

Bill No. 11 *Uganda Wildlife Education Centre Bill* 2013

THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013

MEMORANDUM

1. The object of this Bill is to establish the Uganda Wildlife Education Centre; to provide for the board of trustees of the Centre; to provide for promotion, conservation and sustainable development of wildlife resources through wildlife conservation education and wildlife breeding; and to provide for related matters.

2. The Bill has four Parts and 2 Schedules.

3. PART I- PRELIMINARY

Clauses 1-3 deal with the preliminary matters of the Bill. Clause 1 provides for commencement of the Act. Clause 2 provides for the general and specific objectives of the Bill while clause 3 attaches specific definitions to the terms used in the Bill.

4. PART II- THE INSTITUTIONAL FRAMEWORK

Part II deals with the Uganda Wildlife Education Centre, which the Bill proposes should be established as a body corporate with perpetual succession and a common seal. Clause 5 provides for the functions of the Centre. Clause 6 gives the Minister power to give policy directives, to the Board and the Board shall comply with the directives. The Minister in consultation with the Board and relevant local governments, by statutory instrument has the power to establish satellite education centres under the Centre to implement the programmes of the Centre throughout the country. In the performance

of its functions the Centre shall be under the general supervision of the minister responsible for wildlife. Clause 7 provides for Board of trustees as the governing body of the Centre as well as its functions. Clause 8 provides for disqualification from appointment as member of the Board. The functions of the board are spelt out in clause 9 of the Bill.

Clauses 10-13 provide for matters and business of the Board. Clauses 14-16 of the Bill provide for the staff of the Centre. The staff of the centre includes the executive director who is appointed by the Minister on recommendation of the Board. The Board may also appoint other staff of the Centre as may be necessary for the proper and efficient discharge of the objects and functions of the Centre. The staff of the Centre appointed under this section shall hold office upon the terms and conditions determined by the Board with the approval of the Minister.

5. PART III- FINANCES

Part III of the Bill provides for the financial matters of the Centre. Clause 18 provides for the various sources of the funds of the Centre. The Bill requires that the funds of the Centre shall be applied for the running of the Centre and for development of the Centre in accordance with the approved strategic plan and annual budget of the Centre. Clause 19 gives the Board the discretion to invest the Centre's surplus funds with the approval of the Minister and after consultation with the Minister responsible for finance. Clause 20 provides for the Board's borrowing powers. Clause 25 of the Bill creates a duty to operate on sound financial principles. Under clause 26 the Board has the power to open and operate bank accounts.

6. PART IV -MISCELLANEOUS

Part IV of the Bill deals with miscellaneous matters such as annual and other reports, reports to the Board, protection of members and employees of the Centre and vesting of property (Clauses 27-29). Clause 30 gives the Minister the power to make regulations for different areas such as—

- (a) the management of conservation education of the Centre;
- (b) the management of the wild-life bio-data bank of the Centre;
- (c) the establishment and maintenance of conservation education facilities and programmes on site and through extension services;
- (d) rescue rehabilitation and release of wildlife species;
- (e) for wildlife breeding; and
- (f) any other area for the better carrying into effect the objects and functions of the Centre and the provisions of this Act.

Clause 30 (2) also prescribes a penalty for the contravention of the regulations made under the Bill. Clause 31 gives the Minister power to amend schedule1 with the approval of Cabinet by statutory instrument and on recommendation of the Board by statutory instrument amend Schedule 2. Clause 32 provides for transitional provisions to transfer assets, properties, rights, liabilities and obligations of the Uganda Wildlife Education Centre Trust, upon the commencement of the Act to the Centre.

7. SCHEDULES

Schedule 1 of the Bill prescribes the value of the currency point, which is equivalent to twenty thousand shillings.

Schedule 2 provides for the procedural matters at meetings of the board.

MARIA MUTAGAMBA,
Minister of Tourism, Wildlife and Antiquities.

THE UGANDA WILDLIFE EDUCATION CENTRE BILL, 2013

ARRANGEMENT OF CLAUSES

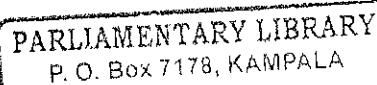
Clause

PART I—PRELIMINARY

1. Commencement.
2. Objects of the Act.
3. Interpretation.

PART II—THE UGANDA WILDLIFE EDUCATION CENTRE

4. Establishment of the Uganda Wildlife Education Centre.
5. Functions of the Centre.
6. Powers of the Minister.
7. The Board.
8. Disqualification from appointment as a member of the Board.
9. Functions of the Board.
10. Tenure of Board.
11. Remuneration of Board members.
12. Meetings of the Board.
13. Committees of the Board.



Staff of the Centre

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14. The Executive Director.
15. Functions of the Executive Director.
16. Tenure of office of the Executive Director.
17. Other officers and staff of the Centre.

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PART III—FINANCES

18. Funds of the Centre.
19. Investment of surplus funds.
20. Borrowing powers.
21. Estimates.
22. Financial year of the Centre
23. Accounts.

Clause

24. Audit.
25. Duty to operate on sound financial principles.
26. Power to open and operate bank accounts.

Part IV—Miscellaneous

27. Annual and other reports.
28. Reports to the Board.
29. Protection of members and employees.
30. Regulations.
31. Power of Minister to amend Schedules.
32. Transitional provision.

SCHEDULES

Schedule 1 - Currency point

Schedule 2 - Meetings of the Board

A Bill for an Act

ENTITLED

**THE UGANDA WILDLIFE EDUCATION CENTRE ACT,
2013**

An Act to establish the Uganda Wildlife Education Centre; to provide for the board of trustees of the Centre; to provide for promotion, conservation and sustainable development of wildlife resources through wildlife conservation education and wildlife breeding; and to provide for related matters.

BE IT ENACTED by Parliament as follows:

Part I—Preliminary

1. Commencement

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Objects of the Act

The objects of this Act are—

- (a) to establish the Uganda Wildlife Education Centre;
- (b) to provide for a Board of Trustees of the Uganda Wildlife Education Centre;

- (c) to facilitate the promotion and conservation of Uganda's unique wildlife resources through conservation education;
- (d) to establish and maintain conservation education facilities and programmes on site and through extension services;
- (e) to provide for showcasing Uganda's unique wildlife heritage and ecosystems through the Centre;
- (f) to provide for the establishment and management of a wildlife bio-data bank at the Centre;
- (g) to promote the rescue, rehabilitation and release of wildlife;
- (h) to promote wildlife breeding, with a focus on rare, endangered and endemic species, as well as for commercial purposes; and
- (i) to provide for the establishment and maintenance of hospitality and recreation facilities and services support for the centre.

3. Interpretation

In this Act, unless the context otherwise requires—

“Board” means the board of trustees established by section 7;

“Centre” means the Uganda Wildlife Education Centre established by section 4;

“conservation” means the wise and sustainable use of natural resources for the benefit of mankind or to preserve species diversity;

“currency point” has the value assigned to it in Schedule 1;

“Executive Director” means the Executive Director of the Centre appointed under section 14;

“extension services” means educational services, including outreach programmes, performed away from the Centre;

“Minister” means the minister responsible for wildlife;

“renewable natural resource” means any natural resource that can be regenerated so long as sufficient parent stock is left in place such as forests, fisheries and wildlife;

“wildlife” means any wild plant or wild animal of a species native to Uganda and includes wild animals which migrate through Uganda; and

“wildlife bio-data bank” means the collection of genetic specimen comprising flora and fauna established by the Centre under section 5 (d).

PART II—UGANDA WILDLIFE EDUCATION CENTRE

4. Establishment of the Uganda Wildlife Education Centre

(1) There is established the Uganda Wildlife Education Centre.

(2) The Centre shall be a body corporate with perpetual succession and a common seal and may—

- (a) acquire, hold and dispose of moveable and immoveable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things a body corporate may lawfully do.

(3) The Board shall determine the form of the seal of the Centre and the circumstances in which it is applied.

5. Functions of the Centre

The functions of the Centre are—

- (a) to conduct and manage conservation education in Uganda;
- (b) to establish and maintain conservation education facilities and programmes, on site and through extension services;

- (c) to showcase Uganda's unique wildlife heritage and ecosystems through the Centre;
- (d) to establish and manage a wildlife bio-data bank at the centre;
- (e) to provide for rescue, rehabilitation and release of wildlife species;
- (f) to provide for wildlife breeding, with a focus on rare, endangered and endemic species, as well as for commercial purposes;
- (g) to provide for stocking and restocking of indigenous and exotic wildlife;
- (h) to promote wildlife breeding for conservation and commercial purposes; and
- (i) to conduct research relevant to the activities of the Centre.

6. Powers of the Minister

(1) The Minister may, in writing, give policy directives, to the Board and the Board shall comply with the directives.

(2) In the performance of its functions the Centre shall be under the general supervision of the minister responsible for wildlife.

(3) The Minister shall in consultation with the Board and relevant local governments, by statutory instrument establish satellite education centres under the Centre to implement the programmes of the Centre throughout the country.

7. The Board

(1) The Centre shall be governed by a board of trustees.

(2) The Board shall consist of the following members—

- (a) a representative of the business community or civil society related to tourism and wildlife with experience in conservation and environmental matters;
- (b) a representative of the veterinary scientists;
- (c) a representative of the Local Government Associations;
- (d) a representative of the Uganda Wildlife Authority;
- (e) a representative of the ministry responsible for wildlife;
- (f) a representative of the ministry responsible for finance; and
- (g) the Executive Director who shall be *ex-officio* and a non-voting member.

(3) The members of the Board shall be persons of high moral character and proven integrity with experience and capacity in wildlife management, environment, administration, financial management, law or business development.

(4) The Minister shall, in consultation with the relevant bodies appoint the members of the Board and shall in so doing, ensure that there is a balance of skills, experience and gender.

(5) The Minister shall appoint one of the members of the Board, other than the Executive Director, to be the chairperson of the Board.

(6) The members of the Board shall hold office on terms and conditions specified in their instruments of appointment.

8. Disqualification from appointment as member of the Board

A person shall not be appointed member of the Board who—

- (a) is declared bankrupt, or has made any assignment or arrangement with his or her creditors;
- (b) is incapacitated by mental or physical illness that renders him or her incapable of performing the functions of the office; or

- (c) is convicted of an offence involving dishonesty or moral turpitude.

9. Functions of the Board

The functions of the Board are—

- (a) to be the trustees for wildlife in the Centre;
- (b) to formulate the policies and strategies of the Centre;
- (c) to oversee the management of the Centre;
- (d) to set targets and approve work plans, budgets, reports and audited financial statements for the Centre;
- (e) to promote education, training and public awareness of wildlife existing in the Centre;
- (f) to solicit and receive grants, donations, fees, subscriptions and any other contributions to the Centre;
- (g) to appoint and discipline members of staff of the Centre and determine their terms and conditions of service;
- (h) to oversee the functioning of the satellite education centres; and
- (i) to perform any other functions as the Minister may in writing direct.

10. Tenure of Board

(1) A member of the Board other than the Executive Director shall hold office for four years and is eligible for re-appointment for one more term.

(2) A member of the Board may, at any time, resign his or her office in writing addressed to the Minister.

(3) The Minister may, at any time, remove a member of the Board, except the Executive Director, from office for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehavior or misconduct;
- (c) incompetence;
- (d) bankruptcy or insolvency;
- (e) absence without prior permission of the chairperson for more than four consecutive meetings of the Board; and
- (f) conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds six months' imprisonment without the option of a fine.

11. Remuneration of Board members

The members of the Board shall be paid remuneration determined by the Minister in consultation with the minister responsible for finance.

12. Meetings of the Board

Schedule 2 shall apply to meetings of the Board and other matters provided for in that Schedule.

13. Committees of the Board

(1) The Board may appoint committees from among their members for the effective discharge of its functions.

(2) The Board may assign to a committee appointed under this section functions of the Centre as the Board may delegate.

(3) The Board may prescribe the procedure for the meetings of its committees.

Staff of the Centre

14. The Executive Director

(1) The Centre shall have an Executive Director.

(2) The Executive Director shall be appointed by the Minister on recommendation of the Board on terms and conditions specified in the instrument of appointment.

(3) A person shall not be appointed Executive Director, unless that person has knowledge and at least ten years' experience in environment and wildlife management.

15. Functions of the Executive Director

(1) The Executive Director shall be the chief executive of the Centre and shall be responsible to the Board for the day-to-day operations of the Centre.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director shall be responsible for—

- (a) the development of strategic plans to guide the Centre in achieving its objects;
- (b) the development of management plans for species and classes of species of wildlife in the Centre;
- (c) the development of an efficient and cost effective internal management structure and processes;
- (d) the management and control of the staff of the Centre;
- (e) manage the tendering process for the Centre;
- (f) the proper management of the funds, property and affairs of the Centre; and
- (g) performing any other functions assigned by the Board.

16. Tenure of office of the Executive Director

(1) The Executive Director shall hold office for five years and shall be eligible for re-appointment once.

(2) The Executive Director shall cease to hold office if—

- (a) he or she resigns;
- (b) he or she is declared or becomes bankrupt, insolvent or has made an arrangement with his or her creditors;
- (c) he or she is convicted of an offence involving dishonesty, fraud or moral turpitude; and
- (d) he or she is removed from office by the Minister on the recommendation of the Board for—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (ii) misbehavior or misconduct; or
 - (iii) incompetence.

17. Other officers and staff of the Centre

(1) The Board may appoint other officers and staff as may be necessary for the proper and efficient discharge of the objects and functions of the Centre.

(2) The staff of the Centre appointed under this section shall hold office upon the terms and conditions determined by the Board with the approval of the Minister.

PART III—FINANCES

18. Funds of the Centre

(1) The funds of the Centre shall consist of—

- (a) money appropriated by Parliament for the purposes of the Centre;
- (b) money received by virtue of contracts and the functions performed by the Centre;
- (c) interest on investment by the Centre; and
- (d) grants, loans, gifts or donations from Government, or from any person or organisation within or outside Uganda.

(2) All revenue collected by or payable to the Centre shall form part of the funds of the Centre.

(3) The funds of the Centre shall be applied for the running of the Centre and for development of the Centre in accordance with the approved strategic plan and annual budget of the Centre.

19. Investment of surplus funds

The Board may, with the approval of the Minister and after consultation with the Minister responsible for finance, invest funds of the Centre not immediately required for any purpose under this Act.

20. Borrowing powers

(1) The Board may, with the approval of the Minister and after consultation with the minister responsible for finance, borrow money as may be necessary to meet the obligations of the Centre.

(2) For the purposes of this section the Board may, mortgage, pledge or charge any asset or property of the Centre.

21. Estimates

(1) The Executive Director shall within three months before the end of each financial year prepare and submit to the Board for its approval, estimates of income and expenditure of the Centre and the operating plan for the next financial year.

(2) The Board shall within two months after the receipt of estimates submit the estimates approved under subsection (1) to the Minister for approval.

(3) Expenditure shall not be made out of the funds of the Centre unless the expenditure has been approved in the manner provided for in this section.

22. Financial year of the Centre

The financial year of the Centre is the period of twelve months beginning on the 1st day July of each year and ending on 30th day of June in the following calendar year.

23. Accounts

(1) The Executive Director shall keep proper books of accounts and records of the transactions of the Centre.

(2) Subject to any directions given by the Minister, the Board shall prepare in respect of each financial year, a statement which shall include a report on the performance of the Centre during that financial year and the statement shall comprise—

- (a) a balance sheet and a statement of income and expenditure of the Centre in respect of that financial year; and
- (b) any other information in respect of the financial affairs of the Centre as the Minister may require.

24. Audit

(1) The accounts of the Centre shall, in respect of each financial year, be audited by the Auditor General or an auditor appointed by the Auditor General.

(2) The Centre shall, within three months after the end of each financial year, prepare and submit to the Auditor-General or his or her representative, a statement of accounts of the Centre for that financial year in a form approved by the Auditor-General.

(3) The Auditor-General or an auditor appointed by the Auditor General is entitled to inspect all books, papers and other records of the Centre relating to all matters dealt with in any statement of accounts required to be prepared under subsection (2) and is entitled to any information and explanation required in relation to those financial records.

(4) The Auditor-General shall, within three months after receiving the accounts of the Centre under subsection (3), audit and report on the accounts in accordance with article 163 of the Constitution.

25. Duty to operate on sound financial principles

The Centre shall, in discharging its functions under this Act, operate in accordance with sound financial and commercial practice.

26. Power to open and operate bank accounts

(1) Subject to section 40 of the Public Finance and Accountability Act, the Centre shall open and maintain bank accounts as are necessary for the performance of its functions.

(2) The Board shall ensure that all money received by or on behalf of the Centre is banked as soon as practicable after being received.

(3) The Board shall ensure that no money is withdrawn from or paid out of any of the bank accounts without the approval of authorised person.

PART IV—MISCELLANEOUS

27. Annual and other reports

(1) The Board shall, not later than six months after the end of each financial year, make and submit to the Minister a report on the activities of the Centre during that financial year.

(2) The report referred to in subsection (1) shall include—

- (a) particulars of activities, projects and programmes relating to—
 - (i) advice furnished or assistance rendered in terms of any agreement; and
 - (ii) the management of the Centre;
- (b) the extent to which any direction given by the Minister during that financial year has been carried out;
- (c) an assessment of the achievements of the Centre; and
- (d) any other matter or activity that the Minister may direct.

(3) The Board shall submit to the Minister, together with the report referred to in subsection (1), the audited financial statements of the Centre, and the auditor's report on those statements.

(4) The Minister shall, not later than six months after receipt of the report submitted under subsection (1), table the report before Parliament.

28. Reports to the Board

The Executive Director shall submit to the Board quarterly reports, returns and summaries on the activities of the Centre.

29. Protection of members and employees

A member of the Board or an employee of the Centre or a person acting on the directions of that person is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions of the Centre.

30. Regulations

(1) The Minister may, on the recommendation of the Board, make regulations for—

- (a) the management of conservation education of the Centre;

- (b) the management of the wild-life bio-data bank of the Centre;
- (c) the establishment and maintenance of conservation education facilities and programmes on site and through extension services;
- (d) rescue rehabilitation and release of wildlife species;
- (e) for wildlife breeding; and
- (f) any other area for the better carrying into effect the objects and functions of the Centre and the provisions of this Act.

(2) Regulations made under this section may prescribe, in respect of a contravention of the regulations—

- (a) a penalty of a fine not exceeding twenty four currency points or imprisonment not exceeding twelve months or both, and in the case of a continuing offence, an additional fine not exceeding two currency points in respect of each day on which the offence continues; and
- (b) a requirement that the Court shall order the forfeiture of anything used in the contravention.

31. Power of Minister to amend Schedules

(1) The Minister may with the approval of Cabinet by statutory instrument amend Schedule 1.

(2) The Minister may on recommendation of the Board by statutory instrument amend Schedule 2.

32. Transitional provision

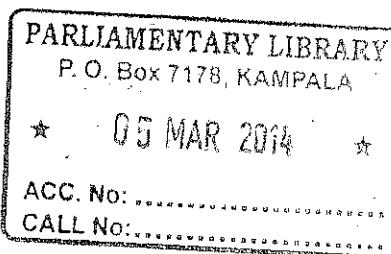
Any assets, properties, rights, liabilities and obligations of the Uganda Wildlife Education Centre Trust are, upon the commencement of this Act transferred to the Centre.

SCHEDULE 1

Section 3

CURRENCY POINT

One currency point is equivalent to twenty thousand shillings



SCHEDULE 2

Section 12

MEETINGS OF THE BOARD

1. Meetings of the Board

(1) The chairperson shall convene every meeting of the Board at a time and place as the Board may determine, and the Board shall meet for the discharge of business at least once every three months.

(2) The chairperson may, at any time, convene a special meeting of the Board and shall also call a meeting within fourteen days, if requested to do so in writing by at least five members of the Board.

(3) Notice of a Board meeting shall be given in writing to each member at least fourteen working days before the day of the meeting.

(4) The chairperson shall preside at every meeting of the Board and in the absence of the chairperson, the members present shall elect one of their member to preside at the meeting.

2. Quorum

The quorum for a meeting of the Board is two-thirds of the members

3. Decisions of Board

All decisions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting, and in case of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

4. Power to co-opt

(1) The Board may invite any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, or who is likely to be of assistance to the Board to attend and take part in the proceedings of the Board.

(2) A person who attends a meeting of the Board under this section may take part in any discussion at the meeting on which his or her advice is required but shall not have a right to vote at that meeting.

5. Validity of proceedings not affected by vacancy

The validity of any proceedings of the Board shall not be affected by a vacancy in its membership or by a defect in the appointment or qualification of a member or by reason that a person not entitled, took part in its proceedings.

6. Disclosure of interest of members

(1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board, or in any other matter which falls to be considered by the Board, shall as soon as the relevant facts come to his or her knowledge disclose the nature of his or her interest at a meeting of the Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the Board with respect to that matter; or

(b) take part in any decision of the Board with respect to that matter.

(4) For the purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

7. Minutes of proceedings

(1) The Executive Director shall cause the minutes of the meeting of the Board to be recorded and kept in a form approved by the Board.

(2) The minutes recorded under this paragraph shall be submitted to the Board for confirmation at its next meeting following that to which the minutes relate and when confirmed, shall be signed by the Chairperson in the presence of the members present at the latter meeting.

8. Board may regulate its procedure

Subject to this Act, the Board may regulate its own procedure or any other matter relating to its meetings.

Cross-references

The Public Finance and Accountability Act, 2003

