation made under this section shall preclude the Agency from exercising or performing, at any time, any of the powers or functions so delegated.

#### **6. Seal of Agency**

(1) The Agency shall have a common seal, and the affixing of the seal to any instrument or document shall—

- (a) be authorised or ratified by a resolution of the Agency;
- (b) be authenticated by the signatures of the Director and any two members of the Council authorised by resolution of the Council either generally or specifically for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Agency shall be admissible in evidence and shall, unless the contrary is proved, be presumed to be a document so executed.

#### **7. Certain contracts and instruments not required to be under seal**

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Agency by any person generally or specially authorised by the Agency for that purpose.

#### **8. Composition of Council**

(1) There shall be a Council which shall be the governing body of the Agency and shall consist of—

- (a) the Permanent Secretary of the office of the President;
- (b) the Permanent Secretaries of the Ministries responsible for—
  - (i) water and mineral resources;
  - (ii) animal industry and fisheries;
  - (iii) health;
  - (iv) planning and economic development;
  - (v) education;
  - (vi) finance;
  - (vii) works;
  - (viii) agriculture;
  - (ix) local governments; and
  - (x) defence;
- (c) the Director;
- (d) the chairpersons of the district local councils of Karamoja region and one councillor from each subcounty; and
- (e) persons appointed under subsection (2) and persons co-opted under subsection (3).

(2) The President may appoint to the Council up to five persons who, in his or her opinion, are knowledgeable about the socio-economic affairs of the region.

(3) The Council may co-opt any representative of a non-governmental organisation carrying out any developmental project in the region.

(4) There shall be a Chairperson of the Council who shall be appointed by the President.

### **9. Chairperson to preside over meetings**

(1) The Chairperson or, in his or her absence from any meeting, a person appointed under subsection (2), shall preside at any meeting of the Council.

(2) Where the Chairperson is absent from any meeting of the Council, the members present at the meeting shall, before any other business is transacted at the meeting, appoint a person from among themselves to preside at the meeting.

### **10. Meetings of Council**

(1) The meetings of the Council shall be held at such times and places as the Chairperson may 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 one-third of the members of the Council, convene a meeting of the Council within fourteen days of receipt of that notice.

(3) One-third of the members of the Council shall form quorum.

(4) Every question arising at any meeting of the Council shall be decided by a majority of votes of the members present and voting; and in the case of equality of votes, the Chairperson or the person presiding shall have a casting vote.

(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 Council 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 Council the fact and the nature of his or her interest and shall withdraw from the meeting while the Council deliberates on that contract or other matter.

(6) The Council may, if it considers 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.

## **11. Director and other officers of Agency**

(1) There shall be a Director of the Agency who shall be the chief executive officer of the Agency responsible for the execution of the policies and decisions of the Council.

(2) The Director shall be a full time employee of the Agency appointed by the President on such terms and conditions as the President may determine.

(3) The Director shall be the secretary to the Council and shall cause the minutes of any meeting of the Council to be properly kept and shall carry out all such other duties as may be assigned to him or her by the Council or the President.

(4) The Council, with the approval of the President or a person to whom the President may delegate such responsibility, may appoint the chief accountant and other heads of department, officers and employees as may be necessary for the proper and efficient discharge of the functions of the Agency.

(5) Public officers may be seconded to the Agency.

(6) The Agency shall as much as possible utilise the services of public officers and other Government employees working in the region whose professional skills and schedules of work are relevant to the projects and general functions of the Agency, and any such public officer or Government employee called upon to do the work of the Agency shall be under obligation

to perform that work notwithstanding that he or she is not an employee of the Agency.

## **12. Funds of Agency**

- (1) The funds of the Agency shall consist of
  - (a) grants from the Government;
  - (b) any money accruing to the Agency in the course of the discharge of its functions; and
  - (c) grants and donations received from sources within or without the country.

(2) All money received by the Agency shall be deposited to the credit of the Agency in a bank approved by the Council.

## **13. Estimates**

(1) The Agency shall, not later than three months prior to the commencement of every financial year, make and submit to the office of the President estimates of the income and expenditure of the Agency for the next ensuing year, for approval.

(2) No expenditure shall be made out of the funds of the Agency unless the expenditure has been approved by the office of the President under the estimates for the year in which the expenditure is to be made or under other estimates supplementary to those estimates and similarly approved.

(3) For the purposes of this section, the twelve months beginning on the 1st day of July and ending on the 30th day of June of the following year, shall be the Agency's financial year.

## **14. Accounts and audit**

(1) The Agency shall keep proper books of accounts of all income and expenditure and shall maintain proper and adequate records of its income and expenditure.

(2) The Agency shall, not later than three months from the end of each financial year, cause to be drawn up a statement of income and

expenditure during that financial year and a statement of assets and liabilities of the Agency on the last day of the financial year.

(3) The annual statement of account of the Agency shall be audited by the Auditor General or an auditor appointed by him or her who shall be entitled, at any time, to have access to all books of accounts, vouchers and other financial records of the Agency and to require such information and explanation on those financial records as he or she thinks fit.

#### **15. Reports, etc. to be laid before Parliament and published**

The Office of the President shall, as soon as possible, after the end of each financial year, but not later than six months after the end of each financial year, cause the audited accounts to be laid before Parliament and published in the *Gazette*.

#### **16. Annual report**

The Agency shall, not later than three months after the end of each financial year, submit an annual report on the activities of the Agency to the Office of the President, which report shall be laid before Parliament.

#### **17. Exemption from duties, etc.**

The Agency shall be exempted from the payment of—

- (a) income tax in respect of the discharge of its functions;
- (b) any duty payable under the Stamp Duty Act; and
- (c) sales tax or customs duty payable under the Value Added Tax Act and the East African Community Customs Management Act.

#### **18. Regulations**

The Council may, subject to this Act, make regulations, regarding—

- (a) the procedure and conduct of its meetings and meetings of its committees;
- (b) the conduct of operations by the Agency; and
- (c) the allowances of the members of the Council.



**History:** Statute 4/1987; Cap. 241 (Revised Edition, 2000)

**Cross References**

East African Community Customs Management Act, 2004

Stamp Duty Act, Cap. 339

Value Added Tax Act, Cap. 344

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