

CHAPTER 174
**THE INSTITUTE OF RURAL
DEVELOPMENT PLANNING ACT**
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

Section Title

**PART I
PRELIMINARY PROVISIONS**

1. Short title.
2. Interpretation.

**PART II
THE INSTITUTE OF RURAL DEVELOPMENT PLANNING**

3. Establishment of Institute.
4. Functions of Institute.

**PART III
ADMINISTRATION**

5. Council.
6. Council may appoint committees or establish boards.
7. Minister may give directions to Council.
8. Director.
9. Appointment of other employees of Institute.
10. Remuneration of members of Council.
11. Superannuation benefits.

**PART IV
FINANCIAL PROVISIONS**

12. Funds and resources of Institute.
13. Annual and supplementary budget.
14. Investment.
15. Accounts and audit.
16. Director's report.
17. Laying of accounts and report before National Assembly.



PART V
MISCELLANEOUS PROVISIONS

18. Regulations.
19. Proceedings of Council not to be invalid by reason of irregularity.
20. Protection of members or employees of Council.

SCHEDULE

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CHAPTER 174

THE INSTITUTE OF RURAL DEVELOPMENT PLANNING ACT

An Act to establish the Institute of Rural Development Planning.

[1st February, 1980]

[s. 4]

Act No.
8 of 1980

PART I

PRELIMINARY PROVISIONS

Short title **1.** This Act may be cited as the Institute of Rural Development Planning Act.

Interpretation **2.** In this Act, unless the context otherwise requires -
“Chairman” means the Chairman of the Council and includes any person who presides at any meeting of the Council;
“Council” means the governing Council of the Institute established by section 5;
“Director” means the Director of the Institute appointed under section 8;
“Institute” means the Institute of Rural Development Planning established by section 3;
“member” in relation to the Council, means a member of the Council and includes the Chairman;
“Minister” means the Minister responsible for regional administration.

PART II

THE INSTITUTE OF RURAL DEVELOPMENT PLANNING

Establishment of Institute **3.**-(1) There is hereby established an Institute to be known as the Institute of Rural Development Planning.

- (2) The Institute shall be a body corporate and shall-
 - (a) have perpetual succession and a common seal;
 - (b) in its corporate name, be capable of suing and being sued;
 - (c) be capable of purchasing and otherwise acquiring and of alienating any movable or immovable property;
 - (d) subject to the provisions of this Act, have power to borrow such sums of money as it may require for its purposes.

Functions of
Institute

4. The functions of the Institute shall be-

- (a) to promote social and economic development by providing opportunities for the study of, and training in, the principles, techniques and their practical application, in all aspects of rural development planning;
- (b) to provide facilities, places and centres of learning, education, training and research in rural development planning and such other related subjects and disciplines as the Council may, decide;
- (c) to conduct training programmes in all disciplines relating to rural development planning including the preparation, application and evaluation of development programmes;
- (d) to undertake, either alone or in association with any other person or body of persons within or outside the United Republic, research in methods and techniques of improving regional and rural development planning;
- (e) to monitor and co-ordinate research and training programmes relating to rural development;
- (f) to collect, publish or otherwise disseminate, data and other information relating to rural development including the publication of results of any research carried out by the Institute;
- (g) to sponsor, arrange or provide facilities for conferences, seminars or symposia on subjects related to rural development planning;

- (h) to provide advisory, consultancy and other services to the Government, organisations, villages and individuals in matters relating to rural development planning;
- (i) to prepare students for examinations as may be conducted by the Institute and to grant such awards as may be prescribed in accordance with this Act;
- (j) to establish and maintain a system of consultation and co-operation with any person or body of persons within or outside the United Republic, engaged in activities related to the functions of the Institute; and
- (k) to perform any other function conferred upon the Institute by this Act.

PART III ADMINISTRATION

Council

5.-(1) There is hereby established a governing Council of the Institute which shall be responsible for the management and control of the affairs and business of the Institute.

(2) The provisions of the Schedule to this Act shall have effect as to the composition of the Council, the appointment and tenure of office of its members, termination of their appointments, the proceedings and other matters relating to the Council.

Council
may appoint
committees or
establish boards

6.-(1) The Council may, appoint or establish such committees or boards as it may consider necessary and, subject to the provisions of this Act and any directions given by the Minister in that behalf, delegate to any of them any of its functions under this Act.

(2) The Council may appoint members of any Committee or Board appointed or established under this section from amongst its members, the employees of the Institute or from amongst such other persons as it may consider necessary.

(3) Where the Council appoints or establishes any Committee or Board under this section, the Council shall elect

one of its members to be the Chairman of that Committee or as the case may be, of that Board:

Provided that, where at any meeting of a Committee or Board established under this section the Chairman is absent, the Committee or Board may elect one of their number to be the Chairman of that meeting.

(4) The quorum necessary for the conduct of any business of any Committee or Board appointed or established under this section shall be fixed by the Council.

(5) Subject to the provisions of this Act, a Committee or Board appointed or established under this section may regulate its own proceedings.

Minister may
give directions to
Council

7. The Minister may give to the Council directions of a general or specific character and the Council shall give effect to every such direction.

Director

8.-(1) The President shall appoint upon such terms and conditions as he may specify, a Director of the Institute.

(2) The Director shall be the Chief Administrative and Academic Officer of the Institute and shall be responsible to the Council-

- (a) for the administration of the Institute in accordance with the policy laid down by the Council;
- (b) for the management of the academic affairs of the Institute in accordance with the policy laid down by the Council;
- (c) for the proper enforcement of regulations made by the Council under section 18.

Appointment of
other employees
of Institute

9.-(1) Subject to the provisions of subsection (2), the Council may, appoint at such salaries and upon such terms and conditions as it may consider fit, the academic staff, the administrative staff and other employees of the Institute as the Council may consider necessary for the proper and efficient conduct of the activities and affairs of the Institute.

(2) The Council may, subject to such conditions and restrictions as it may impose, delegate to the Director or any other person the power to appoint any category or categories of employees of the Institute.

Remuneration
of members of
Council

10.—(1) Subject to subsection (2), the members shall be entitled to such remuneration, fees or allowances as the Minister may, upon the recommendation of the Council, prescribe.

(2) Remuneration, fees or allowances except such allowances for expenses as may be expressly authorised by the Minister shall not be paid to any member of the Council who is a public officer.

Superannuation
benefits

11. Subject to any written law for the time being in force relating to pensions, the Council may—

- (a) grant gratuities or other retirement allowances or benefits to the employees of the Institute;
- (b) establish and contribute to a superannuation fund or a medical benefits fund for the employees of the Institute;
- (c) require any employee of the Institute to contribute to the superannuation fund or medical benefits fund and fix the amounts and methods of payment of the contribution.

PART IV

FINANCIAL PROVISIONS

Funds and
resources of
Institute

12. The funds and resources of the Institute shall consist of—

- (a) such sums as may be provided by Parliament for purposes of the Institute;
- (b) such sums as may become payable to, or such property as may vest in the Institute from any source or in any manner.

Annual and
supplementary
budget

13.—(1) Subject to subsection (2), “financial year” means any period not exceeding twelve consecutive months designated by the Council as the accounting period of the Institute.

(2) The Council shall, not less than two months before the beginning of any financial year (other than the first financial year) at its first meeting specially convened for that purpose, pass a detailed budget (in this Act called the “annual budget”) of the amounts respectively-

- (a) expected to be received;
- (b) expected to be disbursed,

by the Council during that financial year.

(3) Where in any financial year, the Council is required to make any disbursement not provided for, or of an amount in excess of the amount provided for, in any annual budget, the Council shall, at a meeting, pass a supplementary budget detailing that disbursement.

(4) The annual budget and every supplementary budget shall be in such form and include such details as the Minister may approve.

(5) Immediately upon passing any annual budget or supplementary budget, the Council shall submit the budget to the Minister for his approval.

(6) Minister shall, upon receipt of the annual or supplementary budget, approve the budget as submitted or reject it or approve it subject to such amendments as he may consider fit.

(7) Where the Minister has approved any budget, the budget shall be binding on the Council and the Council shall, subject to the provisions of subsection (8), confine its disbursement within the items and the amount contained in the applicable estimates as approved by the Minister.

(8) The Council may-

- (a) with the sanction of the Minister in writing, make a disbursement not provided for in any budget;
- (b) from the amount of expenditure provided for in any budget in respect of any item, transfer a sum not exceeding two hundred thousand shillings to any other item contained in the budget;

- (c) adjust expenditure limits to take account of circumstances not reasonably foreseeable at the time the budget was prepared, subject to submitting a supplementary budget to the Minister within two months of the adjustment of expenditure limits becoming necessary.

Investment

14. With the prior approval of the Minister, the Council may, invest any part of the moneys available in any fund of the Institute and which is not for the time being required for purposes of the business of the Institute in such investments as are authorised investment under the Trustees Investment Act.

Cap. 53

Accounts and
audit

15.—(1) The Council shall cause to be provided and kept proper books of accounts and records with respect to—

(a) the income, expenditure and other financial transactions of the Institute;

(b) the assets and liabilities of the Institute,

and shall cause to be made out for every financial year, a statement showing details of the income and expenditure and the assets and liabilities of the Institute.

(2) Not later than six months after the close of every financial year, the statement of accounts and the statement of the assets and liabilities of the Institute for that financial year shall be audited by the Controller and Auditor-General.

(3) As soon as the statements referred to in subsection (2) have been audited, and in any case not later than six months after the audit, the Council shall submit to the Minister a copy of the audited statements together with the report on those statements made by the auditors.

(4) Every audited statement shall be placed before a meeting of the Council and if adopted by the Council, shall be endorsed with a certificate that it has been so adopted.

Director's report

16. The Director shall, within six months after the close of every financial year, make a report to the Minister on the activities of the Institute during that financial year.

Laying of
accounts and
report before
National
Assembly

17. The Minister shall, as soon as practicable, and in any case not later than twelve months after the close of each financial year, lay before the National Assembly, the following documents in relation to that financial year-

- (a) copies of the statements referred to in section 15(2);
- (b) copies of the auditors' report;
- (c) copies of the Director's report.

PART V

MISCELLANEOUS PROVISIONS

Regulations

18.-(1) The Council may, with the consent of the Minister, make regulations for purposes of the better carrying out of the objects and purposes of this Act and without prejudice to the generality of this subsection, may make regulations-

- (a) prescribing diplomas, certificates and other awards which may be conferred or granted by the Institute;
- (b) prescribing the qualifications necessary for entry to the Institute and the courses of instruction which may be provided by the Institute;
- (c) prescribing the prerequisites to the grant of any diploma, certificate or other award;
- (d) prescribing the manner in which diplomas, certificates or other awards may be granted;
- (e) regulating the conduct of examinations;
- (f) prescribing fees for admission to the Institute;
- (g) providing for and regulating disciplinary proceedings against the employees and the students of the Institute;
- (h) prescribing anything which may be prescribed under this Act;
- (i) providing for any matter or thing which, in the opinion of the Council, is necessary for the furtherance of the functions and objects of the Institute.

(2) Subject to subsection (3), regulations made under this section shall be published in the *Gazette*.

(3) Where any regulations made under subsection (1) are not of general application the Council may, in addition to or in lieu of publication in the *Gazette*, publish the regulations in any manner which, in the opinion of the Council, will ensure their contents are coming to the notice of the persons or category of persons to whom they apply and of the members of the public who might be affected by those regulations.

Proceedings of Council not to be invalid by reason of irregularity

19. An act or proceeding of the Council shall not be invalid by reason only of the number of the members not being complete at the time of the act or proceeding or of any defect in the appointment of any member or of the fact that any member was at the time in question not qualified or entitled to act or to take part in the proceedings.

Protection of members or employees of Council
Cap. 16
Cap. 76

20. Without prejudice to the provisions of section 284A of the Penal Code or the Public Officers (Recovery of Debts) Act an act or thing done or omitted by any member of the Council or any employee of the Institute shall not, if done or omitted *bona fide* in the execution or purported execution of his duties as a member of the Council or employee of the Institute, subject that member or that employee of the Institute to any action, liability or demand of any kind.

SCHEDULE

(Made under section 5(2))

Composition of Council

- 1.** The Council shall consist of-
- (a) a Chairman who shall be appointed by the President;
 - (b) the Director of the Institute; and
 - (c) not more than fifteen nor less than ten other members, who shall be appointed by the Minister.

Representation

- 2.** In appointing the members of the Council, the Minister shall ensure that there is adequate representation on the Council of such organisations and professional and academic bodies which are likely to utilise or assist in the development of the skills and disciplines to be promoted by the Institute and shall further ensure that, in his opinion, every person appointed by him has the necessary experience

or qualification to enable him to make useful contribution to the deliberations of the Council and to assist the Council in the discharge of its functions.

Tenure of appointment

3.–(1) Subject to subparagraph (2), every member shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as may be specified in his appointment or, if no period is so specified, for a period of three years, and shall be eligible for re-appointment.

(2) A person who is appointed a member by virtue of holding some other office shall cease to be a member upon ceasing to hold that office.

(3) A member other than a member referred to in subparagraph (2) may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

Absence from three consecutive meetings

4. When any member is absent from three consecutive meetings of the Council without reasonable excuse, the Council shall advise the appointing authority of the fact and the appointing authority may, if it deems fit, terminate the appointment of that member and appoint another member in his place.

Appointment of temporary member

5. Where any member is, by reason of illness, absence from the United Republic or any other sufficient cause, unable to perform his duties as a member, the appointing authority may appoint a suitable person to be a temporary member in his place and the temporary member shall cease to hold office upon the resumption of office of the substantive member.

Vice-Chairman

6. The Council shall elect one of their number to be the Vice-Chairman and any member so elected shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term of one year from the date of his appointment and shall be eligible for re-appointment.

Secretary

7. The Director shall act as Secretary to the Council.

Power of Chairman and Vice-Chairman

8.–(1) The Chairman shall preside at all meetings of the Council.

(2) Where at any meeting of the Council the Chairman is absent, the Vice-Chairman shall preside at that meeting.

(3) In the absence of the Chairman and the Vice-Chairman at any meeting of the Council, the members present shall from amongst their number, appoint a temporary Chairman to preside at that meeting.

(4) The Chairman of any meeting of the Council shall, in addition to his deliberative vote, have a casting vote in the event of an equality of votes.

Meetings and procedure	<p>9.—(1) Subject to any general or specific direction given by the Minister, the Council shall ordinarily meet not less than four times during every financial year and at such additional times as may be fixed by the Chairman or, in his absence from the United Republic or where for any reason he is unable to act, the Vice-Chairman:</p> <p>Provided that, the Chairman or, in his absence from the United Republic or where he is unable to act, the Vice-Chairman, shall, at the request of at least seven members or at the direction of the Minister, convene a special meeting within thirty days of the request or direction by the Minister, given to him in writing.</p> <p>(2) The Secretary of the Council shall give to every member notice in writing of the place and date of the meeting not less than ten days before the date of the proposed meeting.</p>
Quorum	<p>10. One half of the total number of the members shall form a quorum for a meeting of the Council.</p>
Decisions of Council	<p>11. Subject to the provisions relating to a casting vote, all questions at a meeting of the Council shall be decided by a majority of votes of the members present and if any member abstains from voting on any question, his vote shall be counted in the negative.</p>
Decision by circulation of papers	<p>12. Notwithstanding the provisions of this Schedule, decisions may be made by the Council without a meeting, by circulation of the relevant papers among the members and the expression of the view of the majority in writing in that behalf:</p> <p>Provided that, any member shall be entitled to enquire any decision to be deferred for consideration at a meeting of the Council.</p>
Minutes of meetings	<p>13. Minutes of each meeting of the Council shall be kept and confirmed by the Council at the next meeting and signed by the Chairman of that meeting.</p>
Official seal of Institute	<p>14.—(1) The official seal of the Institute shall be of such shape, size and form as the Council may determine.</p> <p>(2) The official seal of the Institute shall not be affixed to any instrument or document except in the presence of the Director or such other employee of the Institute as the Director may appoint in that behalf.</p>
Execution of documents	<p>15. All regulations, appointments, instruments or documents executed by or on behalf of the Institute or the Council shall be sealed with the official seal of the Institute and signed by—</p> <ol style="list-style-type: none"> (a) the Chairman; (b) the Director; or (c) any other employee or member of the Council authorised in writing in that behalf by the Council.

Council may regulate its own proceedings

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

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