

CHAPTER 199

THE AGRICULTURAL DEVELOPMENT FUND ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 199

THE AGRICULTURAL DEVELOPMENT FUND ACT

An Act to provide for the establishment of the Agricultural Development Fund and for the management of that Fund.

[1st July, 1984]

[s. 1]

Act. No.
12 of 1984

PART I

PRELIMINARY PROVISIONS

Short title 1. This Act may be cited as the Agricultural Development Fund Act.

Interpretation 2. In this Act, unless the context otherwise requires-
“Co-operative and Rural Development Bank” means the Bank established under the Co-operative and Rural Development Bank (Repeal and Transitional Provisions) Act;

Cap. 88
“co-operative society” means a co-operative society registered under the Co-operative Societies Act;

Cap. 211
“District Development Corporation” means a District Development Corporation established under the District Development Corporations Act;

Cap. 382
“foreign Government” includes any agency of that Government;

“Fund” means the Agricultural Development Fund established under section 3;

“international organisation” includes specialised agencies of the United Nations, aid foundations, or other multilateral aid institutions;

“Minister” means the Minister responsible for finance.

PART II

THE AGRICULTURAL DEVELOPMENT FUND

Establishment of Fund **3.** There is hereby established a fund to be known as the Agricultural Development Fund.

Purpose of Fund **4.** The purposes for which the Fund is established are-

- (a) financing by way of loan or equity of fixed investment by parastatal organisations, District Development Corporations, co-operative societies or villages engaged in the production processing or marketing of food products;
- (b) financing by way of loan or grant-
 - (i) the procurement or purchase of agricultural input by organisations engaged in the production, processing or marketing of food produce and other related products;
 - (ii) the procurement or purchase of equipment or the training of the citizens of the United Republic by or for the benefit of organisations or other public authorities engaged in the prevention or carrying out of irrigation schemes and projects for agricultural development;
 - (iii) research of study by or for the benefit or organisations engaged in the production, processing or marketing of food produce and other related products;
 - (iv) the training of citizens of the United Republic by or for the benefit of the organisations engaged in the production, processing or marketing of food produce and other related products;
 - (v) any project agreed or approved for implementation pursuant to any agreement or memorandum of understanding between the Government of the United Republic and foreign Government or international organisation.

Resources of
Fund

5. The resources of the Fund shall be-

- (a) such sums, as shall accrue from the sale of food aid which may be received by the Government from foreign Governments and international organisations;
- (b) such sums as shall accrue from sales of fertilizer, pesticides and other agrochemical products received as aid by the Government from foreign Government and international organisations;
- (c) such sums as may in any manner become payable to or vested in the Fund either under the provisions of any written law or incidental to its administration by the Co-operative and Rural Development Bank.

Management of
Fund
Act No.
7 of 1971

6.-(1) The Co-operative and Rural Development Bank shall administer the fund as a Special Fund and, subject to the provisions of the Act, section 8 of the Co-operative and Rural Development Bank Act, and other provisions of that Act regulating Special Funds shall apply to the Fund.

(2) The Co-operative and Rural Development Bank shall maintain the Fund in a separately designated bank account or accounts and shall manage the Fund in accordance with the such directions as the Minister may issue:

Provided that, the Co-operative and Rural Development Bank shall make no payment out of the Fund except with the consent in writing of the Treasury Registrar in accordance with the agreed annual expenditure programme.

(3) Notwithstanding the foregoing provisions, the Co-operative and Rural Development Bank may, where circumstances so require, administer part of the Fund and maintain accounts for such part of the Fund jointly with a foreign Government or an international organisation.

(4) Where any payment out of the Fund is made for the purchase of any equity investment, such equity investment shall be held by-

- (a) the Co-operative and Rural Development Bank;
- (b) any parastatal organisation;

- (c) any district development corporation;
- (d) any co-operative society; or
- (e) the Treasury Registrar,

as the Treasury Registrar may direct, and any such bank, Parastatal organisation, district development corporation or co-operative society holding any equity investment shall, at any time, on the direction of the Treasury Registrar, transfer the equity investment to any other organisation specified by the Treasury Registrar or to the Treasury Registrar.

(5) The Minister may, by regulations, regulate the administration of the Fund.

(6) A person who authorises any payment out of the Fund in contravention of any provision of this Act or any direction given or of regulations made under this section commits an offence and on conviction, shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both.

(7) The Bank may deduct from the Fund a service charge to be determined by the Minister.

Accounts and
audit

7.–(1) The Co-operative and Rural Development Bank shall cause to be provided and kept proper books of account of the payments made into and out of the Fund.

(2) The accounts of the Fund shall be audited annually by the Controller and Auditor-General and the audited accounts of the Fund shall be published at the same time as the audited accounts of the Co-operative and Rural Development Bank are published.

Power of Minister
to reallocate
moneys in Fund

8.–(1) Where the Minister is satisfied that at the close of any financial year there are in the Fund moneys which are not immediately required for the purpose of the Fund (which moneys are in this section referred to as a “surplus”), he may if in his opinion financial exigencies or the public interest so require, and notwithstanding any provision to the contrary contained in this Act or in any other written law, authorized

application of the whole or any part of the surplus for or towards defraying the development expenditure of any Ministry or Department of the Government in any financial year.

(2) Every authorisation for the application of any surplus made under this section shall be sufficient authority, without further appropriation, to issue from the Fund the sum required for the purposes specified by the Minister.

(3) Where the Minister proposes to authorise application of any surplus for a purpose other than that agreed to between the Government and a foreign Government or international organisation, he shall first obtain the concurrence of the foreign government or the international organisation, as the case may be.

Application
Cap. 348

10. The provisions of this Act shall apply notwithstanding the provisions of the Public Finance Act or any other written law and any allocation of public revenue to the Fund shall be made without further appropriation.
