

Zimbabwe

Agricultural Research Act

Chapter 18:05

Legislation as at 31 December 2016

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Agricultural Research Act (Chapter 18:05)

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Agricultural Research Act Chapter 18:05

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AN ACT to provide for the establishment of a council to be known as the Agricultural Research Council; to provide that the functions and duties of that Council shall be to keep under review and to promote all aspects of agricultural research in Zimbabwe and in certain circumstances to carry out agricultural research; to confer powers on that Council and to make provision for the financial affairs thereof; and to provide for matters incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Agricultural Research Act *[Chapter 18:05]*.

2. Interpretation

In this Act—

“**agricultural product**”, subject to section three, means any animal or thing whatsoever which is declared in terms of section three to be an agricultural product for the purposes of this Act;

“**agricultural research**” means research into the production, treatment or handling of an agricultural product, including research required for a better understanding of the processes involved in or the environment necessary for the production of an agricultural product;

“**Council**” means the Agricultural Research Council established by section four;

“**financial year**” means such period as the Council, with the approval of the Minister, may fix to be the financial year of the Council;

“**member**” means a member of the Council;

“**Minister**” means the Minister of Agriculture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**producers association**”, in relation to any class of agricultural product, means an association of persons which, in the opinion of the Minister, adequately represents producers of that class of agricultural product.

3. Declaration of agricultural products

- (1) The animals and things listed in the First Schedule are declared to be agricultural products for the purposes of this Act.
- (2) Subject to subsection (3), the Minister may, on the recommendation of the Council, by statutory instrument, declare any animal or thing to be added to or deleted from the First Schedule.

- (3) The Minister shall not make a declaration in terms of subsection (2)—
- (a) unless the producers association, if any, has agreed to such declaration; and
 - (b) if the declaration relates to—
 - (i) pigs, pig products or products obtained from pigs, unless the Pig Industry Board has agreed to such declaration; or
 - (ii) any forest plant or plant product obtained therefrom or timber or other product obtained from forestry, unless the Forestry Commission has agreed to such declaration; or
 - (iii) tobacco or any product obtained from tobacco unless the Tobacco Research Board has agreed to such declaration; or
 - (iv) sugar plants or products obtained from sugar plants, unless the Zimbabwe Sugar Association has agreed to such declaration;
- in addition to any agreement required by paragraph (a).

Part II – Agricultural Research Council

4. Establishment of Council

There is hereby established a council, to be known as the Agricultural Research Council, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

5. Constitution of Council

- (1) The Council shall consist of not less than seven members appointed, subject to this section, by the Minister.
- (2) The Minister shall designate one member as chairman of the Council and another member as vice-chairman of the Council, and the vice-chairman shall exercise the functions and powers and perform the duties of the chairman during any period that the chairman is unable to exercise his functions.
- (3) The Minister may, subject to subsection (5), appoint a person to the Council as an alternate member to a member and such alternate member—
 - (a) shall act as a member only when a member to whom he is alternate is unable to exercise his functions on the Council by reason of illness, absence from Zimbabwe or other cause;
 - (b) when acting as a member, shall exercise the functions and powers and perform the duties of a member to whom he is alternate:

Provided that an alternate to the member who has been designated as chairman or vice-chairman of the Council shall not exercise the functions and powers or perform the duties of chairman or vice-chairman, as the case may be.

- (4) If the Council consists of—
 - (a) seven members, three members shall be appointed only after consultation with the recognized producers association;
 - (b) more than seven members, three members and the first additional member of every two members in excess of seven shall be appointed only after consultation with the recognized producers association.

- (5) No person shall be appointed as an alternate to or to replace a member who has been appointed after consultation with the recognized producers association unless the recognized producers association has also been consulted in relation to such appointment.
- (6) If the Council consists of—
 - (a) seven members, the Minister may appoint as members not more than three persons who are in the full-time employment of the State;
 - (b) more than seven members, the Minister may, subject to paragraph (b) of subsection (4), appoint as members more than three persons who are in the full-time employment of the State:

Provided that the number of such persons so appointed shall not constitute a majority of the members.

- (7) For the purposes of subsections (4) and (5)—

“recognized producers association” means the Commercial Farmers’ Union, represented by its governing body, or such other organization, represented by its governing body, as the Minister may recognize.

6. Conditions of office of members of Council

- (1) A member shall, subject to this Part, hold office for such period, being not less than two years and not more than five years, as the Minister may fix on his appointment.
- (2) Subject to section thirteen, a member shall hold office on such conditions as the Minister may in his case fix.

7. Disqualification for appointment as member

The Minister shall not appoint a person as a member and no person shall be qualified to hold office as a member who—

- (a) has in terms of a law in force in any country—
 - (i) been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged; or
 - (ii) made an assignment to or arrangement or composition with his creditors which has not been rescinded or set aside;

or

- (b) has, within a period of five years immediately preceding the date of his proposed appointment, been convicted—
 - (i) within Zimbabwe of a criminal offence;
 - (ii) outside Zimbabwe of an offence by whatever name called which if committed within Zimbabwe would have been a criminal offence;

and sentenced by a court to imprisonment for a term of six months or more without the option of a fine, whether or not such sentence has been suspended, and has not received a free pardon.

8. Vacation of office by member

A member shall vacate his office and his office shall become vacant—

- (a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiration of such shorter period as he and the Minister may agree; or

- (b) thirty days after the date he is sentenced by a court to imprisonment referred to in paragraph (b) of section seven after conviction of an offence referred to in that paragraph:

Provided that if, during the said period of thirty days, an application for a free pardon is made or an appeal is filed, the question whether the member is to vacate his office shall not be determined until the final disposal of such application or appeal, whereupon the member shall forthwith vacate his office and his office shall become vacant unless he is granted a free pardon, his conviction is set aside, his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted; or

- (c) if he becomes disqualified in terms of paragraph (a) of section seven to hold office as a member; or
- (d) if he is required in terms of section nine to vacate his office; or
- (e) if he is absent from three consecutive meetings of the Council of which he has had notice, without the permission of the Council.

9. Minister may require member to vacate office or suspend him

- (1) The Minister may require a member to vacate his office if the Minister is satisfied that the member —
 - (a) has been guilty of improper conduct as a member; or
 - (b) has failed to comply with the conditions of his office fixed by the Minister in terms of subsection (2) of section six; or
 - (c) is mentally or physically incapable of efficiently performing his duties as a member.
- (2) The Minister may suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and whilst that member is so suspended he shall not carry out any duties or be entitled to any remuneration as a member.

10. Filling of vacancies

On the death of or the vacation of office by a member the Minister may appoint a person to fill the vacancy until the expiration of the period during which the member would, but for his death or the vacation of his office, have continued in office.

11. Meetings and procedure of Council

- (1) The Council shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit.
- (2) The chairman of the Council may himself at any time and shall, at the request in writing of not less than two members, convene a special meeting of the Council.
- (3) If, at a meeting of the Council, the chairman and the vice-chairman are both absent the members present may elect one of their number to preside at that meeting as chairman.
- (4) Four members shall form a quorum at a meeting of the Council.
- (5) All acts, matters or things authorized or required to be done by the Council may be decided by a majority vote at a meeting of the Council at which a quorum is present.
- (6) At all meetings of the Council each member present shall have one vote on a question before the Council and, in the event of an equality of votes, the chairman shall have, in addition to a deliberative vote, a casting vote.

12. Committees of Council

- (1) For the better exercise of its functions and powers the Council may establish committees in which may be vested and on which may be imposed such of the functions and powers of the Council as the Council may direct:

Provided that the vesting or imposition of any such functions and powers in a committee shall not thereby divest the Council of such functions and powers, and the Council may amend or withdraw any decision of any such committee in the exercise of its functions and powers.

- (2) The chairman of the Council or of a committee may at any time and at any place convene a meeting of that committee.
- (3) The procedure of a committee shall be fixed by the Council.
- (4) On the establishment of a committee the Council—
 - (a) shall appoint to that committee at least one member of the Council who shall be the chairman of the committee;
 - (b) may appoint to that committee persons who are not members of the Council.

13. Remuneration and expenses of members of Council or of committee

A member or alternate member of the Council or of a committee of the Council shall be paid from the funds of the Council—

- (a) such remuneration, if any, as the Minister may in his case fix; and
- (b) such allowance as the Minister may fix to meet any reasonable expenses incurred by him in connection with the business of the Council or the committee, as the case may be.

14. Appointment of observers

- (1) The Minister may appoint persons to be observers at a meeting or meetings of the Council or of a committee of the Council.
- (2) A person appointed as an observer in terms of subsection (1) shall be entitled to attend such meetings of the Council or committee, as the case may be, as may be required by the Minister but shall not be entitled—
 - (a) to take part in the proceedings at any such meeting unless requested to do so; or
 - (b) to vote on a question before the Council or committee, as the case may be.

15. Validity of decisions and acts of Council

No decision or act of the Council or act done under the authority of the Council shall be invalid by reason only of the fact that—

- (a) the Council consisted of less than the minimum number of members for which provision is made in subsection (1) of section five; or
- (b) a disqualified person acted as a member at the time the decision was taken or the act was done or authorized;

if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

16. Execution of contracts and instruments by Council

An agreement, contract or instrument approved by the Council may be entered into or executed on behalf of the Council by any person or persons generally or specially authorized by the Council for that purpose.

Part III – Functions, duties and powers of Council

17. Functions and duties of Council

The functions and duties of the Council shall be—

- (a) to keep under review agricultural research in Zimbabwe, with particular attention to the adequacy of such research for the needs of Zimbabwe;
- (b) to promote all aspects of agricultural research, and to ensure maximum co-ordination between persons or authorities who are undertaking or about to undertake any form of agricultural research;
- (c) with the approval of the Minister, to carry out agricultural research.

18. Reports of Council

- (1) The Council shall submit to the Minister an annual report reviewing agricultural research in Zimbabwe during the year under review.
- (2) In addition to the report in terms of subsection (1) and the annual reports which the Council may be required to submit to the Minister in terms of the Audit and Exchequer Act [Chapter 22:03], the Council—
 - (a) may submit to the Minister such other reports as the Council may deem advisable; and
 - (b) shall submit to the Minister such other reports as he may require;in connection with the functions and duties or the operations of the Council or in relation to any matter referred to in paragraph (a) or (b) of section seventeen.
- (3) The Minister shall lay before Parliament an annual report submitted to him by the Council in terms of subsection (1) and may lay before Parliament a report submitted to him by the Council in terms of paragraph (a) or (b) of subsection (2).

19. Powers of Council

The Council shall, subject to this Act, have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Second Schedule, either absolutely or conditionally, and either solely or jointly with others:

Provided that the Council shall not exercise any such powers until so authorized by the Minister.

Part IV – Financial provisions relating to Council

20. Funds of Council

The funds of the Council shall consist of—

- (a) such moneys as may be payable to the Council from moneys appropriated for the purpose by Parliament; and
- (b) such other moneys or assets as may vest in or accrue to the Council, whether in the course of its operations or otherwise, including moneys granted or loaned to the Council for the purpose of financing any agricultural research project.

21. Charges to revenue account of Council and investment of moneys

- (1) The Council shall charge to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account and, in so doing, shall make in each financial year proper provision for—
 - (a) the depreciation or diminution in value of assets; and
 - (b) the payment of interest on and all other charges and expenses incurred in connection with loans; and
 - (c) the redemption of loans at due times to the extent that such redemption exceeds provision for depreciation.
- (2) In charging to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account as provided in subsection (1), the Council may also in each financial year make provision for meeting, in whole or in part, increases in the cost of replacing assets.
- (3) The Council may invest on a temporary basis or place on temporary deposit funds not immediately required for the exercise of its functions in such manner and on such terms as the Minister responsible for finance may from time to time approve.

22. Accounts of Council

- (1) The Council shall keep proper accounts and other records relating thereto in respect of all its operations, undertakings and property, including such particular accounts and records as the Minister may direct.
- (2) The Council shall prepare and submit to the Minister a statement of accounts in respect of each financial year or such other period as the Minister may direct.
- (3) Where funds for a specific research project have been provided wholly or partly by a producers association, the Council shall provide to such producers association, on request, a statement of accounts relative to that project.

23. Audit of accounts

- (1) The Comptroller and Auditor-General shall audit the accounts of the Council kept in terms of subsection (1) of section twenty-two.
- (2) The Comptroller and Auditor-General shall make a report to the Council and to the Minister on the statement of accounts prepared in terms of subsection (2) of section twenty-two in respect of any financial year, and such report shall state whether or not in his opinion the statement of accounts gives a true and fair view of the state of the financial affairs of the Council.
- (3) In addition to the report referred to in subsection (2), the Minister may require the Council to obtain from the Comptroller and Auditor-General such other reports, statements or explanations in connection with the operations, undertakings and property of the Council as the Minister may consider expedient.
- (4) If, in the opinion of the Comptroller and Auditor-General—
 - (a) he has not obtained the information and explanations he requires; or
 - (b) the accounts and records relating thereto have not been properly kept; or
 - (c) the Council has not complied with this Part;the Comptroller and Auditor-General shall include in his report made in terms of subsection (2) or (3), as the case may be, statements to that effect.

First Schedule (Section 3)

Declaration of agricultural products

1. Any animal, animal product or product obtained from animals but not including pigs, pig products or products obtained from pigs.
2. Honey and any other bee product.
3. Any poultry, poultry product or product obtained from poultry.
4. Any plant, plant product or product obtained from plants but not including—
 - (a) trees or produce grown or naturally found in a forest or timber or other products obtained from forestry; or
 - (b) tobacco or products obtained from tobacco; or
 - (c) sugar plants or products obtained from sugar plants.

Second Schedule (Section 19)

Powers of Council

1. To do anything which this Act provides may or shall be done by the Council.
2. To appoint upon such terms and conditions as the Council, with the approval of the Minister, thinks fit such persons as may be necessary for conducting the affairs of the Council and suspend or discharge any such persons.
3. Subject to paragraph 2, to pay to any person in the employ of the Council such remuneration and allowances and grant such leave of absence as the Council thinks fit.
4. Subject to the approval of the Minister, to provide for persons in the employ of the Council or their dependants by means of insurance with an insurer registered in terms of the Insurance Act [Chapter 24:07] or a pension or provident fund or otherwise, pecuniary benefits upon leave, retirement, death or termination of service or in the event of distress, sickness or injury and to insure the members of the Council against injury or death.
5. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in the employ of the Council.
6. To purchase land and construct thereon dwelling-houses for occupation by persons in the employ of the Council.
7. To do anything for the purpose of improving—
 - (a) the skill, knowledge or usefulness of persons in the employ of the Council; or
 - (b) the efficiency of the equipment of the Council or the manner in which the equipment is operated; and in that connection to provide or assist other persons in providing facilities for training, education or research.
8. To enter into such contracts as the Council considers necessary for the performance of its functions or the discharge of its duties.
9. To purchase, take on lease or in exchange or otherwise acquire and hold property and interests in or rights over land, water rights and any other rights which may be necessary or convenient for the exercise of the functions or the performance of the duties of the Council.
10. To draw, make, accept, endorse, discount, execute and issue for the purpose of the business of the Council promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.

11. Subject to the Audit and Exchequer Act [*Chapter 22:03*], to raise moneys, temporarily or otherwise, by way of loan or bank overdraft.
12. Generally, to do all such things as are incidental or conducive to the exercise of the functions or the performance of the duties of the Council or are incidental to the powers specified in this Schedule or which are calculated, directly or indirectly to enhance the value of or to develop the operations, undertakings and property of the Council.