

ACTS SUPPLEMENT

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Act 17 *Uganda Wildlife Research and
Training Institute Act* **2016**

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ACT, 2016**

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**THE UGANDA WILDLIFE RESEARCH AND TRAINING
INSTITUTE ACT, 2016**

An Act to establish the Uganda Wildlife Research and Training Institute; to provide for the objects, functions, powers, and management of the Institute and for related matters.

DATE OF ASSENT: 6th November, 2015.

Date of Commencement: See section 1.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement.

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

(2) The Minister may appoint different dates for the commencement of different provisions.

2. Interpretation.

In this Act, unless the context otherwise requires—

“Board” means the academic and research board established under section 12;

“Council” means the governing council established under section 6;

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

“Director” means the Director of the Institute or any person acting on that behalf;

“Institute” means the Uganda Wildlife Research and Training Institute established under section 3;

“Minister” means the Minister responsible for wildlife;

“protected area” means an area gazetted as such in accordance with the Uganda Wildlife Act;

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

“wildlife conservation area” includes a national park, wildlife reserve, wildlife sanctuaries, community wildlife areas or any other area provided for under the Uganda Wildlife Act.

PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND
POWERS OF THE INSTITUTE

3. Establishment of Uganda Wildlife Research and Training Institute.

(1) There is established the Uganda Wildlife Research and Training Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The Institute may, for and in connection with its objects and functions under this Act—

(a) purchase, hold, manage property, whether movable or immovable;

- (b) enter into any contract and other transactions as may be expedient; and
- (c) do any other act or thing which may be lawfully done by a corporate body.

(4) The seal of the Institute shall be in such form and may be used for such purposes as the Council may determine.

4. Objects of the Institute.

(1) The objects of the Institute are—

- (a) to provide for research and training in conservation and sustainable development of wildlife resources in and outside protected areas;
- (b) to conduct research in wildlife resource conservation in and outside protected areas for purposes of wildlife management and policy development;
- (c) to provide consultancy and specialized technical services in conservation and sustainable development of wildlife resources;
- (d) to conduct formal training in conservation and sustainable development of wildlife resources and related matters;
- (e) to organize tailor-made courses in conservation and sustainable development of wildlife resources and related matters;
- (f) to promote professionalism in information generation and human resource development to ensure effective conservation and sustainable management of wildlife resources both in and outside wildlife protected areas; and
- (g) to carry out any other activities related and incidental to research, training, wildlife conservation, protection, management and related matters.

5. Functions of the Institute.

(1) The functions of the Institute are—

- (a) to conduct research in wildlife resource conservation in and outside protected areas for purposes of wildlife management and policy development;
- (b) to provide consultancy and specialised technical services in conservation and sustainable development of wildlife resources;
- (c) to conduct formal training in conservation and sustainable development of wildlife resources;
- (d) to organize tailor-made courses in conservation and sustainable development of wildlife resources;
- (e) to provide related services necessary, incidental or conducive to the efficient attainment of its objects and functions under this Act; and
- (f) to collaborate with other institutions of learning within and outside Uganda, as the Council may consider appropriate for the execution of its functions.

(2) The Institute shall, in the performance of its functions, consult and cooperate with Ministries, departments, branches and agencies of Government having duties related to, or having aims or objects related to those of the Institute.

PART III—ORGANS OF THE INSTITUTE

Governing Council

6. Governing Council of the Institute.

(1) There is established a Council which shall be the governing body of the Institute.

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(2) The Council shall be appointed by the Minister and shall comprise of—

- (a) a representative of the Ministry responsible for wildlife;
- (b) a representative of the Ministry responsible for Education;
- (c) a representative of the Uganda Wildlife Authority;
- (d) a representative of the staff of the Institute;
- (e) a representative of the academic board nominated by the board;
- (f) a representative of the district council where the Institute is located;
- (g) a representative of the students governing body of the Institute; and
- (h) two persons to represent the public.

(3) The Director shall be the secretary to the Council.

(4) Save for a member appointed under paragraph (g) of sub-section (2), the members of the Council shall hold office for three years and shall be eligible for reappointment for only one other term.

(5) The Minister shall designate the members appointed under paragraph (h) of sub-section (2) as the Chairperson and Vice Chairperson of the Council.

(6) The Minister shall make the appointment or reappointment of a member of the Council at least three months before the expiry of the term of office of the incumbent council, and the appointment shall take effect from the date of assumption of office by the member.

(7) At least one third of the members of the Council shall be women.

7 Functions of the Council.

(1) The Council shall be the highest decision making organ of the Institute.

(2) The Council shall be responsible for discharging the functions and exercising the powers of the Institute.

8. Meetings of the Council and related matters.

(1) Schedule 2 has effect in relation to meetings of the Council and other matters provided for in the Schedule.

(2) The Council shall meet at least once every three months for the discharge of its functions.

(3) The Chairperson shall preside at all meetings of the Council and in his or her absence, the Vice-Chairperson, and in the absence of both Chairperson and the Vice Chairperson, the members present shall elect one of their numbers to preside.

(4) Subject to this section, the Council shall regulate its own procedure.

9. Committees of the Council.

(1) The Council may appoint committees as it may consider necessary for the efficient functioning of the Council.

(2) The Council may delegate any of its functions or powers to any committee appointed under this section, subject to such conditions as the Council may determine.

(3) The Council shall prescribe the powers, duties and procedure and other terms and conditions of service of the committees appointed under this section.

10. Vacation of office by council member.

- (1) A person shall cease to be a member of the Council—
- (a) where a member of the Council resigns from office in writing addressed to the Minister;
 - (b) in the case of a person representing a Ministry, institution, agency or department, if that person ceases to be a representative of the Ministry, institution, agency or department in respect of which he or she was appointed a member;
 - (c) if that person is removed by the Minister on the recommendation of the Council on the following grounds—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (ii) misbehavior or misconduct;
 - (iii) incompetence;
 - (iv) bankruptcy or insolvency;
 - (v) absence without prior permission of the chairperson for more than four consecutive meetings of the Council;
 - (vi) conviction of a criminal offence, in Uganda or elsewhere, in respect of which the maximum penalty exceeds three months' imprisonment without the option of a fine; and
 - (vii) death.

(2) Where a vacancy occurs in the membership of the Council, the Minister may appoint another person to hold office for the remaining period of the term of the person vacating the office.

11. Minister's powers of direction.

The Minister may give policy direction to the Council, and the Council shall comply.

Academic Board

12. Academic and Research Board.

(1) There is established an Academic and Research Board of the Institute which shall be responsible for the academic and research programmes of the Institute.

(2) The Academic and Research Board shall be appointed by the Council and shall consist of—

- (a) the Director who shall be the chairperson;
- (b) the registrar of the Institute;
- (c) a representative of the Ministry responsible for wildlife;
- (d) a representative of the Uganda Wildlife Authority, from the department of research and monitoring;
- (e) heads of research and training of the Institute; and
- (f) to initiate, prepare, evaluate, and submit to the council, academic programs for the Institute.

(3) The registrar shall be the secretary to the Academic and Research Board, but shall not vote on any matter at a meeting of the Board.

(4) The Academic and Research Board shall, subject to this Act have the following functions—

- (a) to satisfy itself regarding the content and academic standard of any course of study in respect of any award of the Institute and report to the Council;
- (b) to initiate proposals relating to the management of the Institute generally, and to discuss any matter relating to the Institute and make submission to the Council;
- (c) to propose regulations to be made by the Council regarding the eligibility of persons for admission to any course of study provided by or under the supervision of the Institute;
- (d) to propose regulations to be made by the Council, regarding the standard of proficiency to be gained in each examination for any award;
- (e) to decide which persons have reached the standard of proficiency referred to in paragraph (d) and who are fit for any award;
- (f) to initiate, prepare, evaluate and submit academic and research programmes for the Institute; and
- (g) to perform any other duties incidental to for the efficient functioning of the Institute.

13. Meetings of the Academic and Research Board.

(1) The meetings of the Academic and Research Board shall be held at least once every three months at a place and time appointed by the chairperson of the Board.

(2) Without prejudice to subsection (1), the chairperson of the academic and research board may at any time call a meeting of the Board within fourteen days after receipt of a written requisition for that purpose addressed to him or her signed by at least three members of the academic and research board.

(3) Every question before the Academic and Research Board shall be decided by a simple majority of the members present and in case of equality of votes, the person presiding shall have a casting vote.

(4) Subject to this Act, the Academic and Research Board may regulate its own procedure.

14. Vacation of office by member of the Academic and research board.

(1) A person shall cease to be a member of the Academic and Research Board—

- (a) in the case of a person representing a Ministry, institution, agency or department, if that person ceases to be a representative of the Ministry, institution, agency or department in respect of which he or she was appointed member;
- (b) if that person is removed by the Council on recommendation of the Academic and Research Board on the following grounds—
 - (i) inability to perform the functions of his or her office arising from infirmity of body or mind;
 - (ii) misbehavior or misconduct;
 - (iii) incompetence;

- (iv) bankruptcy or insolvency;
- (v) absence without prior permission of the chairperson for more than four consecutive meetings of the Academic and Research Board; and
- (vi) 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.

(2) Where a person is removed from office by the Council under subsection (1), the Council may appoint another person to be a member in his or her place for the remainder of the term.

PART IV—MANAGEMENT, OFFICERS AND STAFF OF THE INSTITUTE

15. Director.

(1) The Institute shall have a Director and a Deputy Director who shall be appointed by the Minister on the recommendation of the Council, from among three names submitted to the Minister by the Council.

(2) The Director shall be a person of high moral character and proven integrity, with professional knowledge and experience in wildlife conservation, research and training.

(3) The Director shall be the chief executive of the Institute.

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

(5) The Minister may, on the recommendation of the Council, suspend or terminate the appointment of the Director for—

- (a) Misbehavior;
- (b) Inability to perform the functions of the office; or

- (c) any other sufficient cause.

16. Deputy Director.

(1) The Institute shall have a Deputy Director who shall be appointed by the Council on terms and conditions that may be specified in the instrument of appointment.

(2) A person to be appointed as the deputy Director shall qualify for appointment by virtue of his or her professional knowledge and experience in wildlife conservation.

(3) The Deputy Director shall perform the functions of Director in the absence of the Director from office and shall perform such other duties as the Director or Council may direct.

(4) The Director may with approval of the Minister, suspend or terminate the appointment of the Deputy Director for—

- (a) Misbehavior;
- (b) Inability to perform the functions of the office; or
- (c) any other sufficient cause.

17. Registrar and Bursar.

(1) There shall be a Registrar who shall be a Secretary to the Academic Board and its committees.

(2) There shall be a Bursar to the Institute who shall be responsible to the principal.

18. Appointment of other staff of the Institute.

The registrar, bursar and other administrative and academic staff of the Institute, shall be appointed by the Council on terms and conditions as may be determined by the Council.

19. Disciplinary procedure.

The Council may make regulations for the discipline of all staff, employees and students of the Institute as it may deem fit.

20. Award and recognition of certificates of the Institute.

(1) The Institute shall award certificates, diplomas and other qualifications for courses conducted by the Institute.

(2) Courses leading to the award of certificates, diplomas and other qualifications to be awarded by the Institute, shall be subject to approval of the National Council for Higher Education.

(3) The certificates and diplomas to be awarded by the Institute shall, be subject to the approval by the National Council for Higher Education.

PART V—FINANCE

21. Funds of the Institute.

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

- (a) money appropriated by Parliament for the purposes of the Institute;
- (b) fees charged from the students;
- (c) grants, gifts or donations made with the approval of the Minister acting in consultation with the Minister responsible for finance;
- (d) revenue earned from activities of the Institute under this Act; and
- (e) any other funds received by the Institute in the performance of its functions under this Act.

(2) All funds received by the Institute under subsection (1)(c), (d) and (e), shall be declared to the Minister subject to the Public Finance Management Act.

(3) Subject to section 33 of the Public Finance Management Act, the Institute shall open and maintain bank accounts as are necessary for the performance of its functions on which all monies of the Institute shall be deposited.

(4) The fees to be charged by the Institute shall be determined by the Council with approval of the Minister.

22. Borrowing powers.

Subject to Article 159 of the Constitution and the Public Finance Management Act, the Council may in consultation with the Minister, obtain loans and other credit facilities as may be required for meeting its obligations and for carrying out the functions of the Institute under this Act.

23. Estimates.

(1) The Council shall, not later than three months before the end of each financial year, prepare and submit to the Minister for approval, estimates of the income and expenditure of the Institute for the next financial year.

(2) The expenditure shall not be made out of the funds of the Institute unless the expenditure has been approved by the Minister under estimates for the year in which the expenditure is to be made or in any other estimates supplementary to those estimates.

24. Financial year of the Institute.

The financial year of the Institute shall be the same as the financial year of Government.

25. Accounts.

(1) The Council shall keep proper books of account of all income and expenditure of the Institute and proper records in relation to all transactions of the Institute.

(2) Subject to any direction given by the Minister, the Council shall prepare in respect of each financial year, and not later than three months after the close of the financial year, a financial statement for that year.

26. Audit.

(1) The Auditor General or an auditor appointed by the Auditor General shall, in each financial year, audit the accounts of the Institute.

(2) The Auditor General shall submit a report of audited accounts of the Institute to Parliament in accordance with the Public Finance Management Act.

PART VI—MISCELLANEOUS

27. Protection of members and staff from personal liability.

A member of the Council, Academic and Research Board or an officer or staff of the Institute shall not be personally liable for an act done by him or her in good faith for the purposes of effecting the provisions of this Act.

28. Annual report.

(1) The Institute shall, within three months after the end of each financial year, submit to the Minister a report of the activities of the Institute in respect of that financial year.

(2) The report shall include a record of the performance of the Institute during that financial year and its future plans.

29. Minister's report to Parliament.

The Minister shall submit to Parliament as soon as possible and in any case not later than three months after receiving the reports—

- (a) the audited accounts of the Institute submitted to him or her by the auditor under section 26; and
- (b) the annual report of the Institute submitted to him or her under section 28.

30. Offences and penalties.

(1) Any person who—

- (a) makes use of any certificate, diploma or any other award of the Institute to which he or she is not entitled;
- (b) alters or defaces a certificate diploma or any other award issued under this Act or makes a copy with intent to deceive or defraud;
- (c) reveals or discloses examination or test paper information to an unauthorized person
- (d) sells, buys or steals a certificate diploma or any other award issued under this Act with intent to impersonate;

commits an offence and is liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding four years or both.

(2) Any person who plagiarizes, duplicates or uses research findings without permission or interferes with, or alters ecological sites, local fauna and flora commits an offence and is liable on conviction to a fine not exceeding forty eight currency points or imprisonment not exceeding two years or both.

31. Regulations.

(1) The Minister may, by statutory instrument on the advice of the Council, make regulations generally for better carrying into effect the provisions of this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations in respect of the following—

- (a) the criteria and the process of admission of students and trainees to the Institute;
- (b) the establishment of committees under this Act;
- (c) the form of certificates or diplomas or other awards issued under this Act;
- (d) governance and management structures of the Institute;
- (e) examination assessment mechanisms and procedures;
- (f) registration and accreditation of the Institute;
- (g) fees payable under this Act; and
- (h) providing for any matter necessary for giving full effect to the provisions of this Act.

(3) Regulations made under subsection (1) may—

- (a) create offences and prescribe a penalty for contravention of the regulations and prescribe in relation to such offences, a penalty not exceeding twenty four currency points or imprisonment not exceeding one year or both;
- (b) prescribe higher penalties for repeated offences;
- (c) prescribe penalties for continued offences; and

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- (d) require the court to forfeit any matter in connection with which an offence is committed.

32. Transitional provision.

(1) All property movable and immovable held by or on behalf of the Uganda Wildlife Training Institute and the former Uganda Institute of Ecology shall, from the commencement of this Act be vested in the Institute.

(2) Upon the commencement of this Act, the rights, interest, obligations and liabilities of the Institute existing before the commencement of this Act under any contract or instrument, or at law or in equity shall by virtue of this Act, be assigned and transferred to the new Institute under this Act.

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SCHEDULE 1

Section 2

Currency point

One currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Section 8

Meetings of the Council

1. Meetings of the Council.

(1) The Council shall ordinarily meet for the discharge of business at least quarterly, at times and places as the chairperson may determine.

(2) The chairperson shall also summon a special meeting of the Council upon a request made in writing by not less than five members of the Council.

(3) Five members of the council shall form a quorum at any meeting of the Council.

(4) The Chairperson shall preside at all meetings of the Council and in his or her absence, the Vice-Chairperson, and in the absence of both Chairperson and the Vice Chairperson, the members present shall elect one of their numbers to preside.

(5) A question proposed at any meeting of the council shall be determined by a simple majority of the members present and voting; and where there is an equality of votes, the person presiding at the meeting shall have casting vote.

(6) The Council may, co-opt any person who is not a member to attend any of its meetings as an adviser, 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.

(7) The council may regulate its own procedure.

2. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Council shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

3. Minutes of council meetings.

(1) The secretary shall keep or cause to be kept minutes of every meeting of the board.

(2) The minutes recorded under this section shall be submitted to the Council for confirmation at its next meeting following that to which the minutes relate and when so confirmed, shall be signed by the chairperson and secretary in the presence of the members.

Cross references

1. The Public Finance Management Act, 2015.
2. The Universities and Other Tertiary Institutions Act, 2001.
3. The Uganda Wildlife Act, Cap. 200